

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTER Puc 3000 COMPETITIVE NATURAL GAS MARKETER RULES

PART Puc 3001 PURPOSE AND APPLICATION OF THE RULE

- Section Puc 3001.01 Purpose
- Section Puc 3001.02 Application of Rules

PART Puc 3002 DEFINITIONS

- Section Puc 3002.01 Aggregate
- Section Puc 3002.02 Aggregator
- Section Puc 3002.03 Commission
- Section Puc 3002.04 Competitive natural gas supplier (CNGS)
- Section Puc 3002.05 Customer
- Section Puc 3002.06 Local distribution company (LDC)
- Section Puc 3002.07 Natural gas supplier service
- Section Puc 3002.08 Natural gas supply offer

PART Puc 3003 REGISTRATION REQUIREMENTS

- Section Puc 3003.01 Registration of Competitive Natural Gas Suppliers
- Section Puc 3003.02 Procedure for Registration by Aggregators

PART Puc 3004 CONSUMER PROTECTION REQUIREMENTS

- Section Puc 3004.01 Applicability
- Section Puc 3004.02 Provision of Information to Customers
- Section Puc 3004.03 Transfer of Service
- Section Puc 3004.04 Bill Disclosure Information
- Section Puc 3004.05 Notice of Termination of Service
- Section Puc 3004.06 Release of Confidential Customer Information
- Section Puc 3004.07 Other Consumer Protections

PART Puc 3005 ENFORCEMENT PROVISIONS AND PROCEDURES

- Section Puc 3005.01 Sanctions for Failure to Comply
- Section Puc 3005.02 Investigation by the Commission By Reason of Consumer Complaint

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Puc 3000 COMPETITIVE NATURAL GAS MARKETER RULES

PART Puc 3001 PURPOSE AND APPLICATION OF THE RULE

Puc 3001.01 Purpose.

(a) The purpose of Puc 3000 is to establish requirements for the registration of competitive natural gas suppliers and for notification procedures for aggregators, as defined below, with the commission. Puc 3000 also establishes enforcement provisions and consumer protection standards.

(b) Puc 3000 requires competitive natural gas suppliers and aggregators, as defined below, to register or notify the commission pursuant to Puc 3000 prior to contracting, offering to contract, enrolling, providing natural gas service, or arranging for a contract with a retail customer for the provision of these services.

Source. #7811, eff 12-28-02

Puc 3001.02 Application of Rules.

(a) Competitive natural gas suppliers and aggregators shall comply with Puc 3000.

(b) Puc 3000 shall not apply to the sale of natural gas to residential or non-residential consumers by a local distribution company, as defined below.

Source. #7811, eff 12-28-02

PART Puc 3002 DEFINITIONS

Puc 3002.01 "Aggregate" means to combine the natural gas loads of multiple customers.

Source. #7811, eff 12-28-02

Puc 3002.02 "Aggregator" means any person or entity that aggregates natural gas load but takes no ownership of the natural gas supplies needed to meet that aggregated load. The term includes, but is not limited to, entities that act as an agent of a buyer or seller who buys or sells the commodity for the account of another on a commission basis.

Source. #7811, eff 12-28-02

Puc 3002.03 "Commission" means the New Hampshire public utilities commission.

Source. #7811, eff 12-28-02

Puc 3002.04 "Competitive natural gas supplier (CNGS)" means any person or entity that sells or offers to sell natural gas to a customer in this state. The term does not include municipal or county corporations to the extent that they operate within their corporate limits, public utilities or local distribution companies supplying natural gas in accordance with rates and/or practices approved by the commission, or persons or entities to the extent that they supply natural gas at wholesale to a public utility. A CNGS sells to the public and does not include an entity that sells only to its affiliate.

Source. #7811, eff 12-28-02

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Puc 3002.05 "Customer" means any person, or entity in this state, including any governmental unit that purchases natural gas at retail from a CNGS, but does not include residential consumers.

Source. #7811, eff 12-28-02

Puc 3002.06 "Local distribution company (LDC)" means a natural gas public utility regulated by the commission which operates a retail gas distribution system.

Source. #7811, eff 12-28-02

Puc 3002.07 "Natural gas supplier service" means the sale of natural gas supply to a customer through the facilities of an LDC but does not include any sale by the LDC itself.

Source. #7811, eff 12-28-02

Puc 3002.08 "Natural gas supply offer" means a solicitation by a CNGS to sell natural gas to a customer.

Source. #7811, eff 12-28-02

PART Puc 3003 REGISTRATION REQUIREMENTS

Puc 3003.01 Registration of Competitive Natural Gas Suppliers.

(a) Any CNGS seeking to sell natural gas to customers at retail in the State of New Hampshire shall file with the commission a registration application with 2 copies and an electronic copy on diskette, pursuant to Puc 202.08.

(b) The registration application required by (a) above shall:

- (1) Be signed by the CNGS; and
- (2) Include the following:
 - a. The legal name of the applicant as well as any trade name(s) under which it intends to operate in this state;
 - b. The applicant's business address, if any, principal place of business, telephone number, facsimile number and email address;
 - c. The applicant's place of incorporation;
 - d. The names, titles, business addresses, telephone numbers and facsimile numbers of the applicant's principal officers;
 - e. A copy of the applicant's most recent audited financial statement, or if the applicant does not have an audited financial statement, a copy of the most recent unaudited financial statement;
 - f. The following regarding any affiliate and/or subsidiary of the applicant which is conducting business in New Hampshire:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

1. The name and business address of the entity;
 2. A description of the business purpose of the entity; and
 3. Regarding any agreements with any affiliated New Hampshire LDC a description of the nature of the agreement;
- g. Telephone number of the customer service department or the name, title and telephone number of the customer service contact person of the applicant, including toll free telephone numbers if available;
- h. For each individual responsible for responding to commission inquiries:
1. Name;
 2. Title;
 3. Business address;
 4. Telephone number;
 5. Facsimile number; and
 6. Email address.
- i. Name, title, business address and telephone number of the applicant's registered agent in New Hampshire for service of process;
- j. A copy of the applicant's authorization to do business in New Hampshire from the New Hampshire secretary of state;
- k. Description of geographic areas of New Hampshire in which the applicant intends to provide service, described by:
1. An LDC's existing franchise area;
 2. Existing town boundaries; or
 3. A map with the boundary limits delineated;
- l. A description of the types of customers the applicant intends to serve and customer classes as identified in the applicable LDC's tariff within which those customers are served;
- m. Demonstration of a minimum level of financial resources and the ability to provide customers with the level of service they agree to purchase consistent with the applicable terms and conditions of the approved tariff of the LDC;
- n. A listing disclosing the number and type of customer complaints concerning the applicant or its principals, if any, filed with a state or federal licensing/registration agency, attorney general's office or other governmental consumer protection agency for the most

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

recent calendar year in every state in which the applicant has conducted business relating to the sale of electricity and/or natural gas;

o. A statement as to whether any of the applicant's principals, as listed in (1) through (3) below have ever been convicted of any felony that has not been annulled by a court:

1. For partnerships, any of the general partners;
2. For corporations, any of the officers, directors or controlling stockholders; or
3. For limited liability companies, any of the managers or members;

p. A statement as to whether the applicant or any of the persons listed in (o) above has, within the 10 years immediately prior to registration:

1. Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
2. Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation; or
3. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;

q. If an affirmative answer is given to any item in (o) or (p) above, an explanation of the event;

r. A statement that the applicant will:

1. Maintain a list of consumers who request being placed on a do-not-call list for the purposes of telemarketing;
2. Obtain, no less than semi-annually, access to updated telephone preference services lists maintained by the Direct Marketing Association; and
3. Not initiate calls to New Hampshire customers who have either requested being placed on do-not-call lists or customers who are listed on the Direct Marketing Association's telephone preference lists;

s. A sample bill form that the applicant intends to use or a statement that the applicant intends to use the LDC's billing service;

t. An initial \$500.00 registration fee;

u. A copy of all customer contracts or representative samples of contracts the applicant intends to use;

v. Documentation sufficient to demonstrate that the CNGS is an approved shipper on the upstream pipelines and underground storage facilities on which the LDC will assign capacity, if any, to the CNGS; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

w. A statement certifying the applicant has the authority to file the application on behalf of the CNGS and that its contents are truthful, accurate and complete.

(c) No CNGS shall enroll customers or sell or contract to sell natural gas to customers, nor shall they offer to sell natural gas to or solicit specific customers for such purpose until such CNGS has registered with the commission in accordance with Puc 3003.01(b). In any general media marketing that the CNGS undertakes before it has completed all requirements of Puc 3003, it shall disclose that it is not fully registered and not currently able to enroll customers.

(d) Each CNGS applicant shall re-register with the commission every 2 years by filing with the commission an application for renewal. Each CNGS applicant shall file an application for renewal at least 60 days prior to the expiration of their registration.

(e) The CNGS shall include on each renewal application an update, including any changes, to all information contained in the previous application. If a CNGS fails to meet its re-filing obligation, the original registration shall expire.

(f) A CNGS shall include with its renewal application a re-registration fee of \$250.00.

(g) A registration application shall be deemed to have been approved 60 days after receipt by the commission of the completed application, unless the commission determines the registration is incomplete or does not comply with the requirements of this chapter.

(h) Following registration, a CNGS and aggregator shall continue to maintain compliance with the requirements of Puc 3000.

(i) A CNGS shall notify any LDC in whose service territory it intends to do business of the filing of its registration or renewal application at the time it files such application with the commission.

(j) Each CNGS shall notify the commission of any changes to the information required in this section within 30 days following the effective date of the change.

Source. #7811, eff 12-28-02

Puc 3003.02 Procedure for Registration by Aggregators.

(a) No aggregator shall enroll customers or sell or contract to sell natural gas to customers, nor shall they offer to sell natural gas to or solicit specific customers for such purpose until such aggregator has registered with the commission as required by Puc 3003.02(b).

(b) The registration required by (a) above shall:

(1) Be filed with the commission together with an electronic copy on diskette, pursuant to Puc 202.08; and

(2) Include the following:

a. The legal name of the aggregator as well as any trade name(s) under which it intends to operate in this state;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- b. The aggregator's business address and principal place of business, telephone number, facsimile number, and email address;
- c. The names, titles, business addresses, telephone numbers and facsimile numbers of the aggregator's principal officers;
- d. The telephone number of the customer service contact person, including a toll free telephone number, if available, and facsimile number;
- e. A copy of the aggregator's authorization to do business in New Hampshire from the secretary of state;
- f. A description of the geographic areas of New Hampshire in which the aggregator intends to provide service, consistent with Puc 3003.01 (b) (2) k. above;
- g. Verification that the aggregator entity is not representing any supplier interest; and
- h. Payment of a filing fee of \$250.00.

(c) Unless the commission otherwise orders, an aggregator may begin operating within the state 45 days after filing a completed registration with the commission.

(d) An aggregator shall notify any LDC in whose service territory it intends to do business of the filing of its registration or renewal application at the time it files such application with the commission.

(e) Each aggregator shall re-file with the commission an up-to-date written registration every 2 years on or before its original registration anniversary date. Each aggregator shall file an application for renewal at least 60 days prior to the expiration of its existing registration.

Source. #7811, eff 12-28-02

PART Puc 3004 CONSUMER PROTECTION REQUIREMENTS

Puc 3004.01 Applicability.

(a) Except as specified herein, each CNGS who sells natural gas either directly or indirectly shall comply with the terms of service provisions that are described in the disclosure statement set forth in Puc 3004.02.

(b) The terms of service requirements of this part shall not apply to the provision of natural gas service to a customer by an LDC whose rates are regulated by the commission as would occur when a customer has not selected a CNGS from whom to receive natural gas supplier service.

Source. #7811, eff 12-28-02

Puc 3004.02 Provision of Information to Customers.

(a) A CNGS shall provide each of its customers with a written statement regarding terms of service within 5 business days of entering into an agreement to sell natural gas.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Except as provided for in Puc 3004.01(b), each CNGS shall include in the written statement disclosing the terms of service required by (a) above, the following:

- (1) Contact information including:
 - a. Name;
 - b. Business address;
 - c. Telephone number;
 - d. Fax number, email address and toll free telephone number if available.
- (2) All fixed and variable prices of the service being offered to the customer, including an explanation of any variable price and the circumstances that would cause the price to vary;
- (3) The due date of bill payments and the consequences of late payments, including the amount of any late payment fee or the interest or finance charge assessed for late payments;
- (4) The duration of the CNGS's commitment for price, terms and conditions;
- (5) The duration of the customer's commitment to purchase from the CNGS– including a statement that the customer has a right to change CNGS subject to the terms of commitment;
- (6) Any fees for early termination of the natural gas supply agreement by the customer;
- (7) Any other fees, penalties, or charges for which a customer would be responsible;
- (8) An explanation of how the customer will be billed for natural gas supplier service and the name and address of the CNGS's billing agent, if any;
- (9) A description of the CNGS's dispute resolution process available to the customer;
- (10) The toll free telephone number of the commission's consumer affairs division and a statement that customers may contact the commission if they have any questions about their rights and responsibilities;
- (11) Deposit requirements and the rate of interest, if any, paid on deposits; and
- (12) A statement that the CNGS shall not release confidential customer information without written authorization from the customer.

(c) The disclosure statement required by this part shall be written in plain language, legible type and a font size no smaller than 12 point.

Source. #7811, eff 12-28-02

Puc 3004.03 Transfer of Service.

(a) Each CNGS seeking to sell natural gas to a customer shall not submit a change on behalf of a customer in the customer's selection of a CNGS without obtaining authorization from the customer.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) The authorization required in (a) above shall be verified in accordance with (e) through (g) below.

(c) The CNGS shall maintain records of verification of customer authorization for a minimum period of 2 years after obtaining the verification.

(d) No CNGS shall submit on behalf of a customer a request for change in the customer's selection of a CNGS without having obtained:

(1) The customer's written, electronic or faxed authorization in a form that meets the requirements of (g) below; or

(2) Verbal authorization from the customer as described in (e) and (f) below;

(e) Verbal authorization shall be confirmed by a third party that:

(1) Is not owned, affiliated, managed, controlled, or directed by the CNGS, aggregator, or marketing agent involved in such transaction;

(2) Has no financial incentive to confirm change orders for the CNGS, aggregator, or marketing agent involved in such transaction;

(3) Obtains the customer's consent, as required by RSA 570-A, to the tape recording of the customer's authorization for a change in service; and

(4) Operates in a location physically separate from the CNGS, aggregator, or marketing agent involved in the transaction.

(f) Verbal authorization shall consist of the following:

(1) A statement, made by the customer, providing the customer's name;

(2) Confirmation that the caller is the customer authorized to request the CNGS change;

(3) Confirmation that the customer wants to make the change in CNGS;

(4) The name of the customer's current CNGS or aggregator;

(5) The name of the CNGS the customer wishes to select; and

(6) Be made in the same language as the underlying solicitation made to the customer.

(g) The written, electronic or faxed authorization form, required by (d)(1) above, for CNGS solicitation, shall:

(1) Not be combined with other materials sent to the customer, including but not limited to checks and other inducements to change service;

(2) Be a separate plainly identifiable document;

(3) Contain the customer's billing name and address;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (4) Contain the account number(s) to be covered by the request for change in CNGSs;
 - (5) Contain the unique utility assigned authorization number to be covered by the request for change in service;
 - (6) Contain a statement that the customer is changing from their current CNGS to the new CNGS in which each CNGS is identified by name;
 - (7) Contain the customer's signature; and
 - (8) Be written in plain language, legible type and a font size no smaller than 12 point.
- (h) When a customer's request for a change in CNGS is received over the telephone, the CNGS shall mail an information package to the customer within 5 business days of the customer's request.
- (i) The information package, described in (h) above, shall include:
- (1) A statement that the information is being sent to confirm the telemarketing order or verbal request;
 - (2) The name, address and telephone number of the newly-requested CNGS; and
 - (3) The disclosure statement required pursuant to Puc 3004.02.
- (j) Upon receipt of valid authorization from the customer, the CNGS shall notify the applicable LDC electronically or by other means, as required by the LDC of the customer's request to switch to a new CNGS.
- (k) A CNGS shall provide the appropriate LDC or the commission with proof of valid customer authorization whenever requested by the LDC or the commission.
- (l) A CNGS who fails to obtain customer authorization pursuant to (a) above and initiates a customer change in service with the LDC shall:
- (1) Be liable for all charges billed to the customer by the LDC or any other party arising from the change in service;
 - (2) Be liable for all charges for supply it billed to the customer; and
 - (3) Be subject to the penalty and other enforcement provisions of Puc 3005; and
 - (4) Nothing in this section is intended to relieve any customer or CNGS from paying any amounts owed to an LDC.
- (m) If a CNGS proposes to transfer or sell the right to serve any customer of the CNGS, or if the ultimate control of a CNGS is proposed to be transferred as a result of a change of ownership of a majority of the ownership interests in such CNGS or in any entity owning, either directly or indirectly, the ownership interests in the CNGS, then prior to such proposed transfer or sale the CNGS shall:
- (1) Provide notice to each affected customer pursuant to (n) below;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) Provide a copy of such notice to the commission and the LDC on whose system any such customers are served at the same time notice is sent to affected customers; and

(3) The notice shall be sent:

- a. With the customer's billing statement;
- b. By the original CNGS, not the proposed transferee or purchaser; and
- c. Separately from promotional materials relating to services proposed to be provided by the proposed transferee or purchaser.

(n) Not less than 30 days prior to the effective date of any transfer or sale described in (m) above, the CNGS proposing such transfer or sale shall provide clear and conspicuous written notice to each affected customer which includes:

- (1) A brief description of the nature of the proposed transaction and the effective date of the proposed transaction;
- (2) If the customer's contract with the CNGS provides the customer with such right, or if the customer does not have a contract with the CNGS that has a duration that extends beyond the date of the proposed transaction, the notice shall inform the customer that it may elect to terminate service from the CNGS and either enroll with a different CNGS or receive sales service from the LDC if such election is made within the timeframe established by the LDC's tariff;
- (3) Notice of the latest date by which the customer or a new CNGS supplying the customer must notify the LDC of its election to receive sales service or be supplied by the new CNGS, unless such change is not permitted under the customer's contract with the existing CNGS;
- (4) Notice to any customer not previously subject to capacity assignment that, if the customer elects to take sales service from the LDC, the customer will become subject to capacity assignment if the customer later elects to purchase gas from a CNGS;
- (5) Notice that if the customer is eligible to select an alternate CNGS or return to sales service but fails to do so in the time provided, the customer will either be assigned to the proposed transferee or purchaser or remain with the existing CNGS, depending on the nature of the proposed transaction;
- (6) The information required by Puc 3004.02(b) regarding the proposed transferee or purchaser unless the customer will be served pursuant to a contract whose duration extends beyond the effective date of the proposed transaction;
- (7) Notice of the amount of any charge that the customer will incur if it changes from its existing CNGS, whether to a new CNGS or to sales service in accordance with (2) above;
- (8) Notice that if consummation of the transaction described in (1) above results in a charge by the LDC for a change in the identity of the customer's CNGS, the customer will not be liable for such charge; and
- (9) If the customer does not have a contract with the CNGS with a duration that extends beyond the effective date of the proposed transaction, then a clear statement:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

a. Of any difference in the rates and/or terms and conditions of service provided to the customer by the CNGS and the rates and/or terms and conditions of service to be provided to the customer by the proposed transferee or purchaser; or

b. That the rates and terms and conditions of service of the CNGS and the proposed transferee or purchaser are the same;

(o) If a CNGS undergoes any transaction described in (m) above and a customer elects to change to a new CNGS or to receive sales service from the LDC, then within 60 days of receipt of information from the LDC regarding the customer's gas usage, the CNGS shall bill the customer for any amounts due or refund any amounts owed to the customer;

(p) If the commission determines that a CNGS has not complied with the provisions for discontinuance of service or for a successor provider, then, in addition to any action that the commission is authorized to take pursuant to Puc 3005, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

Source. #7811, eff 12-28-02

Puc 3004.04 Bill Disclosure Information.

(a) The CNGS shall include on any bills which it issues or which are issued on its behalf, the following information:

- (1) The starting and ending date of the billing period;
- (2) Any fixed monthly charges;
- (3) The price structure for natural gas therm usage and all other applicable billing determinants;
- (4) The total number of therms used during the billing period;
- (5) Any applicable penalty date, including but not limited to penalties for late payments, and the related penalty;
- (6) Any other factors necessary to compute the charges;
- (7) An itemized breakdown of the charges, including any late fee, penalty or aggregation fee, if applicable, and the name of the company/entity assessing the charge;
- (8) The telephone number, fax number, email address, and toll free telephone number, if available, of the CNGS or aggregator's customer service department or customer service contact person; and
- (9) The toll free telephone number of the commission's consumer affairs division.

Source. #7811, eff 12-28-02

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Puc 3004.05 Notice of Termination of Service.

(a) When a customer has breached its agreement for service with its CNGS the CNGS may terminate its agreement to provide natural gas supplier service to the customer pursuant to (b) below.

(b) The CNGS shall provide written notice of the termination to the customer no less than 30 business days prior to the termination.

(c) Any CNGS that voluntarily or involuntarily ceases to sell natural gas to a class of customers within the state shall, prior to discontinuing such service:

(1) Provide not less than 30 calendar days electronic or written notice to the commission, and also to any affected LDC by electronic or such other means as may be required by the LDC; and

(2) Except as provided in (e) below, provide not less than 30 calendar days written notice to its retail customers of its intent to cease operations; and

(3) Promptly refund to customers any outstanding deposits or prepayments.

(d) Any CNGS who ceases to sell natural gas as described in (c) above shall give each customer written notice of such action, not less than 30 calendar days prior to the start date of the customer's next billing cycle.

Source. #7811, eff 12-28-02

Puc 3004.06 Release of Confidential Customer Information.

(a) No CNGS or aggregator shall release confidential customer information without written authorization from the customer, unless otherwise required by law.

(b) Confidential customer information shall include but not be limited to:

(1) Customer name, address and telephone number;

(2) Customer usage data; and

(3) Customer payment information.

(c) A CNGS or aggregator shall be deemed authorized to obtain customer usage information when it has secured from the customer, in writing, the customer's name, account number(s), and the unique utility assigned authorization number(s).

Source. #7811, eff 12-28-02

Puc 3004.07 Other Consumer Protections.

(a) "Slamming" means any practice that changes a customer's CNGS without the customer's authorization pursuant to Puc 3004.03.

(b) Any person may file a complaint with the commission that a CNGS or aggregator has engaged in slamming

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) Any waiver of the consumer protections provided in Puc 3004 shall be null and void.

(d) The commission shall within 10 business days of the receipt investigate any complaint filed under Puc 3000.

(e) If after an investigation the commission determines that the CNGS does not possess evidence of a customer's affirmative choice as required by Puc 3004.03, the commission shall require the unauthorized CNGS to refund the customer, LDC or former CNGS any charges already paid and any expense incurred in switching, as provided in Puc 3004.

Source. #7811, eff 12-28-02

PART Puc 3005 ENFORCEMENT PROVISIONS AND PROCEDURES

Puc 3005.01 Sanctions for Failure to Comply.

(a) For the purposes of this section, "mitigating circumstances" means facts, actions or conditions which may excuse or justify a particular course of action.

(b) The commission shall, pursuant to RSA 365:8-a, impose a penalty upon a CNGS, after an opportunity to be heard, for any of the following:

(1) Failure to register with the commission as required in Puc 3003.01;

(2) A violation of any one of the provisions of Puc 3004;

(3) Acting in a manner contrary to or providing false information in the statements provided in Puc 3003.01; or

(4) A violation of any commission order enforcing RSA 365:8-a or Puc 3000.

(c) The commission shall suspend or revoke the registration of a CNGS after an opportunity to be heard for:

(1) The second and third violations of any one of the provisions of Puc 3004 or any applicable state statute;

(2) Market abuses that violate any of the provisions of Puc 3004; or

(3) A violation of any commission order enforcing RSA 365:8-a or Puc 3000.

(d) Any CNGS whose registration is revoked shall be prohibited from doing business in the state as a CNGS for a period of no less than 6 months nor more than 2 years from the date of revocation.

(e) Any CNGS whose registration has been suspended shall be prohibited from doing business in the state as a CNGS for a period of no less than 30 days nor more than 6 months from the date of suspension.

(f) The commission shall determine the period of revocation or suspension as described in (c) through (e) above, or the penalty, as described in (b) above, as applicable, based on:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) The severity of the infraction;
- (2) Mitigating circumstances, if any; and
- (3) Other relevant information pertaining to the business practices of the CNGS and its principals.

(g) A CNGS which is prohibited from doing business in the state may, at the end of the period of prohibition, petition the commission for reinstatement by providing the following:

- (1) Information as is required for initial registration applications;
- (2) Evidence that any deficiencies and/or problems regarding the original revocation have been remedied; and
- (3) A registration fee of \$500.00.

(h) The commission shall waive or lessen the imposition of any sanctions if it determines that:

- (1) The violation was immaterial, unintentional, or both;
- (2) The CNGS acted in good faith to comply with all applicable statutory and regulatory requirements; or
- (3) Other mitigating circumstances exist.

(i) All existing CNGS and aggregators doing business in New Hampshire shall have 60 days from the effective date of this chapter within which to comply with the provisions of this chapter.

Source. #7811, eff 12-28-02

Puc 3005.02 Investigation by the Commission By Reason of Consumer Complaint.

(a) Upon the filing of a complaint with the commission's consumer affairs division, either verbally or in writing, against a CNGS or aggregator alleging that the CNGS or aggregator is not in compliance with the provisions of Puc 3000, the commission's consumer affairs division shall be authorized to begin an investigation.

(b) The CNGS or aggregator shall provide any relevant information to the consumer affairs division which would assist the consumer affairs division in its efforts to investigate and resolve the dispute.

(c) The CNGS or aggregator or the customer may request a hearing before the commission if dissatisfied with the consumer affairs division's disposition of the complaint.

(d) The consumer affairs division shall request a hearing before the commission when it determines that issues remain which require resolution by the commission.

Source. #7811, eff 12-28-02

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Appendix

Provision of the Proposed Rule	Specific State Statute which the Rule is Intended to Implement
Puc 3000 (other specific statute provisions implemented by specific rules are listed below)	RSA 365:8-a
Puc 3005	RSA 365:8-a RSA 541-A:30,II