



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

September 4, 2009

Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

Re: Final Proposal 2009-79

Dear Commissioners:

At its meeting on September 3, 2009, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, IV, to enter a preliminary objection to Final Proposal 2009-79 containing rule Puc 1300 from the Public Utilities Commission (Commission) on utility pole attachments. The objection was based on Committee staff comments and public testimony to the Final Proposal, including issues of statutory authority. Public testimony includes written and oral testimony received for the August 20, 2009 and September 3, 2009 Committee meetings.

For your information we have enclosed copies of the Final Proposal, as annotated by Committee staff, all written public testimony, a transcript of the testimony at the August 20, 2009 Committee meeting, and the Commission's request for conditional approval, dated August 18, 2009, as annotated by Committee staff. Please note, however, that the preliminary objection was made to the Final Proposal, not the request for conditional approval. A copy of the transcript of the Committee meeting on September 3, 2009 will be sent to you as soon as it is prepared.

You may respond to the Committee's preliminary objection by amending the final proposed rule to resolve the bases for objection, by withdrawing the rule, or by making no changes. You are required to respond in writing to the Committee's preliminary objection within 45 days of the date on which it was made, which was September 3, 2009. In this instance, the 45th day is October 18, 2009, which is a Sunday. Pursuant to RSA 541-A:16, IV, the deadline will be extended to Monday, October 19, 2009.

After the Committee has received your response, the Committee may take further action ranging from approval of the objection response to voting to support the sponsorship of a joint resolution to address the issues remaining with the proposal. Pursuant to RSA 541-A:13, VII(b), the Committee will have up to 50 days after the end of your response period to take action concerning a joint resolution, although the Committee can take action prior to that date. In this instance the 50th day is December 8, 2009. Please note that there is no deadline by which the

Public Utilities Commission
FP 2009-79
September 4, 2009
Page 2

Committee must act to approve the rules or to enter final objections, and the Committee may do so even after you adopt the rules.

Please be advised that, pursuant to RSA 541-A:14, I, you may not adopt the rules until one of the following has occurred: 1) the expiration of the objection response review period without the Committee having taken action with respect to voting to support the sponsorship of a joint resolution; or 2) the Committee has taken action that is specifically in lieu of voting to support the sponsorship of a joint resolution.

If you have any questions concerning the provisions in RSA 541-A relative to objections, responses, or adoptions, please call me at 271-3680.

Sincerely,



Scott F. Eaton
Administrative Rules Director

Enc.

cc: Lynn Fabrizio, Esq., Staff Attorney
Richard W. Head, Esq., Sr. Asst. A.G., DoJ