



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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2.	<u>COMMITTEE (JLCAR)</u>	

CONTINUED MEETING Previously Scheduled for December 2, 2010 Has Been Cancelled

REGULAR MEETING: **Thursday, December 16, 2010 9:00 a.m.**
Rooms 306/308, Legislative Office Building

JLCAR MEETING DATE AND RELATED FILING DEADLINES DECEMBER, 2010

The JLCAR has voted to hold its regularly scheduled monthly meeting for December, 2010 on the third Thursday listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules* for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V.

*Note: *Register* publication, and notice filing deadlines, will still occur on Fridays, except as noted in the *Register*. RSA 541-A:19, V requires that an agency's interim rulemaking notice, whether in a newspaper or in the *Register*, must be published at least 7 days prior to the JLCAR meeting. Therefore, the deadline for filing a proposed interim rule with a *Register* notice was earlier as listed below.

*Filing Deadline for Interim Rules w/ <i>Register</i> Notice	Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
November 24 (Wednesday)	December 2	December 16	None

NEW HAMPSHIRE RULEMAKING REGISTER

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2010-151	Fis 602.12(e), 608.05, 609.03, & 610.12	Fish and Game Department Lobster Tail Processing.	1
2010-152	Puc 2100	Public Utilities Commission Affiliate Transactions Rules.	3

Notice Number 2010-151

Rule Number Fis 602.12(e), 608.05, 609.03 & 610.02

1. Agency Name & Address:

NH Fish and Game Department
 11 Hazen Drive
 Concord, NH 03301

2. RSA Authority: 211:38-a
 3. Federal Authority: _____
 4. Type of Action:
 Adoption _____
 Amendment _____
 Repeal _____
 Readoption XX
 Readoption w/amendment _____

5. Short Title: **Fish and Game - Lobster tail processing**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The Department is proposing to readopt the interim rules relative to processing lobster tails (Fis 610.02), a lobster tail processing permit (Fis 609.03), the necessary reporting requirements (Fis 608.05) and Fis 602.12 relative to the legal length of lobsters to reference the exception for lobster tail processing. The rules specify what is required to process raw shell-on lobster tails, what is required for the permit and the information that must be reported.

6. (b) Brief description of the groups affected: **The proposed rules would affect persons and businesses who wish to process raw shell-on lobster tails.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 602.12(e)	211:27		
Fis 608.05	211:38-a		
Fis 609.03	211:38-a		
Fis 610.02	211:38-a		

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sandra Falicon**
 Address: **NH Fish and Game Department**
 11 Hazen Drive
 Concord, NH 03301

Title: **Legislative/Rules Coordinator**
 Phone #: **603-271-3511**
 Fax#: **603-271-1438**
 E-mail: comments@wildlife.nh.gov

Subject line: Lobster tail processing

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2010-151 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **January 20, 2011**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **January 10, 2011 7:00 pm**

Place: **Urban Forestry Center
45 Elwyn Road
Portsmouth, NH 03801**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 10:168, dated 11/17/10

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no difference in cost when comparing the proposed rules to the existing interim rules.
2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.
3. Cost and benefits of the proposed rules(s):
 - A. To State general or State special funds:
None.
 - B. To State citizens and political subdivisions:
None.
 - C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed readoption of Fis 602.12, 608.05, 609.03 & 610.02 relating to processing lobster tail rules does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

Notice Number 2010-152

Rule Number Puc 2100

1. Agency Name & Address:

**Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, NH 03301**

2. RSA Authority: RSA 365:8,VIII

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title Puc 2100 - AFFILIATE TRANSACTIONS RULES

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 2100 sets forth certain standards of conduct and related procedures governing the relationships between a distribution company and its affiliates transacting business in New Hampshire.

The amendments to Puc 2100 clarify and improve the language of certain existing provisions within Puc 2100. The amendments also modify Puc 2106.01 to clarify that the compliance filing requirement applies to all distribution companies, not just those in existence prior to July 1, 2003, as suggested by the current language.

6. (b) Brief description of the groups affected:

The rules affect gas and electric distribution companies and their affiliates operating in New Hampshire. The rules also provide for non-discriminatory treatment of competitive affiliates and non-affiliated energy suppliers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Puc 2100 (other specific statute provisions implemented by specific rules are listed below)	RSA 374-F:4,IX RSA 374-F:7,IV RSA 366 RSA 365:8,V RSA 365:8,VIII RSA 365:8,XI RSA 365:8,XII RSA 365:8-a	none applicable	none applicable
Puc 2106	RSA 541-A:16,I(b) RSA 365:1-7, 19 (audit) RSA 365:40-44 (civil penalties)	none applicable	none applicable

NN 2010-152 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Lynn Fabrizio, Esq. Title: Staff Attorney
Address: 21 South Fruit Street Phone #: 603-271-2431
Suite 10 Fax#: 603-271-3878
Concord, NH 03301 E-mail: lynn.fabrizio@puc.nh.gov
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: February 11, 2011

Fax E-mail Other format (specify): diskette

9. Public hearing scheduled for:

Date and Time: January 28, 2011 at 1:30 p.m.

Place: Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # FIS 10:158 dated 11/05/10

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no difference in cost when comparing the existing rules to the proposed rules.
2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.
3. Cost and benefits of the proposed rule(s):
 - A. To State general or State special funds:
None.
 - B. To State citizens and political subdivisions:
None.
 - C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: The proposed rules do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision of the State of New Hampshire. They therefore do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.