

STATE OF NEW HAMPSHIRE



NHPUC 22 JAN 18 PM 2:22

OFFICE OF LEGISLATIVE SERVICES

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

January 22, 2018

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

Re: Conditional Approval of Final Proposal 2017-131

Dear Commission Members:

At its meeting on January 19, 2018, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, IV, to conditionally approve Final Proposal 2017-131 of the Public Utilities Commission (Commission) containing Puc 2500 relative to the electric renewable portfolio standard rules. The Committee's approval was conditioned on amending Final Proposal 2017-131 as specified in the Commission's amended conditional approval request received on January 16, 2018, as further amended by the submission of January 18, 2018 containing amendments to Puc 2505.14. A copy of the amended conditional approval request, as annotated by Committee staff, and the subsequent amendments to Puc 2505.14 are included for your information.

The Committee also (1) petitioned you pursuant to RSA 541-A:4 to immediately initiate a further rulemaking proceeding to address the relevant renewable energy certificate (REC) eligibility issues, with a target completion date of the earlier of August 31, 2018 or 90 days following enactment of clarifying legislation, and (2) recommended that the Committee consider legislation to clarify the eligibility of methane gas as a potential source of Class I thermal REC's.

Pursuant to RSA 541-A:13, V(a), you are required to submit a written explanation detailing how the rules have been amended in accordance with the conditional approval within 7 days of the date of the next regularly scheduled meeting of the Commission. Commission staff has indicated that the meeting is scheduled for Tuesday, January 23. In that case the deadline will be Tuesday, January 30, 2018. The explanation shall include a letter and a text of the entire final proposed rule, annotated to show the amendments from the Final Proposal.

The explanation shall be reviewed by the Office of Legislative Services to determine whether the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a). If it is determined that the rules have not been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the conditional approval will be deemed a Committee vote to make a preliminary objection as of the date of the conditional approval, and you must respond to the preliminary objection as specified in RSA 541-A:13, V(a).

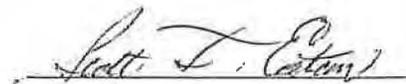
Public Utilities Commission
FP 2017-131
January 22, 2018
Page 2

Please be advised that you may not adopt the rules until the Office of Legislative Services sends written confirmation that your amendments are in accordance with the conditional approval and RSA 541-A:13, V(a).

Pursuant to RSA 541-A:4, I you have 30 days after the Commission's next scheduled meeting on January 23 to grant or deny the petition and notify the Committee in writing. In this case, the 30th day falls on Thursday, February 22, 2018. If you deny the petition, the notification must state the reasons for denial. If you grant the petition, you must also commence rulemaking within 120 days of receipt of this letter.

If you have any questions concerning the provisions in RSA 541-A relative to conditional approvals or responses, or responses to rulemaking petitions, please call me Eaton at 271-3680.

Very truly yours,

A handwritten signature in cursive script, reading "Scott F. Eaton", is written over a horizontal line.

Scott F. Eaton
Administrative Rules Director

SFE

Enc.

cc: David Wiesner, Esq., Staff Attorney/Hearings Examiner, PUC