

# TITLE XXXIV

## PUBLIC UTILITIES

### CHAPTER 363-A

#### EXPENSES OF PUBLIC UTILITIES COMMISSION AGAINST CERTAIN UTILITIES

##### Section 363-A:1

**363-A:1 Ascertainment of Expenses.** – The public utilities commission shall annually, after the close of the fiscal year, ascertain the total of its expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA 362:2 and relating to the office of the consumer advocate and the allowable expenses for the council on energy. In the determination of such expenses there shall be excluded the expenses which have been or may be charged and recovered under the provisions of RSA 365:37 and RSA 365:38.

**Source.** 1955, 203:1 par. 1. 1959, 242:1. 1971, 557:62. 1981, 568:118. 1987, 136:4, eff. May 7, 1987.

##### Section 363-A:2

**363-A:2 Assessment.** – The expenses thus ascertained shall be assessed against the public utilities described in RSA 363-A:1 in the manner provided in this chapter. The assessment shall be calculated by using the gross utility revenue of all public utilities and 33 percent of the gross utility revenue of rural electric cooperatives for which a certificate of deregulation is on file with the commission and allocating the expenses of the commission to each utility in direct proportion as the revenues relate to the total utility revenues as a whole. Each such expense allocation shall be assessed against each public utility and rural electric cooperative with a certificate of deregulation on file with the commission in an amount equal to its proportionate share. The minimum fee shall be assessed to utilities having minimal revenues in such proportion as the public utility commission shall determine to be fair and equitable.

**Source.** 1955, 203:1, par. 2. 1959, 242:2. 1963, 322:1. 1971, 557:62. 1987, 136:5. 1997, 229:7, eff. Aug. 17, 1998.

##### Section 363-A:3

**363-A:3 Certification of Assessment.** – It shall be the duty of the public utilities commission to calculate the amount to be assessed against each such public utility in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year, the public utilities commission shall estimate its total expenses for the fiscal year, and then, based on such estimate, shall calculate the amount to be assessed quarterly on August 10, October 15, January 15, and April 15 of that fiscal year, against each such public utility in accordance with RSA 363-A:1 and RSA 363-A:2. The public utilities commission shall then make a list showing the amount due on August 10, October 15, January 15, and April 15 of that fiscal year from each of the several public utilities assessed under the provisions hereof, and, together with a statement of the full name and mailing address of each such public utility, shall certify the same. After the close of each fiscal year, the public utilities commission shall ascertain its actual total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the assessment for the first quarterly payment of the new fiscal year for each such public utility for any underpayment or overpayment by each such public utility for the prior fiscal year.

**Source.** 1955, 203:1, par. 3. 1971, 557:62. 1995, 29:1. 1997, 208:14, eff. July 1, 1997.

##### Section 363-A:4

**363-A:4 Collection.** – Forthwith upon the completion of each such list, on or before August 10, October 10, January 10, and April 10 of each fiscal year, the public utilities commission shall bill each public utility for the quarterly amount assessed against it within 10 working days. Such bill shall be sent registered mail, and shall constitute notice of assessment and demand for payment. Payment shall be made to the public utilities commission within 30 days after the receipt of the bill. After the expiration of 30 days from the receipt of an original bill, the public utilities commission may add to the assessment a late penalty fee and may commence an action at law for the recovery of the assessment. Within 30 days of the assessment for the first quarterly payment, each public utility which has any objection to the amount assessed against it for the prior fiscal year shall file with the commission its objection in writing, setting out in detail the grounds upon which it is claimed that said assessment is excessive, erroneous, unlawful, or invalid. If such objections are filed, the commission, after reasonable notice to the objecting public utility, shall hold a hearing on such objections, and if the commission finds that said assessment or any part thereof is excessive, erroneous, unlawful, or invalid, the commission shall reassess the amount to be paid by such public utility, and shall order that an amended bill be sent to such public utility in accordance with such reassessment. The public utilities commission shall not commence an action at law for recovery of any assessment for the first quarterly payment until any such objection has been resolved.

**Source.** 1955, 203:1, par. 4. 1971, 557:62. 1995, 29:2. 1997, 208:14. 2004, 148:1, eff. Jan. 1, 2005.

### **Section 363-A:5**

**363-A:5 Exemption From Assessment.** – Any utility that earned less than \$10,000 in gross revenue during the preceding fiscal year shall not be liable for any assessment.

**Source.** 1995, 29:3, eff. Jan. 1, 1996.