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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

January 28, 2011 - 1:39 p.m.  
Concord, New Hampshire

NHPUC FEB16'11 PM 1:18

RE: DRM 10-260  
RULEMAKING:  
Puc 2100 Rules - Affiliate Transactions  
Rules, Gas and Electric.

PRESENT: Chairman Thomas B. Getz, Presiding  
Commissioner Clifton C. Below  
Commissioner Amy L. Ignatius  
Sandy Deno, Clerk

APPEARANCES: (No Appearances Taken)

Court Reporter: Steven E. Patnaude, LCR No. 52

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# I N D E X

PAGE NO.

## STATEMENTS BY:

Mr. Eaton	3
Ms. Fabrizio	4

## P R O C E E D I N G

CHAIRMAN GETZ: Okay. Good afternoon.

We'll open the hearing in Docket DRM 10-260. On October 29, 2010, the Commission voted, pursuant to RSA 541-A, to initiate a rulemaking under PUC rules, Part 2100, Affiliate Transaction rules. And, the rules represent a readoption of the existing rules, with amendments intended to clarify and improve certain provisions in the existing rules. A rulemaking notice form was filed with the Office of Legislative Services on November 23, 2010. And, we issued an order on December 7. I'll note that written comments are due by February 11. This hearing is held pursuant to RSA 541-A:11, under the Administrative Procedures Act. And, the purpose of hearing is to take public comments on the proposed rules. And, I also note for the record that the three Commissioners are present, so the quorum requirement under the statute is met.

So, with that, this is an opportunity for public comment.

MR. EATON: Good afternoon. My name is Gerald Eaton. I appear representing Public Service Company of New Hampshire. I have one small suggestion in the areas of the definitions. As I was reading through

1 the text, I notice some rules applied to "competitive  
2 affiliates" and some rules applied to "competitive energy  
3 affiliates". I assumed the term "competitive affiliate"  
4 includes "competitive energy affiliates". However, I know  
5 that lawyers will make arguments no matter what. And,  
6 that the definition of "competitive affiliate" ought to  
7 mention that it includes "competitive energy affiliates".  
8 So, the narrow definition would be just "competitive  
9 energy affiliates", affiliates that are selling retail to  
10 other -- to power supply, but "competitive affiliates"  
11 would be a broader definition that includes any company,  
12 including a competitive energy affiliate.

13 And, that's all the comments I have.

14 CHAIRMAN GETZ: Thank you. Is there  
15 anyone else who would like to comment?

16 MS. FABRIZIO: Yes. Thank you, Mr.  
17 Chairman. I would note for the record that the revisions  
18 that we've set forth in the Initial Proposal are primarily  
19 editorial in nature, and are intended to simply fine-tune  
20 the language in the current rules.

21 I reviewed the rules over the last  
22 couple of days and have found another -- several typos to  
23 correct that I will just point out to you now.

24 In PUC 2101.02, in the "Scope", the

1 cross reference should be "2101.06". In 2105 --

2 CMSR. BELOW: Hold on.

3 MS. FABRIZIO: I'm sorry.

4 CMSR. BELOW: Is this at (a)?

5 MS. FABRIZIO: In (a), yes.

6 CMSR. BELOW: "2101.06", that's what our  
7 copy says.

8 MS. FABRIZIO: It says "2101.06" -- I'm  
9 sorry, it should be "2102.06".

10 CMSR. BELOW: Okay.

11 MS. FABRIZIO: To correctly refer to the  
12 definition for "distribution companies". In 2105.06, Item  
13 (b), the cross reference in that line should be to "(a)",  
14 not "(1)".

15 CMSR. IGNATIUS: I'm sorry.

16 MS. FABRIZIO: On Page 10, 2105.06, it's  
17 the new letter.

18 CMSR. IGNATIUS: I'm sorry. I don't  
19 have -- something's wrong. I don't have a 210 -- I don't  
20 have a Page 10.

21 CHAIRMAN GETZ: I think your reference  
22 was to "2105 --

23 MS. FABRIZIO: 5.06.

24 CHAIRMAN GETZ: -- .06. We have just

1 the odd pages.

2 MS. FABRIZIO: Oh.

3 CMSR. BELOW: Oh. I have it.

4 CHAIRMAN GETZ: Some people have all the  
5 pages.

6 CMSR. BELOW: So, 2105.06(b).

7 MS. FABRIZIO: (b).

8 CMSR. BELOW: And, it says "Required to  
9 be tracked under" --

10 MS. FABRIZIO: It should be "(a)", to  
11 refer to the new enumeration.

12 CMSR. BELOW: Got it. Thank you.

13 MS. FABRIZIO: And, on Page 14, in rule  
14 2106.03, I think a better cross reference -- I'm sorry,  
15 it's the new "a", I would delete the "(a)" and "(b)" in  
16 that line. So, the compliance plan continues to meet the  
17 requirements of PUC 2106.01 and 2106.02.

18 And, finally, the appendix on the last  
19 page, Page 16, the cross reference to the statute should  
20 reference "RSA 366", the statute governing affiliates of  
21 public utilities. And, then, that's it.

22 CHAIRMAN GETZ: Okay. Thank you.

23 CMSR. BELOW: And, if I may, I have a  
24 question for Mr. Eaton. Which is on that definition, the

1 point you made, would it make sense possibly to make the  
2 same on "non-affiliated energy supplier" and  
3 "non-affiliated supplier", and say that "non-affiliated  
4 supplier" in the definition includes "non-affiliated  
5 energy supplier"?

6 MR. EATON: Yes. That would be  
7 appropriate.

8 CMSR. BELOW: And, Ms. Fabrizio, would  
9 you concur? Do you think that's a helpful clarification?

10 MS. FABRIZIO: I think that is. And, I  
11 think, prior to the comment period ending on February  
12 11th, I think we'll all go through the rules just with an  
13 eye to see whether these changes warrant additional  
14 changes later in the rules.

15 CMSR. BELOW: Okay. Thanks.

16 CHAIRMAN GETZ: Okay. Anything further  
17 this afternoon?

18 (No verbal response)

19 CHAIRMAN GETZ: Hearing nothing, then  
20 we'll close this hearing. Thank you.

21 (Whereupon the hearing ended at 1:47  
22 p.m.)

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