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August 26, 2024

Daniel Goldner, Chairman  
Public Utilities Commission  
21 South Fruit St., Ste. 10  
Concord, NH 03301

RE: DRM 24-085/NH Code of Administrative Rules Puc Ch. 100 Organizational Rules  
New Hampshire Department of Energy Comments on Initial Proposal

Dear Chairman Goldner:

Pursuant to the Rulemaking Notice by the Public Utilities Commission (PUC and/or Commission), the Department of Energy (DOE and/or Department) provides these comments regarding the PUC's Initial Proposal for adoption of Puc 100 Organizational Rules.

1) **Part Puc 101 Definitions**

- **Puc 101.05 "Customer"**: The language in this proposed rule differs from the language in current Puc 102.05, and it is unclear to the Department why this change has been proposed. The Department is therefore concerned that the language in the proposed rule may be inconsistent with applicable statutes or other Puc rules to the extent that such statutes or rules fit with the current Puc 102.05 but not the proposed Puc 101.05. For example, "furnished with" service, as used in proposed Puc 101.05, differs from "contracted for" service in current Puc 102.05. "Contracted for" service implies that a customer must have an established account with a utility, whereas "furnished with" could be interpreted to include people living in a house with the utility account holder who themselves do not have a utility account and do not necessarily pay for the utility service, or employees working in an office building furnished with utility service. Such individuals do not have the same statutory rights as those who are the account holders paying for utility service.

Further, this definition differs from the definition of "customer" in the Department's recently adopted En 1200 rules. The definition in the En 1200 rules more closely overlaps with current Puc 102.05. Although the Department and the Commission are separate entities with separate rules, it may be helpful for the definition of "customer" to be consistent across rules wherever possible. For example, proposed Puc 204.27 references exhausting remedies pursuant to the En 1200 rules, which contain a

different definition of "customer" from that in the proposed Puc 100 rules. Should the Commission enact proposed Puc 204.27, the Department recommends maintaining consistency across "customer" definitions where possible.

Additionally, where the proposed rule references the term "default electric service," in the definition of "customer," the Department recommends that term be defined.

Finally, the Department recommends ensuring that the inclusion of "transmission" service does not conflict with any Commission jurisdictional limitations over transmission service.

- **Puc 101.09 – "OCA":** This proposed rule references "RSA 362:28," which does not exist.
- **Puc 101.10 – "Person":** The entities listed in this proposed rule are different than those listed in current Puc 102.11, and it is unclear to the Department why this change has been proposed. Additionally, there are differences between the definition of "person," in proposed Puc 101.10 and proposed Puc 202.13.
- **Puc 101.11 – "Public utility":** The Department recommends the Commission revise the language in this rule to be consistent with the language in RSA 362:2 and RSA 362:4.

2) **Part Puc 102 Description and Contact Information for the Commission**

- **Puc 102.01 – Jurisdiction:** The Department recommends changing the term "billed" in the proposed rule, as the Commission is typically required to make a decision on changes to rates, fares, charges, and prices before they are actually billed to customers. The Department also recommends adding language consistent with RSA 374:3 to clarify that the Commission's jurisdiction is limited to general supervision "so far as necessary to carry into effect the provisions of this title." The Department also recommends defining "facilities" and "service offerings," as those terms are not used in RSA 374:3 and the Department is concerned that this may lead to an overbroad interpretation within the Puc rules of the Commission's jurisdiction.

Sincerely,

/s/ *Marie-Helene Bailinson*

Marie-Helene Bailinson, Esq.  
Hearings Examiner

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