

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

DRM 18-152

RULEMAKING

**New Hampshire Code of Administrative Rules Chapter Puc 3000
Competitive Natural Gas Supplier and Aggregator Rules**

ORDER OF NOTICE

On September 10, 2018, the Commission voted pursuant to RSA 541-A to initiate a formal rulemaking for N.H. Code Admin. Rules Chapter Puc 3000, Competitive Natural Gas Supplier and Aggregator Rules. The Commission's initial proposal effectively represents a readoption with amendments of the existing Puc 3000 rules.

The Puc 3000 rules set forth the regulations applicable to the registration of competitive natural gas suppliers (CNGS) and natural gas aggregators, reporting and financial obligations of CNGS and aggregators, requirements applicable to the terms of service and related disclosures of CNGS and aggregators, other consumer protection provisions applicable to CNGS and aggregators, investigation of complaints involving CNGS and aggregators, and enforcement of laws and rules applicable to CNGS and aggregators. Amendments to the existing rules include changes based on recent legislation addressing individual customer information privacy protection. Other material amendments address registration application requirements, financial security provisions, registration time periods, customer disclosure and notice obligations, customer solicitation restrictions, enforcement procedures, and sanctions and penalties. Upon completion of the formal rulemaking process, the proposed amended rules will replace the current version of Puc 3000.

A notice of rulemaking as required by RSA 541-A:6 (Notice), was filed with the Office of Legislative Services on September 25, 2018, and has been sent to all persons who have made a timely request for advance notice of these rulemaking proceedings. The Notice establishes a public hearing to be held at the Commission on November 27, 2018 at 10:00 a.m. and a deadline for the submission of written comments on December 14, 2018. The Notice as published in the New Hampshire Rulemaking Register is appended hereto. Pursuant to N.H. Code Admin. Rules Puc 203.12, this Order of Notice will also be published on the Commission's website.

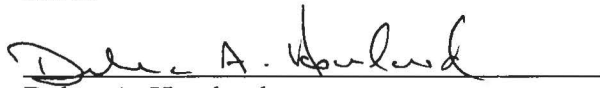
The Initial Proposal for readoption with amendments of the Puc 3000 rules may be viewed on the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2018/18-152.html>, or copies may be obtained from the Commission as set forth in the Notice.

Based upon the foregoing, it is hereby

ORDERED, that a Public Hearing, pursuant to RSA 541-A:11, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on November 27, 2018 at 10:00 a.m., and that the deadline for submission of materials in writing or by e-mail shall be December 14, 2018, as set forth in the Notice; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website no later than October 19, 2018.

By order of the Public Utilities Commission of New Hampshire this fifth day of October, 2018.


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 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 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.

Notice Number 2018-164 Rule Number Puc 3000

Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301	2. RSA Authority:	<u>RSA 365:8-a</u>
	3. Federal Authority:	_____
	4. Type of Action:	
	Adoption	_____
	Amendment	_____
	Repeal	_____
	Readoption	<u>X</u>
	Readoption w/amendment	<u>X</u>

5. Short Title: Puc 3000 – Competitive Natural Gas Supplier and Aggregator Rules

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

The Public Utilities Commission intends to effectively readopt with amendments its Puc 3000 rules. Puc 3000 sets forth the rules applicable to the registration of competitive natural gas suppliers (CNGS) and natural gas aggregators, reporting and financial obligations of CNGS and aggregators, requirements applicable to the terms of service and related disclosures of CNGS and aggregators, other consumer protection provisions applicable to CNGS and aggregators, investigation of complaints involving CNGS and aggregators, and enforcement of laws and rules applicable to CNGS and aggregators.

Puc 3001 on purpose and application of the rules is being readopted without change. Puc 3002 – Puc 3006 are being readopted with amendments.

Amendments to the existing rules are extensive and include changes based on recent legislation addressing individual customer information privacy protection. Other material amendments address registration application requirements, financial security provisions, registration time periods, customer disclosure and notice obligations, customer solicitation restrictions, enforcement procedures, and sanctions and penalties.

Puc 3001 – Puc 3005 were scheduled to expire on September 25, 2018 but are subject to extension pursuant to RSA 541-A:14-a.

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

These rules affect persons or entities applying for authority to conduct business as a CNGS or natural gas aggregator in the state’s retail natural gas market, as well persons or entities registered to conduct business as CNGS and aggregators. The rules also encompass certain rights and remedies of the customers of CNGS and aggregators.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Puc 3000 (other specific statute provisions implemented by specific rules are listed below)	RSA 365:8-a
Puc 3004.11	RSA 363:37-38; RSA 365:8-a
Puc 3005	RSA 365:8-a; RSA 541-A:30,II
Puc 3006	RSA 365:8-a

NN 2018-164 Continued

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

Name: **David K. Wiesner, Esq.** Title: **Staff Attorney**
Address: **Public Utilities Commission** Phone #: **603-271-6030**
21 South Fruit Street, Suite 10 Fax#: **603-271-4033**
Concord, NH 03301 E-mail: **David.Wiesner@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: **December 14, 2018**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 27, 2018 at 10:00 a.m.**
Place: **N.H. Public Utilities Commission**
21 South Fruit Street, Suite 10
Concord, NH 03301

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

FIS # 18:164, dated September 24, 2018

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will decrease costs to competitive natural gas suppliers (CNGS) and natural gas aggregators and decrease revenue to the State by an indeterminable amount. Not applicable to Puc 3003.08, Puc 3004.05, Puc 3004.07, Puc 3005.02, and Puc 3005.06, which are new sections.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules decrease the fee for initial registration from \$500 to \$250 decreasing restricted revenue to the state and the cost to natural gas suppliers subject to the initial registration fee. The registration fee is restricted revenue which supports the PUC administration and offsets funding that would otherwise be obtained through the PUC assessment. There is no cost or benefit to the State general fund or any State special fund.

Regarding the new sections:

- Puc 3003.08 clarifies the process for a CNGS to withdraw its registration to serve customers in the state and primarily represents an additional consumer protection measure. The CNGS is relieved from its financial security and PUC assessment obligations only once the withdrawal process and timeline have been completed. This may result in additional incremental financial impact to the CNGS, however the amount of any such potential financial impact is indeterminate.