

STATE OF NEW HAMPSHIRE



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OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
 107 NORTH MAIN STREET, ROOM 109
 CONCORD, NEW HAMPSHIRE 03301-4951

August 20, 2013

Public Utilities Commission
 21 South Fruit Street, Suite 10
 Concord, NH 03301-2429

Re: Waiver of 150-day Deadline for Filing Final Proposal 2013-51

Dear Commissioners:

In a letter dated August 15, 2013, Amy L. Ignatius, Chairman of the Public Utilities Commission (Commission), requested, on the Commission's behalf, a waiver pursuant to RSA 541-A:40, IV of the 150-day deadline after notice publication for filing Final Proposal 2013-51. This Final Proposal contains a readoption with amendment of rules Puc 400 on telephone utilities. The current 150-day deadline under RSA 541-A:12, I to file this Final Proposal is Sunday, September 29, 2013, automatically extended pursuant to RSA 541-A:16, IV to Monday, September 30, 2013. Chairman Ignatius also requested a new Final Proposal filing deadline of December 27, 2013.

As provided by RSA 541-A:40, IV, as the Temporary Acting Director of the Office of Legislative Services I have the authority to waive, for good cause shown, any deadline contained in RSA 541-A after consultation with the Chair and Vice-Chair of the Joint Legislative Committee on Administrative Rules (JLCAR). Chairman Ignatius's letter indicated that the proposal involves complex revisions following legislation enacted in 2012 and has received extensive and detailed public comment. Moreover, HB 542 in the 2013 session requires further, substantial changes, which the Commission intends to address through the draft Final Proposal and public comment process under RSA 541-A:10, II and RSA 541-A:11, I(c), with a planned Final Proposal to be filed by December 10, 2013.

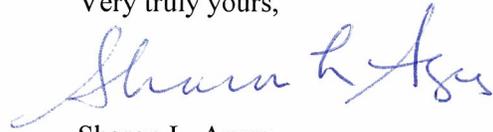
Although Chairman Ignatius's letter does not mention it, I am also aware that the existing Puc 400 rules are currently extended pursuant to RSA 541-A:14-a past their expiration date of May 10, 2013, and remain in effect so long as the rulemaking proceeding for Final Proposal 2013-52 stays active and, if necessary, deadlines are waived. If there is no waiver of the September 30 deadline, and the deadline cannot be met, then the rulemaking proceeding would terminate and, pursuant to RSA 541-A:14-a, II, the rules in Puc 400 would expire 30 days later unless interim rules were proposed, approved by JLCAR, and adopted and filed by the Commission before that. The Commission would have to begin the regular rulemaking process again in any case.

I have consulted with the JLCAR Chair and Vice-Chair. In light of the reasons set forth in Chairman Ignatius's letter of August 15, and the circumstances described above, I agree that good cause exists for waiving the September 30, 2013 filing deadline and hereby grant the waiver as requested, with a new deadline of December 27, 2013 to file Final Proposal 2013-51.

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If you have any questions in this regard, please contact legal staff in Administrative Rules at 271-3680.

Very truly yours,



Sharon L. Ayres
Temporary Acting Director

SFE/SLA

cc: Scott F. Eaton, Administrative Rules Director
David J. Shulock, Esq., Staff Attorney, Public Utilities Commission