MM

APPENDIX II-G Final Proposal No. 2014-86 2/10

JAN 13 2015

Date Filed 1-13-15

COVER SHEET FOR FINAL PROPOSAL

Notice Number **2014-86**

Rule Number **Puc 201.06, 202.01 (f-n), 202.06, 202.07, 204.01-204.07, 205.06**

1. Agency Name & Address:

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

consent
Edit.

2. RSA Authority: **RSA 365:8, XII; 365:8, XIV; 374-F:7, V; 365:1-5, 365:8-a; 365:1-a.**

3. Federal Authority:

4. Type of Action:
- ☐ Adopt
- ☐ Amendment
- ☐ Repeal
- ☐ Readoption
- ☒ Readoption w/amendment

5. Short Title: **Various Practice and Procedure Rules**

6. Contact person for copies and questions:

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**

7. Yes ☐ No ☒ Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on June 19, 2014.

9. Yes ☐ N/A ☒ Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)

10. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11.- Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the "Rulemaking Notice Form" (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

The agency shall then indicate, by checking the appropriate box on Item 7, whether it is requesting that it receive and respond to comments of the Committee legal staff prior to the Committee meeting that is at least 28 days, but not more than 60 days, after the proposal is filed. In effect, this would be a request for postponement of Committee action. See RSA 541-A:12, I-a and Section 2.14 of Chapter 3 in the Drafting and Procedure Manual for Administrative Rules (Manual).

In Item 8 the agency shall list the full date, by month, day, and year, on which the "Rulemaking Notice Form" was published in the Rulemaking Register.

In Item 9 the agency shall indicate, by checking either the "Yes" box or the "N/A" (not applicable) box, whether it had notified the House and Senate policy committees, or the House Speaker and Senate President, pursuant to RSA 541-A:10, I because the Initial Proposal was the first time the rule or its amendments had been proposed to implement newly-enacted state authority.

Items 10 through 13 all relate to required attachments to the "Final Proposal Cover Sheet". PROVIDE ONE COPY OF EVERYTHING SUBMITTED. IT IS OPTIONAL TO NUMBER THEM ACCORDINGLY. Item 10 is required in every filing, and therefore is listed without a check-box. Items 11 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachment is required and then check either the "Yes" box to indicate that the document is required and has been attached or the "N/A" box if the document is not required and therefore not applicable:

- Item 10. The "Final Proposal—Fixed Text," required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.

- Item 11. An "Incorporation by Reference Statement" (Appendix II-H) if the agency has incorporated a third-party document or Internet content by reference for which such a statement is required pursuant to RSA 541-A: 12, III. See Section 3.12 of Chapter 4 in the Manual.

- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.

- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.

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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 customer proprietary network information;

(2) Incumbent Local Exchange Carrier (ILEC) capital expense reports;

(3) NHPUC Form T-2 Assessment Reports;

(4) Preliminary and final Wholesale Performance Plan Reports for telecommunications companies containing carrier-specific performance and bill credit calculations;

(5) NHPUC Form T-8 Exchange Eligibility Report;

(6) North American Numbering Plan Administration-designated overseer (Neustar) Months to Exhaust and Utilization Certification Work Sheets;

(7) Neustar Part 1A;

(8) Neustar Part 1B;

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

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

(11) 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; and

g. Responses to data requests related to a. through f. above;

(12) NHPUC Form E-1, Monthly Report on Voltage Complaints;

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

(14) NHPUC Form E-5, Accident Reports;

(15) 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;

l. 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; and

p. Responses to data requests related to a. through o. above.

(16) Utilities' cybersecurity plans;

(17) Utilities' physical security plans;

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

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

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

(21) CNGS aggregator listings filed pursuant to Puc 3003.03(d);

(22) NHPUC Form E-24, Reports of Gas Meter Complaint Tests, for residential customer reports only; and

(23) NHPUC Form E-37, Quarterly Reports of Equipment Theft, Sabotage and Breaches of Security.

(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) 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.

PART Puc 202 OPERATIONS AND REQUIREMENTS

Readopt Puc 202.01 (g)-(h) and (k)-(m), and amend Puc 202.01 (f), (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 formal complaint against an entity over which the commission has jurisdiction shall do so by complying with Puc 204.

(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 be authorized to provide voice service as an excepted local exchange carrier (ELEC) shall do so by complying with Puc 404.02.

(j) A person seeking to register as a telecommunications carrier shall do so by complying with Puc 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. Any person submitting written communications to the commission shall:

(a) Comply with the following:

(1) Date the submission;

(2) Identify the name and address of the person submitting the document and the party or parties on whose behalf it is submitted, if any;

(3) Identify the appropriate docket number, order number or other pertinent subject matter identification; and

(4) Comply with Puc 203.02, 203.03, 203.04 and 203.05 if making the filing in an adjudicative proceeding, or

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(b) For all other commission filings, including those required by statute, made in a non-adjudicative proceeding, submit one original and two paper copies.

Edit. "2"

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, shall be an acceptable means of signing the filing.

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

PART Puc 204 FORMAL COMPLAINTS

Puc 204.01 Submission of Formal Complaints.

(a) Any person wishing to make a formal complaint to the commission regarding an entity over which the commission has jurisdiction shall do so by filing the complaint in writing with the executive director pursuant to Puc 203.02.

(b) 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 Complaints Regarding Utilities.

(a) Upon receipt of a complaint pursuant to Puc 204.01, and over which the commission has jurisdiction, the 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:

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

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

Puc 204.04 Investigation.

(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:

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(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 filed pursuant to Puc 204.01 over which the commission has jurisdiction, the provisions of Puc 204.02 through 204.06 shall apply to entities that are not public utilities to the same extent as if such entities were public utilities.

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; RSA 365:1-a.
Puc 204.07	RSA 365:8, XII; RSA 374-F:7; RSA 365:8-a; RSA 365:1-a.
Puc 205.06	RSA 541-A:11, VII