

DE 01-097

IN THE MATTER OF THE IMPLEMENTATION OF THE  
ELECTRICITY CONSUMPTION TAX

Concord Electric Company and Exeter & Hampton Electric Company

ORDER IMPLEMENTING CONSUMPTION TAX,  
SUSPENDING TARIFF PAGES AND  
ORDER OF NOTICE OF TEMPORARY RATE HEARING

O R D E R N O . 23,695

April 30, 2001

Pursuant to Laws 1997, Chapter 347:6, II, the Electricity Consumption Tax (RSA 83-E) shall take effect 30 days after the New Hampshire Public Utilities Commission (Commission) certifies to the Commissioner of Revenue Administration that it has begun implementing its statewide electric utility industry restructuring plan. The Commission duly made this certification on March 30, 2001. On April 9, 2001, the Commission, through its Executive Director, issued a letter requiring that each electric utility file tariff pages to effectuate the change to the Consumption tax. In response, on April 27, 2001, Concord Electric Company (CEC) and Exeter & Hampton Electric Company (EHEC) filed with the Commission tariff pages implementing the Consumption Tax and eliminating the Franchise Tax from its rates; and implementing a Business Profits Tax factor to recover Business Profits Tax liability which results from the tax change-over; and accompanying

schedules and attachments.

The filing raises, inter alia, issues related to: the initiation of the consumption tax; the termination of the franchise tax (RSA 83-C); the effect, if any, the termination of the franchise tax may have upon CEC's and EHEC's liability pursuant to the Business Profits Tax (RSA 77-A); the effective dates for implementing each of these changes and the rate effects resulting therefrom; and whether rates, including the implementation of the electric consumption tax as ordered below, be fixed as temporary rates pursuant to RSA 378:27 until these matters may be resolved.

**Based upon the foregoing, it is hereby**

**ORDERED**, that effective May 1, 2001, pursuant to the provisions of RSA 83-E:2 and RSA 83-E:3, an electric consumption tax of \$.00055 per kWh is ordered to be collected and remitted to the state by CEC and EHEC and that a tariff page complying with this order be filed by each company no later than Tuesday, May 15, 2001; and it is hereby

**FURTHER ORDERED**, that all tariff pages and schedules filed by CEC and EHEC on April 27 are suspended until further order of the Commission; and it is

**FURTHER ORDERED**, that a hearing on Temporary Rates,

pursuant to RSA 378:27, be held before the Commission located at 8 Old Suncook Road, Concord, New Hampshire on Friday, May 11, 2001 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to their filing and any of the issues set forth above shall be considered; and it is

**FURTHER ORDERED,** that the Temporary Rate Hearing will be recorded by stenographic record pursuant to N.H. Admin. Rule Puc 203.05(d); and it is

**FURTHER ORDERED,** that pursuant to N.H. Admin. Rules Puc 203.01, CEC and EHEC shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than Friday, May 4, 2001, in a newspaper with statewide circulation or of general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before Friday, May 11, 2001; and it is

**FURTHER ORDERED,** that pursuant to N.H. Admin. Rules Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to CEC or EHEC and the Office of the Consumer Advocate on or before Wednesday, May 9, 2001, such Petition stating the facts demonstrating how

its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED,** that any party objecting to a Petition to Intervene make said Objection on or before Friday, May 11, 2001.

By order of the Public Utilities Commission of New Hampshire this thirtieth day of April, 2001.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary

Any individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the American with Disabilities Act Coordinator, NHPUC, 8 Old Suncook Road, Concord, New Hampshire 03301-7319; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Preferably, notification of the need for assistance should be made one week before the scheduled event.