

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DRM 11-023**

**RULEMAKING**

**N.H. Code Admin. Rules PART Puc 100 Organizational Rules, and  
PART Puc 200, Rules of Practice and Procedure**

**ORDER OF NOTICE**

On July 28, 2011, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N.H. Code Admin. Rules PART Puc 100, Organizational Rules, and PART Puc 200, Rules of Practice and Procedure. The specific sections amended, as presented in the Commission's Initial Proposal, are as follows. Puc 102.19 provides a definition of "Routine Filings" for documents submitted, on a recurrent basis, by a utility to the Commission outside of an adjudicative proceeding (a readoption from an existing Interim Rule). Puc 104.01 governs requests for public access to information submitted to the Commission (a readoption from an existing Interim Rule). Puc 201.04 governs submission of documents, as public records, to the Commission (a readoption from an existing Interim Rule). Puc 201.06 governs requests for confidential treatment of documents submitted by utilities in Routine Filings (a readoption from an existing Interim Rule, with amendments for technical accuracy to Puc 201.06(a)(15), (16), and (18)). Puc 201.07 governs requests for release to the public of confidential documents submitted in routine filings (a readoption from an existing Interim Rule). Puc 203.02 governs general filing requirements for documents submitted in adjudicative proceedings before the Commission (presenting clarifying amendments regarding the numbers of paper copies submitted). Puc 203.08 governs motions for confidential treatment in adjudicative proceedings (a readoption from an existing Interim Rule).

Puc 203.22 governs the marking of documents and other materials as exhibits in hearings before the Commission (presenting amendments clarifying procedures for marking materials that have been previously submitted to the Commission as exhibits at hearings). Puc 207.01 governs the issuance of declaratory rulings by the Commission (presenting an amendment clarifying that the Commission shall dismiss petitions for declaratory rulings not within its jurisdiction).

A rulemaking notice form (Notice), as required by RSA 541-A:6, was filed with the Office of Legislative Services on August 15, 2011. The Notice sets forth a date for a public hearing to be held at the Commission and a deadline for the submission of written comments. That notice is appended hereto.

A copy of the Rulemaking Notice will be sent to all regulated utilities and to those parties previously requesting notice of rulemakings. Pursuant to RSA 541-A:6, III, notice will also be provided by public notice advertisement in a publication of daily statewide circulation.

The initial proposal may be viewed on the Commission website, <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-023.html>, or copies may be obtained from the Commission as set forth in the Notice.

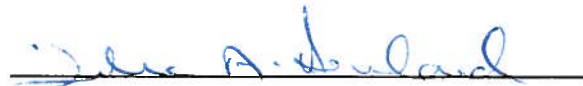
**Based upon the foregoing, it is hereby**

**ORDERED**, that a Public Hearing, pursuant to RSA 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on September 20, 2011 at 10:00 a.m., and that the deadline for submission of materials in writing or via e-mail shall be October 3, 2011, as set forth in the Notice; and it is

**FURTHER ORDERED**, that pursuant to RSA 541-A:6, III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than September 1, 2011, in a newspaper with a daily statewide circulation,

publication to be documented by affidavit filed with the Commission on or before September 26, 2011.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of August, 2011.



Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Notice Number 2011-113

Rule Number

Puc 100, various &  
Puc 200, various

## 1. Agency Name &amp; Address:

Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, New Hampshire 03301

## 2. RSA Authority:

RSA 365:8, I, VII, XIV  
RSA 365:8, XII

## 3. Federal Authority:

## 4. Type of Action:

Adoption

Amendment

Repeal

Readoption

Readoption w/amendment

X

X

## 5. Short Title: Puc 100 Organizational Rules (Puc 102.19, Puc 104.01)

Puc 200 Rules of Practice and Procedure (Puc 201.04, Puc 201.06, Puc 201.07,  
Puc 203.02, Puc 203.08, Puc 203.22, Puc 207.01)

## 6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 102.19 provides a definition of "Routine Filings" for documents submitted, on a recurrent basis, by a utility to the NH PUC outside of an adjudicative proceeding (readoption from Interim Rule).

Puc 104.01 governs requests for public access to information submitted to the NH PUC (readoption from Interim Rule).

Puc 201.04 governs submission of documents, as public records, to the NH PUC (readoption from Interim Rule).

Puc 201.06 governs requests for confidential treatment of documents submitted by utilities in Routine Filings (readoption from Interim Rule, with amendments for technical accuracy to Puc 201.06(a)(15), (16), and (18)).

Puc 201.07 governs requests for release to the public of confidential documents submitted in routine filings (readoption from Interim Rule).

Puc 203.02 governs general filing requirements for documents submitted in adjudicative proceedings before the NH PUC (clarifying amendments regarding numbers of paper copies submitted).

Puc 203.08 governs motions for confidential treatment in adjudicative proceedings (readoption from Interim Rule).

Puc 203.22 governs the marking of documents and other materials as exhibits in hearings before the NH PUC (amendments clarifying procedures for marking materials that have been previously submitted to the NH PUC as exhibits at hearings).

Puc 207.01 governs the issuance of declaratory rulings by the NH PUC (amendment clarifying that the Commission shall dismiss petitions for declaratory rulings not within its jurisdiction).

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

The rules affect regulated utilities and their affiliates operating in New Hampshire that make filings with the NH PUC.

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

Rule(s)	State Statute (RSA)
Puc 102.19 Puc 104.01	RSA 365:8, XII RSA 365:8, XIV RSA 378:43 (repealed)
Puc 201.04 Puc 201.06 Puc 201.07	RSA 365:8, XII RSA 365:8, XIV RSA 378:43 (repealed)
Puc 203.02	RSA 365:8, XII
Puc 203.08	RSA 365:8, XII RSA 365:8, XIV RSA 378:43 (repealed)
Puc 203.22	RSA 365:8, I RSA 541-A:33
Puc 207.01	RSA 365:8, I RSA 365:8, XII RSA 541-A:16, I(d)

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

Name: **Alexander Speidel**  
Address: **New Hampshire Public Utilities  
Commission  
21 South Fruit Street Suite 10  
Concord NH 03301**

Title: **Staff Attorney**  
Phone #: **603-271-2431**  
Fax#: **603-271-3878**  
E-mail: **[alexander.speidel@puc.nh.gov](mailto: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: **October 3, 2011**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for: **September 20, 2011**

Date and Time: **September 20, 2011 at 10:00 a.m.**

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

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

FIS # 11:112 , dated August 5, 2011**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.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not assign any responsibility to any political subdivision and therefore is not proposed in violation of Part I, Article 28-a.**