

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: October 3, 2011

AT (OFFICE): NHPUC

FROM: Alexander Speidel, Staff Attorney

SUBJECT: DRM 11-023, Puc 100/Puc 200 Rulemaking
Staff Comments for Improvements in Advance of Final Proposal

TO: Commissioners
Executive Director Howland, General Counsel Ross

Staff, at the September 20, 2011 public hearing regarding the above-captioned rulemaking, discussed its proposals for improving the current Initial Proposal under consideration by the Commission and the Joint Legislative Committee on Administrative Rules (JLCAR). (The final version of the specific suggested line edits [Staff comments] to the DRM 11-023 proposal are submitted by Staff for the Commission's formal consideration under separate cover, as stipulated by the JLCAR Rulemaking Notice). This memorandum lists Staff's reasons for its suggested line edits to the Initial Proposal which, if approved by the Commission, would be integrated into the Final Proposal presented to JLCAR.

Puc 102.19 Staff recommends that the phrase "outside of an adjudicative proceeding" be excised from the definition presented here, to more accurately reflect the legislative intent of RSA 365:8, XIV.

Puc 103.01 Staff requests the integration of a correction to the public telephone number for the Consumer Affairs Division, especially important given the public outreach function of the Division.

Puc 201.04 Staff requests, within subpart (b), a clarification that Puc 201.04's redaction requirements apply to all documents listed under Puc 201.04(a). Staff, in response to comments from practitioners before the Commission regarding problems with document production, also suggests revisions of subparts (b) and (c), so that submitters of redacted and confidential versions of documents have more flexibility in their redaction methodologies. Staff is confident that the suggested revisions will enable readers of redacted and confidential materials have clear indications of the scope of redactions in each version, while also allowing practitioners to produce documents for review efficiently and feasibly. Staff also suggests an additional change to this provision, in that the legends "REDACTED" and "CONFIDENTIAL" should appear only on those redacted pages, or on those pages with confidential material, to aid in reader identification of such pages. This suggested change is also proposed by Staff in response to practitioner comments.

Puc 201.06 Staff requests minor clarifications to Puc 2010.06(a)(25) and (a)(29), to enhance reader comprehension and internal consistency. Staff also suggests the addition of a clarification to Puc 201.06(b), stating that parties relying on Puc 201.06 and Puc 201.07 shall provide an indication of such reliance, and specifying the number of copies of each version (public and confidential) submitted pursuant to the rule.

Puc 203.02/203.04 Staff suggests, in response to Clerk's Office feedback regarding the reduced need for hard copies of the public version of documents within the Commission, a clarification that only one public copy need be filed, which will be posted on the Commission's public website, and that seven confidential copies should be filed, which will be distributed. This will serve as a useful economy measure for filers, and for the Commission, which will require less document storage space as a consequence. Likewise, Staff recommends a clarification that paper filings shall be printed in double-sided fashion, for the same reasons.

Puc 203.22 Staff suggests additional edits to this proposed clarification, indicating that adoption of such previously-submitted materials as exhibits shall be limited to materials submitted on the same docket, and, furthermore, that no additional copies of such adopted exhibits need be supplied at hearing.

Cc: DRM 11-023 Service List