

**Readopt with amendment Puc 300, effective 05-21-14 (Document #10603), to read as follows:**

CHAPTER Puc 300 RULES FOR ELECTRIC SERVICE

PART Puc 301 APPLICATION OF RULES

Puc 301.01 Application of Rules.

(a) This chapter shall apply to any utility as defined by Puc 302.08 except as provided in (b) below.

(b) This chapter, except for the sections below, shall not apply to any rural electric cooperative for which a certificate of deregulation is on file pursuant to RSA 301:57:

- (1) Puc 303.01, filing of tariffs;
- (2) Puc 307.01, records;
- (3) Puc 307.02, preservation of records; and
- (4) Puc 307.04, uniform system of accounts.

Puc 301.02 Notice of Intent to Produce Electricity. Any facility located within New Hampshire proposing to generate electricity over one megawatt ultimately sold to the public shall notify the commission in writing of its intent to produce electrical energy at least 6 months prior to the date energy is first proposed to be produced.

PART Puc 302 DEFINITIONS

Puc 302.01 "Commission" means the New Hampshire public utilities commission.

Puc 302.02 "Competitive electric power supplier (CEPS)" means any person or entity that sells or offers to sell electricity to retail customers in this state pursuant to RSA 374-F:7. The term does not include community power aggregations or any utility or any municipal or county corporation operating within its corporate limits or submetering at campgrounds as defined in RSA 362:1-a.

Puc 302.03 "Customer" means any person, firm, corporation, cooperative marketing association, utility, governmental unit, or subdivision of a municipality or of the state or nation, supplied with electric service by any utility.

Puc 302.04 "Department" means the New Hampshire department of energy.

Puc 302.05 "Electric service" means the delivery of electricity to a customer in this state by a utility.

Puc 302.06 "Energy conservation" means energy use activities that cost less to implement than the value of the resources saved.

Puc 302.07 "Independent System Operator for New England" (ISO-NE) means the administrator or operator for New England's bulk power system or any successor system as named by the Federal Energy Regulatory Commission (FERC).

Puc 302.08 "Utility" means any public utility as defined in RSA 362:2 owning, operating, or managing any plant or equipment or any part of the same for the transmission, distribution, or generation of electricity ultimately sold to the public within New Hampshire except:

- (a) Municipal corporations, to the extent exempt pursuant to RSA 362:4-a;
- (b) Entities specifically exempted from the definition of "public utility" pursuant to RSA 362:4-c; and
- (c) Competitive energy suppliers that have not requested public utility status pursuant to RSA 374-F:7, I.

#### PART Puc 303 SERVICE PROVISIONS

Puc 303.01 Filing of Tariffs. No utility shall provide electric service until it has published and filed a complete tariff with the commission in accordance with Puc 1600.

Puc 303.02 Change in Character of Service.

(a) For purposes of this section, "change in the character of service" means any change in voltage, location of facilities, or direction of feed implemented by the utility which results in new equipment requirements for an affected customer.

(b) If a utility makes a change in the character of a customer's service for the convenience or benefit of the utility, the utility shall pay such part of the cost of changing the equipment of the customers affected as determined by agreement between the customer and the utility or, in the absence of such an agreement, by the commission.

(c) If called upon to determine the cost which the utility shall bear for a change in the character of service for the benefit of the utility, the commission shall order payment by the utility to the customer of:

- (1) The cost of the customer's electrical utilization equipment from the point of delivery back to the source which is made obsolete by the change, less proper allowance for depreciation;
- (2) The cost of installing the new equipment and removing the old equipment, less the salvage value of such equipment which the customer elects to retain; and
- (3) The cost of making the necessary change in the customer's wiring.

PART Puc 304 RESERVED

PART Puc 305 RESERVED

PART Puc 306 RESERVED

#### PART Puc 307 RECORDS AND REPORTS

Puc 307.01 Records. Each utility shall keep records of the operation and performance of its generating units and distribution circuits.

Puc 307.02 Preservation of Records.

(a) Each utility shall preserve all records pursuant to the requirements set forth in the "Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to Provisions of the Federal Power Act," as referred to in Puc 307.04 and adopted by the commission pursuant to RSA 374:8 and RSA 374:13.

(b) If the "Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to Provisions of the Federal Power Act" does not specify a requirement for preservation of a record required to be kept pursuant to Puc 300, the utility shall preserve any such record for a period of not less than 2 years.

(c) If any section of this chapter requires a utility to preserve certain records for more than 2 years, utilities shall comply with the terms of this chapter.

(d) A utility shall:

- (1) Keep or make available such records within New Hampshire at the office or offices of the utility; and
- (2) Provide access to such records to the commission, the department, or representatives of either the commission or the department during normal business hours for examination.

Puc 307.03 Reports to Commission.

(a) Each utility shall file periodic reports with the commission as required by Puc 308 on forms available on the commission website at [www.puc.nh.gov](http://www.puc.nh.gov). The utility shall file an electronic copy with the commission.

(b) Pursuant to Puc 202.05(b), each utility shall electronically file each report, to the extent technologically feasible, in a format compatible with the computer system of the commission.

(c) The commission shall notify utilities no less frequently than on an annual basis of the types of electronic formats compatible with its computer system by posting the list of such formats on its website.

Puc 307.04 Uniform System of Accounts. Pursuant to RSA 374:8, each utility shall maintain and preserve its accounts and records in conformity with the "Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to Provisions of the Federal Power Act" issued by the United States Federal Energy Regulatory Commission, Department of Energy.

Puc 307.05 Short Term Debt. No utility shall issue or renew any notes, bonds, or other evidences of indebtedness payable less than 12 months after the date thereof if such short term debt exceeds 10% of the utility's net fixed plant without prior commission approval pursuant to Puc 201.05.

**PART Puc 308 FORMS REQUIRED BY ALL UTILITIES**

Puc 308.01 E-22E Report of Proposed Distribution Expenditures for Additions, Extensions and Capital Improvements to Fixed Capital and Operation and Maintenance (O&M) Expenses.

(a) When the probable costs of any addition, extension, or capital improvement to its distribution utility plant or O&M distribution account will equal or exceed \$100,000, a utility shall complete a report on Form E-22E dated 10/2024 and available at the commission website at [www.puc.nh.gov](http://www.puc.nh.gov), and file an electronic copy with the commission and a paper and electronic copy with the department.

(b) The commission shall accept construction and O&M budgets if the budgets:

- (1) Include highlights of all projects or O&M distribution accounts in excess of \$100,000;
- (2) Contain a level of detail sufficient to allow the commission to assess and understand all costs involved with the proposed project or O&M distribution accounts; and
- (3) Cover a period of no longer than one year.

(c) A utility shall file an original and duplicate copy with the commission as follows:

- (1) An individual Form E-22E no fewer than 30 calendar days before starting actual construction or expenditure of funds; or
- (2) A construction budget and an O&M budget no later than 60 calendar days following the end of its fiscal year.

(d) A utility may provide an additional copy of its filing and request that it be date-stamped and returned by the commission to confirm the filing.

(e) If a project highlighted in (b)(1) above is cancelled or postponed beyond the construction budget year, the utility shall immediately file Form E-22E at the time it becomes apparent that the project will be cancelled or postponed.

(f) Except for projects highlighted in accordance with (b)(1) above, if the cost of a project is anticipated to fall below \$100,000 but later exceeds it, the utility shall immediately file Form E-22E at the time or phase of the project it becomes apparent the limit will be exceeded.

(g) If a change in any O&M distribution account exceeds the approved expenditure levels by more than \$100,000, the utility shall immediately file Form E-22E at the time the change becomes apparent to the utility.

(h) If a project not included in an approved construction budget arises which will equal or exceed \$100,000, the utility shall file Form E-22E.

(i) Investigation or comment on a construction budget, an O&M budget, or other Form E-22E content by the commission or failure of the staff to identify prudence review issues shall not constitute a final prudence review and the commission shall not be precluded from analyzing the merits of any expenditure in a future rate case pursuant to the commission's authority under RSA 378.

Puc 308.02 E-25E Report of Proposed Changes in Depreciation Rates.

(a) When it proposes any change in depreciation rates, a utility shall complete Form E-25E dated 10/2024 and available at the commission website at [www.puc.nh.gov](http://www.puc.nh.gov), and file an electronic copy with the commission and a paper and electronic copy with the department.

(b) A utility shall not implement any change in depreciation rates until the proposed change has been approved by the commission pursuant to a proceeding conducted according to Puc 200.

Puc 308.03 Quarterly Financial Report, FERC Form 3-Q.

(a) Each utility shall file with the commission, at the same time it files such report with the Federal Energy Regulatory Commission (FERC), one signed original and one electronic copy of its completed FERC Form 3-Q "Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies" as described in 18 C.F.R. § 141.400.

(b) The quarterly report in (a) above shall be required for the calendar quarters ending March 31, June 30, and September 30 of each year.

(c) Consistent with FERC reporting requirements, the quarterly report in (a) above shall not be required for the calendar quarter ended December 31 of each year as such report is supplanted by the annual report required pursuant to Puc 308.10.

(d) Each utility shall, at the time it files the quarterly report required by (a) above, file a copy of the

quarterly report with the department and the New Hampshire office of the consumer advocate.

Puc 308.04 Annual Report, FERC Form No. 1.

(a) Each utility shall file with the commission an electronic copy of its completed FERC Form No. 1 "Annual Report of Major Electric Utilities, Licensees and Others," as described in 18 C.F. R. § 141.1, at the same time it files such report with the FERC.

(b) Each utility shall, at the time it files the annual report required by (a) above, file a copy of the annual report with the department and the New Hampshire office of the consumer advocate.

Puc 308.05 F-1 Supplemental Quarterly Financial and Sales Information.

(a) In addition to the reports required in Puc 308.03 and Puc 308.04, each utility shall, for each calendar quarter, simultaneously file the following supplemental information with the commission:

- (1) Schedule 1 – "Calculation of Per Books Rate of Return";
- (2) Schedule 2 – "Current Cost of Capital"; and
- (3) Schedule 3 – "Sales by Customer Class."

(b) Schedule 1 – "Calculation of Per Books Rate of Return" shall include:

- (1) Operating revenues for 12 months;
- (2) Operating expenses for 12 months, including:
  - a. Production expenses;
  - b. Distribution expenses;
  - c. Transmission expenses;
  - d. Customer accounting;
  - e. General and administrative;
  - f. Depreciation;
  - g. Amortization;
  - h. Federal and state income taxes;
  - i. Property taxes; and
  - j. Other taxes; and
- (3) Rate base components, computed using a 13-month or 5-quarter average, for:
  - a. Utility plant in service;
  - b. Accumulated depreciation;
  - c. Material and supplies;
  - d. Cash working capital requirement;

- e. Prepayments;
- f. Customer deposits;
- g. Customer advances; and
- h. Any other item properly includible in the utility's rate base.

(c) Schedule 1 - "Calculation of Per Books Rate of Return" shall, in addition to having a company total column, have separate columns to report the amounts of each of the items in (b) above attributable to the distribution, transmission, and generation segments of the utility's operations, respectively.

(d) Schedule 2 - "Current Cost of Capital" shall include weighted cost of capital components for:

- (1) Common stock equity;
- (2) Preferred stock;
- (3) Long term debt; and
- (4) Short term debt.

(e) In computing the weighted cost of capital in (d) above, the utility shall include the source of the information and calculations or an explanation supporting its determination of:

- (1) The return on common equity;
- (2) The cost of preferred stock;
- (3) The embedded cost of long term debt, by issue; and
- (4) The cost rate applicable to short term debt.

(f) The utility shall include supporting calculations and documentation for any of the items required by (b) through (e) above that are not directly traceable to the quarterly and annual reports required by Puc 308.03 and Puc 308.04.

(g) Schedule 3 - "Sales by Customer Class" shall include:

(1) A breakdown of total revenue, including revenue associated with distribution service, transmission service, stranded cost recovery, transition service, default service, and any other item which a utility bills that it classifies as revenue for financial reporting purposes, earned by class of customer, as follows:

- a. Residential;
- b. Small commercial and industrial;
- c. Large commercial and industrial;
- d. Public street and highway lighting;
- e. Other sales to public authorities; and
- f. Sales for resale;

(2) A breakdown of kilowatt-hours delivered by class of customer listed in (1) above;

(3) The average number of customers for each of the classes listed in (1) above for the current quarter and the same quarter of the prior year; and

(4) For (1)b. and (1)c. above, the definition used for customer classes and threshold demand.

(h) A utility shall provide figures on each of the items in (g)(1) and (g)(2) above for the following:

(1) Totals for the current quarter;

(2) Cumulative for the current year;

(3) Totals for the same quarter of the prior year; and

(4) Cumulative for the prior year.

(i) Each utility shall, at the time it files the supplemental quarterly information required by (a) above, file a copy of the supplemental quarterly report with the department and the New Hampshire office of the consumer advocate.

Puc 308.06 F-4 Authority to Issue Securities.

(a) When a utility seeks authority to issue securities, a utility shall complete a file Form F-4 dated 10/2024 and available at the commission's website at [www.puc.nh.gov](http://www.puc.nh.gov), and file one signed original and one electronic copy with the commission.

(b) In addition to filing Form F-4 each utility shall file:

(1) An application for leave to issue securities pursuant to RSA 369:3 and Puc 200 including a statement in reasonable detail of the purpose of the security, any proposed additions, construction, or working capital requirements together with, if applicable, any proposed construction budget;

(2) Resolution of the petitioner's stockholders, board of directors, partners, or other governing body of petitioner, as appropriate, authorizing the proposed financing;

(3) Copy of the private placement memorandum for long term financing including any letter of commitment from a lender stating details of financing;

(4) Copy of the proposed promissory note and mortgage;

(5) Copy of terms of new common or preferred stock;

(6) An original and 5 copies of the petition and exhibits; and

(7) The full name, title, and signature of the utility employee who supervised the preparation of the report.

(c) By signing and submitting Form F-4 petition, the persons submitting the form shall agree to comply with the certification requirement as set forth in (d) below.

(d) In addition to Form F-4, each utility shall provide in connection with a petition for authority to issue securities a signed certification which shall provide as follows:

"The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition."

(e) Each utility shall, at the time it files a Form F-4 and the information required by (b) above, file copies with the department and the New Hampshire office of the consumer advocate.

PART Puc 309 RESERVED

PART Puc 310 RULES RELATIVE TO UTILITY ADVERTISING

Puc 310.01 Definitions.

(a) "Advertising" means the use by a utility of any media in order to transmit a message to the general public, or to such utility's consumers.

(b) "Controversial issue of public importance" means a case or controversy in which a utility is involved before a court, legislative body, or government agency, including the commission.

(c) "Electric Utility Integrated Distribution Planning" means, in the case of an electric utility, those standards set forth in RSA 378:38.

(d) "Institutional activity" means any act or practice conducted for the purpose of promoting the corporate image or goodwill of a particular utility or the utility industry in general.

(e) "Institutional advertising" means any advertising conducted for the purpose of promoting the corporate image or goodwill of a particular utility or the utility industry in general.

(f) "Political activity" means any act or practice conducted for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters or with respect to any controversial issue of public importance.

(g) "Political advertising" means any advertising conducted for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(h) "Promotional activity" means any act or practice conducted for the purpose of encouraging any person to select or use a service or increase usage of the service of a utility, to select, purchase, install or use any appliance or equipment designed to use such utility's service, or to use any other particular service of the utility.

(i) "Promotional advertising" means any advertising conducted for the purpose of encouraging any person to select or use a service or increase usage of the service of a utility, to select, purchase, install, or use any appliance or equipment designed to use such utility's service or to use any other particular service of the utility.

Puc 310.02 Recovery of Certain Expenses Prohibited. No utility shall recover, in any manner, from any person other than the shareholders or other owners of such utility any direct or indirect expenditure by such utility for promotional, political, or institutional advertising, or promotional, political, or institutional activities except as provided for in Puc 310.03.

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Puc 310.03 Expenditures Subject to Recovery by A Utility. For the purpose of this part, the terms "political advertising", "promotional advertising", "institutional advertising", "political activity", "promotional activity", and "institutional activity" shall not include advertising or activities which:

(a) Inform electric consumers of or provide electric consumers with information or materials intended to result in energy conservation;



- (b) Are required by law, federal regulation, or state rule, including advertising required under part 1 of Title II of the National Energy Conservation Policy Act;
- (c) Inform electric customers how they can improve efficiency in utilizing the utility's service;
- (d) Involve or relate to service interruptions, safety measures, or emergency conditions;
- (e) Concern employment opportunities with such utility;
- (f) Provide any explanation of existing or proposed rate schedules or notifications of hearings thereon;
- (g) Are consistent with the utility's approved least cost integrated resource plan; or
- (h) Inform customers of the availability and sources of financial assistance.

Puc 310.04 Prudence Review of Expenses. This part shall not restrict or limit the commission's power to disallow any expense as a charge to ratepayers which the commission finds to be unjust, unreasonable, excessive, unwarranted, or imprudent pursuant to RSA 378:5 and RSA 378:7.

Puc 310.05 Reports Required. Each utility shall keep copies of all its advertising on file for inspection by the commission and the department.

Puc 310.06 Accounting.

(a) If a utility combines an expense prohibited from recovery with an expense eligible for recovery, and ancillary costs are associated with the combined expense, the utility shall allocate a portion of the ancillary cost to the expense prohibited from recovery and shall be prohibited from recovering costs ancillary to the prohibited expense.

(b) Each utility shall keep a record with respect to any advertising or activity, incurred directly or indirectly, prohibited from recovery pursuant to Puc 310.02, of:

- (1) Any expenditure incurred; and
- (2) Any allocation methodology.

#### PART Puc 311 TRANSFER OF SERVICE BY UTILITY OF CUSTOMERS RETURNING TO UTILITY ENERGY SUPPLY

Puc 311.01 Requirements.

(a) Utilities shall submit a change on behalf of a customer from the customer's selection of a CEPS to the utility's default energy service upon the request of a customer or indirectly by a competitive energy supplier on behalf of the customer.

(b) A customer may request the change of supply service described in (a) above verbally or in writing.

(c) Each utility shall maintain records of verification of customer authorization for a minimum period of 2 years after obtaining the verification.

(d) All requests to change supply service to the utility's default energy service shall be initiated by the customer.

(e) Verification of verbal authorization shall be documented via the utility recording of the conversation between the call center representative and the customer.

(f) Verification of written authorization shall be documented by a letter, e-mail, or other form of written communication from the customer to the utility.

(g) A utility shall provide the commission with proof of valid customer authorization whenever requested by the commission in connection with the investigation of a customer complaint.

(h) A utility who fails to obtain customer authorization in accordance with this section and initiates a customer change in service to the utility shall:

- (1) Be liable for all charges billed to the customer as a result of the change in service;
- (2) Be liable for all charges for electricity it billed to the customer; and
- (3) Be subject to the penalty and other enforcement provisions pursuant to RSA 374:28-a.

Puc 311.02 Obligations. When a utility is notified by ISO-NE that it must assume the load obligation of a CEPS, customer authorization to transfer service pursuant to Puc 311.01 shall not be required.

**APPENDIX**

| <b>Rule</b>       | <b>Statute</b>                     |
|-------------------|------------------------------------|
| Puc 301.01-301.02 | RSA 365:8, I (g); 362:2; 362:4-c   |
| Puc 302.01-302.08 | RSA 365:8, I (g)                   |
| Puc 303.01        | RSA 374:15; 378:1                  |
| Puc 303.02        | RSA 365:8, I (g), 374:1, 374-F:3,I |
| Puc 307.01-307.04 | RSA 365:8, I (g); 374:8,13         |
| Puc 308.01-308.06 | RSA 365:8, I (g),RSA 374:5         |
| Puc 310.01-310.06 | RSA 365:8, I (g)                   |
| Puc 311.01-311.02 | RSA 365:8, I (g) , RSA 374:28-a    |

