



NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971

www.nhla.org

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Chairman Daniel C. Goldner
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Re: Docket No. DRM 24-085
Proposed Chapter Puc 100 Rules

Docket No. DRM 24-086
Proposed Chapter Puc 200 Rules

Dear Chairman Goldner:

New Hampshire Legal Assistance (NHLA) respectfully submits the following comments via e-mail in the above referenced docket about the proposed amendments to the Commission's organizational and procedural rules (N.H. Code Admin. Rules Chapter Puc 100 and Puc 200). NHLA is a statewide non-profit law firm. Our attorneys and paralegals represent low-income and elderly clients throughout the state, including in proceedings before the Commission.

NHLA shares many of the concerns expressed by other interested parties. In order to avoid repeating the same information, we note that we generally agree with the comments filed by the Office of the Consumer Advocate (OCA) on July 12, 2024 and August 26, 2024. NHLA also supports the comments jointly filed by the New England Power Generators Association (NEPGA). We submit these comments to highlight how these concerns impact the low-income ratepayers that NHLA represents.

Puc 103.01 General Inquiries and Requests for Access to Records

NHLA routinely request records from state and federal agencies about matters that impact our low-income clients. Given our limited resources and the limited resources of our clients, we do not always have the means to pay for those records. Therefore, we typically submit a request to waive any associated fees and would not always be able to include a statement that we agree to pay a copying fee for the records. Many agencies will agree to waive the fees and will provide the records digitally to minimize costs. The practice of waiving fees is similar to when courts waive certain filing fees for our low-income clients. NHLA requests that the rule be amended to allow for waiving the fee under certain circumstances.



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Puc 202.11 definition of Participant; Puc 202.22 definition of Standing.

NHLA shares the concerns that the proposed rules would exclude parties from Commission proceedings who are allowed to intervene by law. As currently drafted, the rules that define “participant” and “standing” are not consistent with New Hampshire law and therefore, should be amended. NHLA agrees with the joint comments filed by NEPGA that the proposed rules appear to adopt a narrower standard for intervention, which could unlawfully exclude NHLA’s clients from participating in proceedings before the Commission.

NHLA’s clients do not always intervene in a proceeding to avoid a “direct injury.” NHLA regularly represents clients who have an interest in the design of programs that benefit low-income ratepayers, such as the Electric Assistance Program (EAP) and the Home Energy Assistance (HEA) Program. Our clients frequently participate in dockets in order to improve those programs even if no party has petitioned the Commission to change the program in a way that would harm our clients. NHLA respectfully submits that our clients’ participation in past proceedings have helped these programs achieve national recognition.

NHLA agrees with other commenters that the definition of “participant” may cause confusion because it appears to be limited to “non-adjudicative proceedings,” but the word is used throughout the proposed rules that apply to adjudicative proceedings. We also agree that it is not proper to limit the definition of “participant” to non-adjudicative proceedings. Given that non-adjudicative proceedings frequently involve investigations into certain topics, it is not clear how a low-income ratepayer would demonstrate a direct injury in order to participate in such a proceeding.

Therefore, NHLA agrees with the proposed amendments to these rules as described in NEPGA’s comments.

Puc 204.03 Failure to Appear or Respond

Due to our limited resources and our clients’ limited resources, NHLA cannot always participate in a proceeding before the Commission or respond to a Commission order. We agree with the OCA that there are some instances where the failure to appear or respond may waive rights to pursue arguments or remedies, but NHLA agrees that those waiver principles should not be enumerated in the Commission’s rules.

Commission’s Rulemaking Process

NHLA agrees with the written and verbal comments that raise concerns about the Commission’s process for amending its rules. Given the significant changes that the Commission has proposed, NHLA agrees that there should be more time to consider the public’s input and to work with the New Hampshire Department of Energy as it promulgates its own rules. NHLA agrees with others



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who have raised concerns with the process that the Commission followed to propose these amendments. Even if the process were lawful, such significant changes would benefit from the consideration of the full Commission in addition to further input by interested parties.

Thank you for considering these comments. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

/s/Raymond A. Burke

Raymond A. Burke

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Cc: Docket No. DRM 24-085 service list
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