

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

RULEMAKING

DRM 14-234

Puc 2100, Affiliate Transactions

ORDER OF NOTICE

On January 13, 2015, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N. H. Code Admin. Rules, Puc 2100, Affiliate Transactions. The Commission's Initial Proposal is to readopt the existing Puc 2100 with amendments.

Puc 2100 implements RSA Chapter 366 and its regulation of contracts and arrangements between utilities and their affiliates. The proposed amendments add an "affiliate that is engaged in ... the development of an energy related generation, transmission, or distribution project" to the definition of a "competitive energy affiliate," make related changes to incorporate this new definition, and propose other changes. Upon conclusion of the formal rulemaking process, the proposed amended rules will replace the current version of Puc 2100.

A rulemaking notice form (Notice) as required by RSA 541-A:6 was filed with the Office of Legislative Services on February 4, 2015, and has been sent to all regulated electric and gas utilities and interested parties. The Notice established a public hearing to be held at the Commission on March 17, 2015, at 10:00 a.m., and a deadline for submission of written comments on March 25, 2015. That Notice is attached. Pursuant to RSA 541-A:6, III, this Order of Notice will also be provided by public notice advertisement in a publication of daily statewide circulation.

Following the public hearing on March 17, 2015, Staff will hold a technical session with interested parties for purposes of discussing the proposed amended rule.

The Initial Proposal may be viewed on the Commission website, at <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-234.html>, or copies may be obtained from the Commission as set forth in the Notice.

Based upon the foregoing, it is hereby

ORDERED, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on March 17, 2015, at 10:00 a.m. followed by a technical session, and that the deadline for submission of materials in writing or via e-mail shall be March 25, 2015, as set forth in the Notice; and it is

FURTHER ORDERED, that pursuant to RSA 541-A:6, III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than February 17, 2015, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before March 13, 2015.

By order of the Public Utilities Commission of New Hampshire this eleventh day of February, 2015.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Puc 2100

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 365:8, VIII </u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Affiliate Transactions**

6. (a) Summary of what the rule says and of any proposed amendments:

Puc 2100, the "Affiliate Transactions Rules," implements RSA Chapter 366, titled "Affiliates of Public Utilities."

Puc 2100 provides standards of conduct regarding the relationship between public utilities and their affiliates. The current rules define three categories of affiliates, including a "competitive energy affiliate," and describe standards of conduct and reporting requirements.

The proposed amendments add to the definition of "competitive energy affiliates" those affiliates that are engaged in "the development of an energy related generation, transmission, or distribution project." The proposed amendments also change some obligations that apply to competitive energy affiliates, clarify the utility's reporting requirements, make other changes to implement the above, and update other language.

6. (b) Brief description of the groups affected:

The rules affect public utilities by regulating the utilities' behavior with regard to their affiliates, by requiring certain record keeping by the utilities, and by requiring utilities to make certain filings with the Public Utilities Commission. The rules also affect the Commission which must receive and review those filings.

**NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
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6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Puc 2100 (other specific statute provisions implemented by specific rules are listed below)	RSA 374-F:4, IX RSA 374-F:4,VIII(a); RSA 374-F:7, I and V; RSA 365:8,V RSA 365:8,VIII; RSA 365:8, XI RSA 365:8, XII; RSA 365:8-a RSA 366	None	None
Puc 2102.01 Puc 2102.10	RSA 366:1, II; RSA 366:1, II(a)		
Puc 2106	RSA 541-A:16,I(b) RSA 365:1-7, 19 (audit) RSA 365:40-44 (civil penalties)		

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

APPENDIX II-C (Continued)

RULEMAKING NOTICE FORM

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Michael Sheehan, Esq.	Title:	Staff Attorney
Address:	NH Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301	Phone #:	603-271-6028
		Fax#:	603-271-4033
		E-mail:	Michael.Sheehan@puc.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **March 25, 2015**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **March 17, 2015, at 10:00 a.m.**
Public Utilities Commission
Place: **21 South Fruit Street, Suite 10**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 15:008 , dated 1/21/2015

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision of the State of New Hampshire. They therefore do not violate Part I, Article 28-a, of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 14-234-1 Printed: February 11, 2015

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.