

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
 APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

DEM 14-149

MM

JUN 09 2014

APPENDIX II-C

8/20

RULEMAKING NOTICE FORM

Notice Number	2014-86	Rule Number	Puc 201.06, 202.01 (f)-(n); 202.06, 202.07, 204.01-204.07, 205.06
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<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 S. Fruit Street, Suite 10 Concord, New Hampshire 03301</p>	<p>2. RSA Authority: RSA 365:8, XII; 365:8, XIV; 374-F:7, V; 365:8-a</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u> X </u></p> <p>Repeal _____</p> <p>Readoption <u> X </u></p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: Various Practice and Procedure Rules

6. (a) Summary of what the rule says and of any proposed amendments:

Puc 201.06 sets forth an updated listing of routine filings for purposes of confidential treatment, pursuant to RSA 365:8, XIV (with specific categories of routine filings amended).

Puc 202.01 (f-n) provide guidance for persons and entities seeking certain Commission determinations (with amendments clarifying new requirements for telecommunications providers and renewable energy source certifications).

Puc 202.06 sets forth requirements for written communications to the Commission (with an amendment clarifying number of copies of materials filed in non-adjudicative proceedings).

Puc 202.07 provides guidance regarding signatures on filings made to the Commission (with an amendment clarifying acceptable categories of electronic signatures).

PART Puc 204 sets forth certain standards of conduct and related procedures governing the proceedings before the Commission related to complaints (with amendments clarifying procedures for complaints made to the Commission, including for non-utilities, and the role of informal complaint resolution).

Puc 205.06 sets forth certain standards of conduct and related procedures governing the proceedings before the Commission related to explanations of proposed Commission rules. It is being readopted without change.

Certain readoptions of these rules, without changes, are being proposed because the provisions were scheduled to expire on June 10, 2014, but are subject to extension pursuant to RSA 541-A:14-a.

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

The rules affect regulated utilities and other persons in New Hampshire that make filings with the NH Public Utilities Commission, and persons that make complaints to the NH Public Utilities Commission.

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

Rule	Statute
Puc 201.06	RSA 365:8, XII; RSA 365:8, XIV
Puc 202.01 (f)-(m)	RSA 365:8, XII
Puc 202.01(n)	RSA 365:8, XII
Puc 202.06	RSA 365:8, XII
Puc 202.07	RSA 365:8, XII
Puc 204.01 - 204.06	RSA 365:1-5
Puc 204.07	RSA 365:8, XII; RSA 374-F:7; RSA 365:8-a
Puc 205.06	RSA 541-A:11, VII

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

Name: Alexander Speidel Title: Staff Attorney
Address: N.H. Public Utilities Commission Phone #: 603-271-2431
21 South Fruit Street, Suite 10 Fax#: 603-271-4033
Concord, NH 03301 E-mail: Alexander.Speidel@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: August 4, 2014

Fax E-mail Other format (specify):

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9. Public hearing scheduled for:

Date and Time: July 22, 2014, at 10:00 a.m.

Place: 21 South Fruit Street, Suite 10
Hearing Room A
Concord, NH 03301

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

FIS # 14:084 , dated June 9, 2014

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: The proposed rules do not make major modifications to an existing program or responsibility; rather, they make modest modifications within the ambit of the Commission's existing statutory authority. In any case, they do not assign any responsibility to any political subdivision, and therefore are not proposed in violation of Part I, Article 28-a.

LBAO
 FIS 14:084
 06/09/14

Fiscal Impact Statement for Public Utilities Commission rules governing Rules of Practice and Procedure. [Puc 201.06, 202.01(f-n), 202.06, 202.07, 204.01-204.06, 204.07, 205.06]

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 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.

CHAPTER Puc 200 RULES OF PRACTICE AND PROCEDURE

PART Puc 201 GENERAL REQUIREMENTS

Readopt with amendment Puc 201.06, effective 3-24-12 (Document # 10101), to read as follows:

Puc 201.06 Requests for Confidential Treatment of Documents Submitted by Utilities in Routine Filings.

(a) The following shall be the routine filings to which the procedure established by Puc 201.06 and Puc 201.07 applies:

- ~~(1) Telephone company cost of service studies;~~
- ~~(2) Telephone company retail special contract service agreements;~~
- ~~(3) Telephone company retail special contract customer identities;~~
- ~~(4) Telephone company broadband deployment plans;~~
- ~~(5) Telephone company infrastructure deployment plans;~~
- ~~(6)(1) Telephone customer proprietary network information;~~
- ~~(7)(2) Incumbent Local Exchange Carrier (ILEC) capital expense reports;~~
- ~~(8)(3) NHPUC Form T-2 Assessment Reports; ILEC network improvement plans;~~
- ~~(9) ILEC overtime reports;~~
- ~~(10) ILEC commercial agreements;~~
- ~~(11) ILEC annual retail and wholesale provisioning reports by central office;~~
- ~~(12) ILEC annual special contract summaries;~~
- ~~(13)(4) Preliminary and final Performance Assurance Wholesale Performance Plan Reports for telecommunications companies containing carrier-specific performance and bill credit calculations;~~
- ~~(14)(5) NHPUC Form T-8 Exchange Eligibility Report; NHPUC Form ILEC 22;~~
- ~~(15) NHPUC Form ILEC 23;~~
- ~~(16) NHPUC Form CLEC 3, Statistics, Lines by Locality and CLEC Foreign Exchange (FX) Eligibility;~~
- ~~(17) NHPUC Form CTP 3, Statistics, Lines by Locality and CLEC Foreign Exchange (FX) Eligibility;~~
- ~~(18) NHPUC Form CLEC 4;~~
- ~~(19) NHPUC Form CLEC 40, Report Statistics;~~
- (20) (6) Neustar (North American Numbering Plan Administration-designated overseer) Months to Exhaust and Utilization Certification Work Sheets;
- (21) (7) Neustar Part 1A;
- (22) (8) Neustar Part 1B;

Edlt. Delete.

Edit "(Neustar)"

~~(23)~~ (9) New England Power Pool "My Settled Certificates" Reports filed in conjunction with annual Renewable Portfolio Standards Reports;

~~(24)~~ (10) Listings of prices paid, and bids received, for Renewable Energy Certificates, that identify specific suppliers or dates of purchase;

~~(25)~~ (11) Bids for the purchase of RGGI allowances pursuant to RSA 125-O:22;

~~(26)~~ (12) In cost of gas proceedings:

a. supplier commodity pricing information related to the unit volumetric and demand cost;

b. pricing and delivery special terms of supply agreements;

c. pricing and special terms for storage lease agreements;

d. natural gas or propane costs and availability relating to hedging;

e. special terms for hedged natural gas or propane contracts;

f. supply commodity cost information specific to individual suppliers in supply and demand forecasts;

g. ~~and~~ responses to data requests related to a. through f. above;

~~(27)~~ (13) NHPUC Form E-1, Monthly Report on Voltage Complaints;

~~(28)~~ (14) NHPUC Form E-4, Monthly Report of Electric Meter Complaint Tests;

~~(29)~~ (15) NHPUC Form E-5, Accident Reports; ~~and~~

~~(30)~~ (16) In default service proceedings:

a. default service solicitations;

b. bidder information;

c. descriptions of the financial security offered by each bidder;

d. bid evaluations;

e. rankings of bidders' financial security;

f. descriptions of financial security required by bidders;

g. fuel supplier contracts;

h. commodity and fuel pricing;

i. planned generation plant maintenance schedules;

j. contact lists used during the requests for proposals process;

k. financial security, pricing and quantity terms of master power agreements and amendments;

Edit. Use a capital letter at the start of each rule. Applies here and subsequently.

Edit. Delete.

Edit. "and"

Edit. "l."

ll. Renewable Energy Certificate purchase prices, quantities and seller identities under existing contracts;

m. transaction confirmations;

n. retail meter commodity cost calculations;

o. wholesale power purchase prices until made public by other governmental agencies;

p. and responses to data requests related to a. through o. above.

(17) Utilities' cybersecurity plans;

(18) Utilities' physical security plans;

(19) Competitive Electric Power Supplier (CEPS) sales reports filed pursuant to Puc 2003.03(b);

(20) CEPS aggregator listings filed pursuant to Puc 2003.03(c);

(21) Competitive Natural Gas Supplier (CNGS) sales reports filed pursuant to Puc 3003.03(b) and (c); and

(22) CNGS aggregator listings filed pursuant to Puc 3003.03(d).

~~(b) The commission shall make a determination regarding requests for confidential treatment of documents or portions of documents submitted pursuant to Puc 201.06 upon request for release of those documents to the public submitted pursuant to Puc 201.07.~~

(b) Those parties submitting documents pursuant to Puc 201.06 shall indicate that they are relying on Puc 201.06 and Puc 201.07 in their request for confidential treatment.

(c) For paper filings made pursuant to this rule outside of an adjudicative proceeding or special contract filing, parties shall file one public paper copy and one confidential paper copy. For electronic filings, both a public and confidential version shall be prepared and submitted. Filings made in an adjudicative proceeding shall comply with Puc 203.02.

(d) The commission shall make a determination regarding requests for confidential treatment of documents or portions of documents submitted pursuant to Puc 201.06 upon request for release of those documents to the public submitted pursuant to Puc 201.07.

~~(e)~~ (e) Prior to commission determination regarding confidential treatment, documents submitted to the commission pursuant to Puc 201.06 shall be:

(1) Treated as confidential by the commission and any other party that may receive them; and

(2) Maintained by the commission, and any parties receiving a copy of the documents, according to such conditions as the commission determines are necessary to preserve such confidentiality.

Edit. This should not have been underlined as it is current text. It is simply being moved from (b) to (d).

PART Puc 202 OPERATIONS AND REQUIREMENTS

Readopt Puc 202.01 (f)-(h) and (k)-(m), and amend Puc 202.01 (i) and (j), effective 6-10-06 (Document # 8657-B), cited and to read as follows:

Puc 202.01 Requests for Commission Determinations.

(f) A person seeking to make a complaint against a utility shall do so by complying with Puc 204 or Puc 1200.

(g) A person seeking to register as a competitive electric power supplier or aggregator shall do so by complying with Puc 2003.

(h) A person seeking to register as a competitive natural gas supplier or aggregator shall do so by complying with Puc 3003.

(i) A person seeking to register be authorized to provide voice service as an competitive excepted local exchange carrier (CELEC) shall do so by complying with Puc 434 404.02.

(j) A person seeking to register as a ~~competitive intraLATA toll provider (CTP) telecommunications carrier~~ shall do so by complying with Puc 454 413.

(k) A person seeking a certificate of compliance with the design requirements of the Code for Energy Conservation in New Building Construction shall do so by complying with Puc 1804.

(l) A person seeking a certification that a building as constructed complies with the Code for Energy Conservation in New Building Construction shall do so by complying with Puc 1805.01.

(m) A utility filing a compliance plan, amendment to a compliance plan or notification related to affiliates or affiliate transactions shall do so by complying with Puc 2100.

Amend Puc 202.01, effective 6-10-06 (Document #8657-A and Document #8657-B), effective 6-10-06, by inserting (n), to read as follows:

(n) A person seeking certification of a renewable energy source shall do so by complying with Puc 2500.

Readopt with amendment Puc 202.06, effective 6-10-06 (Document #8657-A), to read as follows:

Puc 202.06 Requirements for Written Communications. (a) Any person submitting written communications to the commission shall:

← * Edit. "(a) Comply with the following:"

- (a) Date the submission;
- (b) Identify the name and address of the person submitting the document and the party or parties on whose behalf it is submitted, if any;
- (c) Identify the appropriate docket number, order number or other pertinent subject matter identification; and ← * Edit. "and"
- (d) Comply with Puc 203.02, 203.03, 203.04 and 203.05 if making the filing in an adjudicative proceeding; or ← * Edit. Re-number (a)-(d) as (1)-(4), and re-letter (e) as (b).
- (e) For all other commission filings, including those required by statute, made in a non-adjudicative proceeding, submit one original and two paper copies.

Readopt with amendment Puc 202.07, effective 6-10-06 (Document #8657-A), to read as follows:

Puc 202.07 Signatures. Each filing submitted to the commission shall be signed by a person authorized to make such a filing. An electronic signature, or "/s/" mark, with the full name of the signing person provided with the electronic signature or "/s/" mark, is an acceptable means of signing the filing.

← Edit. "shall be"

* The editorial suggestions to Puc 202.06 presume that it is intended that the person shall do all of (a)-(d), or do (e). As drafted, compliance with the rule would only require doing any one of items (a)-(e).

Readopt with amendment Puc 204, effective 6-10-06 (Document # 8657-B), to read as follows:

PART Puc 204 COMPLAINTS AGAINST PUBLIC UTILITIES

Puc 204.01 Submission of Complaints.

(a) ~~Except as provided in (b) below, any person wishing to make a complaint to the commission about a public utility shall do so by filing such complaint in writing with the executive director.~~

~~(b) A retail customer with a complaint against a public utility that concerns the customer's service or payment for such service shall submit the complaint to the commission pursuant to Puc 1200.~~

(b) If resolution is not reached following an informal process, the customer may file a formal complaint in writing submitted to the executive director.

~~(c) The provisions of Puc 203 shall not apply to complaints filed pursuant to this rule unless the commission institutes adjudicative proceedings pursuant to Puc 204.05.~~

Puc 204.02 Forwarding Complaints Regarding to Utilities.

Edit. "Insert a space."

(a) Upon receipt of a complaint pursuant to Puc 204.01, the ~~executive director~~ commission shall cause a copy of the complaint to be forwarded to the utility named in the complaint.

(b) The utility shall provide a written response to the complaint by the date specified in the letter, or, when no date is specified in the letter, no later than 10 days from the date the complaint is received by the utility.

(c) The response required by (b) above shall include a description of all steps taken by the utility to resolve the complaint and shall be furnished to the complainant as well as the commission.

Puc 204.03 Review of Complaints by Utilities.

(a) A utility shall consider all complaints forwarded to it pursuant to Puc 204.02 and thereafter shall:

Edit. Delete. Avoid multiple use of "shall" in intro language.

(1) Make any reparations ~~and~~ cease committing any violations as authorized required by RSA 365:3, ~~and take any other appropriate actions;~~ or

Edit. "(2)"

(1) Advise the commission and the complainant that it disputes the complaint.

Unclear. This does not appear to be the right word to use in the context of violations.

Puc 204.04 Investigation.

Edit. comma

(a) When a utility has reviewed and responded to a complaint pursuant to Puc 204.02 and Puc 204.03, a complainant not satisfied with the utility's response shall so advise the commission.

(b) If it appears to the commission that there may be a basis for the complainant's dispute, the commission shall conduct an independent investigation pursuant to RSA 365:4.

Puc 204.05 Adjudicative Proceedings. The commission shall commence adjudicative proceedings to resolve a complaint against a utility when it determines after an investigation conducted pursuant to Puc 204.04:

(a) That a complaint may warrant further action against a utility; or

(b) A customer has exhausted all remedies available under Puc 1200 and requests a hearing.

Puc 204.06. Investigations Initiated by the Commission. Nothing in this part shall limit the commission's authority to investigate or make inquiry of a public utility pursuant to RSA 365:5.

Puc 204.07. Complaints Regarding Non-Utilities. For all other complaints over which the commission has jurisdiction, the provisions of Puc 204.01 through 204.06 shall apply.

PART Puc 205 RULEMAKING

Readopt Puc 205.06, effective 6-10-06 (Document # 8657-B), to read as follows:

Puc 205.06 Explanation of Proposed Rule.

(a) If requested by an interested person at any time before 30 days after final adoption of a rule, the commission shall issue a written explanation of the rule pursuant to RSA 541-A:11, VII.

(b) An explanation issued pursuant to this section shall include:

- (1) A concise statement of the principal reasons for and against the adoption of the rule in its final form; and
- (2) An explanation of why the commission overruled the arguments and considerations against the rule.

APPENDIX

Rule	Statute
Puc 201.06	RSA 365:8, XII; RSA 365:8, XIV
Puc 202.01 (f)-(m)	RSA 365:8, XII
Puc 202.01(n)	RSA 365:8, XII
Puc 202.06	RSA 365:8, XII
Puc 202.07	RSA 365:8, XII
Puc 204.01 - 204.06	RSA 365:1-5
Puc 204.07	RSA 365:8, XII; RSA 374-F:7; RSA 365:8-a
Puc 205.06	RSA 541-A:11, VII