

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DRM 10-260

RULEMAKING

Puc 2100, Affiliate Transactions, Gas and Electric

ORDER OF NOTICE

On October 29, 2010, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N. H. Code Admin. Rules PART Puc 2100, Affiliate Transactions Rules. The Commission's Initial Proposal represents a Readoption of the existing Puc 2100 rules with amendments intended to clarify and improve certain provisions in the existing rules. 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. The proposed amended rule will replace the current version of Puc 2100, which is due to expire on May 2, 2011.

A rulemaking notice form (Notice), as required by RSA 541-A:6, was filed with the Office of Legislative Services on November 23, 2010. The Notice sets forth a date for a public hearing to be held at the Commission and a deadline for submission of written comments. This notice is appended hereto.

A copy of the Rulemaking Notice will be sent to all regulated utilities and to those parties previously requesting notice of rulemakings pertaining to competitive electric supplier and aggregator rules. Pursuant to RSA 541-A:6, III, notice will also be provided by public notice advertisement in a publication of daily statewide circulation.

The readoption with amendment may be viewed on the Commission website, <http://www.puc.nh.gov/Regulatory/Docket/2010/10-260.htm>, or copies may be obtained from the Commission as set forth in the Notice.

Based upon the foregoing, it is hereby

ORDERED, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on January 28, 2011 at 1:30 p.m., and that the deadline for submission of materials in writing or via e-mail shall be February 11, 2011, as set forth in the Notice; and it is

FURTHER ORDERED, that pursuant to RSA 541-A:6, III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than December 17, 2010, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before January 28, 2011.

By order of the Public Utilities Commission of New Hampshire this seventh day of December, 2010.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Notice Number 2010-152

Rule Number Puc 2100

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 365:8,VIII</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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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.**