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STATE OF NEW HAMPSHIRE



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July 13, 2015

HAND DELIVERED

Michael A. Morrell, Esq.  
Joint Legislative Committee on Administrative Rules  
State House Annex, Room 219  
25 Capitol Street  
Concord, NH 03301

Re: 2015-14; Puc 2100, Affiliate Transactions Rules  
JLCAR hearing July 16, 2015

Dear Mr. Morrell:

The Administrative Rules Office made three substantive comments to the Commission's Final Proposal for the Puc 2100 rules. I write to ask JLCAR to grant conditional approval of the rules. Enclosed with this letter is a copy of the rules in question annotated to show the amendments that the Commission would like the Committee to require as the condition for approval. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Sheehan".

Michael J. Sheehan, Esq.  
Staff Counsel

cc: service list

## Conditional Approval Request, Puc 2100

### Puc 2106.01

(e) Any contract or arrangement not filed with the commission pursuant to this section shall be subject to the provisions of RSA 366:4. In assessing whether to approve the late filing of a contract under RSA 366:4, the commission shall take into account, in addition to the nature, extent, and gravity of the particular violation:

(1) The utility's prior history of violations of RSA 366 and these rules;

(2) The good faith efforts, if any, of the utility or affiliate to comply with RSA 366 and these rules;

(3) The nature and degree of economic benefit gained by the utility or its affiliate;

(4) Deterrence of future violations; and

(5) Such other factors that are relevant and material to the particular circumstances of the violation.

(f) If a utility fails to provide the information required by Puc 2106 in the manner and time required, it shall be subject to the provisions of RSA 366:7. In assessing whether to disallow any payments or compensation to an affiliate pursuant to RSA 366:7 for violation of this rule, the commission shall take into account, in addition to the nature, extent, and gravity of the particular violation:

(a) The utility's prior history of violations of RSA 366 and these rules;

(b) The good faith efforts, if any, of the utility or affiliate to comply with RSA 366 and these rules;

(c) The nature and degree of economic benefit gained by the utility or its affiliate;

(d) Deterrence of future violations; and

(e) Such other factors that are relevant and material to the particular circumstances of the violation.

### Puc 2106.05

(a) On the commission's own motion or upon receipt of a complaint, in order to verify that the utility is in compliance with these rules, and if it shall appear to the commission that the complaint alleges a violation of these rules or RSA 366 there are reasonable grounds therefor, the commission shall:

(1) Assign its staff to perform a review, investigation, or inquiry; or

(2) Order a compliance audit to be performed by its staff or by independent auditors.

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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**Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.**

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**FILING INSTRUCTIONS:**

**a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

DEBRA A HOWLAND  
EXECUTIVE DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429

**b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**

**c) Serve a written copy on each person on the service list not able to receive electronic mail.**