

CHAPTER Puc 100 ORGANIZATIONAL RULES

Change the part heading for Puc 101 to read as follows

Edit: colon

PART Puc 101 APPLICABILITY TITLE

Edit: Move "DEFINITIONS" to after "TITLE" so they are on the same line.

DEFINITIONS

Repeal Puc 101.01, effective 6-10-06 (Document #8656), as follows:

Strikethrough

~~Puc 101.01 Applicability. This chapter shall apply to the conduct of all commission business in furtherance of the agency's statutory responsibilities. Chairman responsibilities.~~

Adopt Puc 101.01 to read as follows:

Puc 101.01 "Chairman" means the commission's presiding commissioner and administrative head, who is appointed under RSA 363:4 and possesses the powers and duties conferred under RSA 21-G:9.

Adopt Puc 101.02 to read as follows:

Edit: lowercase

Edit: "means"

Puc 101.02 "Clerk's Office" is the office designated by the commission to receive all filings and to maintain the commission docket system.

Readopt with amendment and renumber Puc 102.02, effective 6-20-06 (Document #8656), as Puc 101.03 to read as follows:

Unclear/Legis. Intent: This is not properly annotated. The text from the existing Puc 102.02 needs to appear here with strikethroughs and additions to indicate how the rule has changed.

Puc 101.03 "Commission" means the public utilities commission established under RSA 363:1.

Adopt Puc 101.04 to read as follows:

Puc 101.04 "Commissioner" means a member of the commission appointed under RSA 363:3.

Readopt with amendment and renumber Puc 102.05, effective 6-20-06 (Document #8656), as Puc 101.05 to read as follows:

Puc 101.05 "Customer" means any person in New Hampshire furnished with electric transmission or distribution service, with or without default electric service, as well as gas, sewer, steam, telephone, or water service by a public utility.

Unclear/Legis. Intent: This is not properly annotated. The text from the existing Puc 102.05 needs to appear here with strikethroughs and additions to indicate how the rule has changed.

Adopt Puc 101.06 to read as follows:

Puc 101.06 "Department" means the New Hampshire Department of Energy.

Readopt with amendment and renumber Puc 102.06, effective 6-20-06 (Document #8656), as Puc 101.07 to read as follows:

Puc 101.07 "Document" means any paper or electronic record, including, without limitation, any application, complaint, petition, motion, prepared testimony, data request, data response, exhibit, brief, written communication, or correspondence. With respect to an electronic record, "document" does not include information that would not appear if the document were printed in paper form.

Adopt Puc 101.08 and Puc 101.09 to read as follows:

Unclear/Legis. Intent: This is not properly annotated. The text from the existing Puc 102.06 needs to appear here with strikethroughs and additions to indicate how the rule has changed.

**Edit:** "Office of the consumer advocate (OCA)" means office of the consumer advocate established under RSA 362:28.

Puc 101.08 "Governmental authority" means the government of any nation, state, commonwealth, district, territory, county, district, city, town, locality, or other political subdivision thereof, any entity or body exercising executive, legislative, judicial, regulatory, taxing, or administrative functions of or pertaining to government, including any court, quasi-governmental authority, self-regulatory organization, commission, tribunal, agency, or any political or other subdivision, department, board, bureau, or branch or any official of any of the foregoing.

Puc 101.09 "OCA" means the Office of the Consumer Advocate established under RSA 362:28.

**Readopt with amendment and renumber Puc 102.11, effective 6-20-06 (Document #8656), as Puc 101.10 to read as follows** ← **Edit: colon**

Puc 101.10 "Person" means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, unincorporated organization, Governmental Authority, or other entity of any kind or character.

**Unclear/Legis. Intent:** This is not properly annotated. The text from the existing Puc 102.11 needs to appear here with strikethroughs and additions to indicate how the rule has changed.

**Adopt Puc 101.11 and Puc 101.12 to read as follows:**

Puc 101.11 "Public utility" is an entity that provides utility services to customers and is regulated by the commission.

**Edit: "means"**

**Edit: lowercase**

Puc 101.12 "Service List" is the list of entities entitled to receive notice of all filings and commission orders in a specific commission docket.

**Change the part heading for Puc 102 to read as follows:**

**PART Puc 102 ~~DEFINITIONS~~ DESCRIPTION AND CONTACT INFORMATION FOR THE COMMISSION.**

**Repeal Puc 102.01, effective 6-210-06 (Document #8656) as follows:**

**Strikethrough**

~~Puc 102.01 "Adjudicative proceeding" means a proceeding conducted pursuant to the procedure followed in contested cases, as set forth in RSA 541 A:31 through RSA 541 A:36 and the rules of the commission.~~

**Note to the JLCAR.** This language ("just, reasonable, and lawful") has not been defined and in other Puc and Dept of Energy rules this language is used and has been approved by the Committee despite not being defined. The language is clarified in case law which has not been cited but could be should either agency decide to define the term.

**Adopt Puc 102.01 to read as follows:**

Puc 102.01. Jurisdiction. The commission's jurisdiction includes the general supervision of the state's public utilities, facilities, and service offerings; acting as the arbiter between the interests of public utilities and customers; and ensuring that the rates, fares, charges, and prices billed to customers are just, reasonable, and lawful.

**Edit:** This is an improper use of semicolons and in this situation they can not be changed to comma. To maintain the clarity of the section and comply with the *Manual* consider:

**Adopt Puc 102.02 to read as follows:**

**Edit: Underline section heading**

Puc 102.02 Commission's Office and Business Hours.

(a) The commission's office location, mailing address, and contact information are:

New Hampshire Public Utilities Commission  
21 S. Fruit St., Suite 10  
Concord, NH 03301-2429  
  
Telephone: (603) 271-2431  
Email: [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov)  
Website: <https://www.puc.nh.gov/>

"The commission's jurisdiction shall include:  
  
(a) The general supervision of the state's public utilities, facilities, and service offerings;  
  
(b) Acting as the arbiter between the interests of public utilities and customers; and  
  
(c) Ensuring that the rates, fares, charges, and prices billed to customers are just, reasonable, and lawful.

(b) The commission's business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding New Hampshire state holidays.

<p><b>Note to Agency.</b> Be sure to keep the repealed sections in the FP.</p>
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**Repeal Puc 102.03, Puc 102.04, Puc 102.07 through Puc 102.10, and Puc 102.12 through Puc 102.18, effective 6-10-06 (Document #8656), as follows:**

~~Puc 102.03 "Complaint" means a writing filed with the commission pursuant to RSA 365:1 which claims a public utility has acted or failed to act in violation of any law, rule, regulation, or order administered or promulgated by the commission.~~

~~Puc 102.04 "Contested case" means a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by the commission after an opportunity for hearing.~~

~~Puc 102.07 "Hearing" means a properly noticed session held in a contested case before the commission or its designee which provides for opportunity for any party, intervenor or commission staff to present evidence and conduct cross examination. "Hearing" also includes any pre hearing conferences conducted pursuant to Puc 203.14.~~

~~Puc 102.08 "Motion" means a request made to the commission or the presiding officer after the commencement of a contested proceeding for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.~~

~~Puc 102.09 "Order" means the whole or part of the commission's disposition of a matter, other than a rule, but does not include a commission decision to initiate, postpone, investigate or process any matter.~~

~~Puc 102.10 "Party" means "party" as defined by RSA 541-A:1, XII, namely, "each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party."~~

~~Puc 102.12 "Petition" means the initial pleading filed with the commission to commence a proceeding for the purpose of seeking commission action pursuant to Puc 202.01(a).~~

~~Puc 102.13 "Prehearing conference" means a properly noticed session in contested cases which provides the opportunity, pursuant to RSA 541-A:31, V, to consider requests for intervention, offers of settlement, simplification of the issues, stipulations or admissions as to issues of fact or proof, limitations on the number of witnesses, changes to standard procedures during the hearing, or other matters which aid in the disposition of the proceeding.~~

~~Puc 102.14 "Prehearing order" means the commission's written decision addressing procedural issues raised in a prehearing conference.~~

~~Puc 102.15 "Presiding officer" means the chairman of the commission except as provided in Puc 203.14(b)(c).~~

~~Puc 102.16 "Proceeding" means a docketed case commenced by the commission.~~

~~Puc 102.17 "Public statement hearing" means a meeting of the commission convened in an adjudicative proceeding for the sole purpose of receiving public comment that will not be entered into evidence.~~

~~Puc 102.18 "Respondent" means any party subject to the commission's jurisdiction to whom the commission issues notice instituting a proceeding, or investigation or inquiry of the commission, or any party in interest or person ordered before any pending proceeding of the commission.~~

**Repeal Puc 102.19, effective 3-24-12 (Document #10101), as follows:**

~~Puc 102.19 “Routine filings” means documents submitted, on a recurrent basis, by a utility to the commission, and as specified in Puc 200.~~

**Repeal Puc 102.20 through Puc 102.22, effective 6-10-06 (Document #8656), as follows:**

~~Puc 102.20 “Rulemaking” means the process for adopting rules as provided for in RSA 541-A:3 and other relevant provisions of RSA 541-A.~~

~~Puc 102.21 “Staff” means the employees of the commission other than the commissioners.~~

~~Puc 102.22 “Technical session” means a meeting of the parties at which information is shared on an informal basis and at which neither the presiding officer nor any commissioners are present.~~

**Repeal Puc 103, effective 6-10-06 (Document #8656), as follows:**

~~PART Puc 103 DESCRIPTION AND CONTACT INFORMATION FOR THE COMMISSION~~

~~Puc 103.01 Commission Functions.~~

~~(a) — The commission is established to carry out the requirements of RSA Title XXXIV relative to public utilities and their customers and the requirements of RSA 38 relative to public utilities and municipalities.~~

~~(b) — Pursuant to RSA 363:17 a, the commission serves as the arbiter between the interests of the customer and the interests of regulated utilities.~~

~~(c) — Pursuant to RSA 374:3, the commission has the general supervision of all public utilities and their facilities so far as is necessary to carry out the requirements of RSA Title XXXIV.~~

~~(d) — Pursuant to RSA 378, the commission has the responsibility to assure that rates charged by public utilities are just, reasonable and lawful.~~

~~(e) Pursuant to RSA 363:27, II, the commission shall organize its staff as it determines best achieves the commission’s statutory responsibilities.~~

~~(f) — Pursuant to RSA 363:27, III, the commission shall appoint an executive director and a general counsel.~~

~~(g) — The staff of the commission is structured around industry specific divisions and includes divisions with expertise in electric, gas, telecommunications, water and all other types of utilities as set forth in RSA 362:2.~~

~~(h) — In addition to the industry specific divisions noted in (g), the commission includes an administration division, a legal division, a safety division, an audit division and a consumer affairs division.~~

~~(i) The commission is located at 21 South Fruit Street, Suite 10, Concord, New Hampshire.~~

~~(j) — The commission has regular hours from 8:00 a.m. to 4:30 p.m. and is closed on Saturdays, Sundays and state holidays.~~

~~(k) — The consumer affairs division may be contacted directly by telephone at 1-800-852-3793 or 603-271-2431, TDD Access Relay NH: 1-800-735-2964, by facsimile at 603-271-3878, or by written communication addressed to the attention of:~~

~~The Consumer Affairs Division NH  
Public Utilities Commission 21 South  
Fruit Street, Suite 10  
Concord, N.H. 03301-2429~~

~~(l) The safety division may be contacted directly by telephone at 888-397-5444 or 603-271-6022, by facsimile at 603-271-6048, or by written communication addressed to the attention of:~~

~~The Safety Division  
NH Public Utilities Commission 21  
South Fruit Street, Suite 10  
Concord, N.H. 03301-2429~~

~~(m) General inquiries and requests for public information pursuant to Puc 104 may be directed by telephone at 603-271-2431, by facsimile at 603-271-3878, by e-mail to puc@puc.nh.gov, or by written communication addressed to the attention of:~~

~~Executive Director  
NH Public Utilities Commission 21  
South Fruit Street, Suite 10  
Concord, N.H. 03301-2429~~

(n) The web site of the commission is [www.puc.nh.gov](http://www.puc.nh.gov).

**Readopt with amendment and renumber Puc 104, effective 3-24-12 (Document #10101), as Puc 103 to read as follows:**

**PART Puc 1043 REQUESTS FOR PUBLIC INFORMATION**

Puc 1043.01 Public Access to Information. **General Inquiries and Requests for Access to Records.**

Edit: Underline

(a) To the extent required or permitted by RSA 91-A, the commission shall permit members of the public to examine and copy public records. **General inquiries about the commission may be transmitted to the clerk's office at the address specified in Puc 102.03(a).**

(b) Members of the public may make a request to examine records by contacting the executive director pursuant to Puc 103.01(m). **Any person requesting access to commission records under RSA chapter 91-A shall direct a request for access as specified in (c) below.**

(c) The commission shall permit examination and copying of public records, as follows: **A request to access commission records shall be in writing, and**

← Edit: colon

**(1) On the commission premises; Identify as particularly as possible the information being sought**

← Edit: semicolon

**(2) During commission business hours; and Include a statement that the requestor agrees to pay a copying fee equal to the greater of the actual cost of providing the copy or \$0.25 per page, if applicable; and**

**(3) Within the time frames set forth in RSA 91-A. Be transmitted to the clerk at the address specified in Puc 102.03(a)**

← Edit: period

(d) Any person who seeks to examine or copy public records shall describe the information requested sufficiently in detail to allow the commission to identify the records requested.

Edit: Fix indentation for the subparagraphs

~~(e) This section shall not require the release by the commission of information determined, pursuant to RSA 91-A:5 or RSA 363:17-e to be:~~

~~(1) Confidential; or~~

~~(2) Otherwise exempt from public disclosure.~~

~~(f) Within the time period specified by RSA 91-A:4, the commission shall respond to such a request by:~~

~~(1) Making the record available for inspection and copying;~~

~~(2) Denying the request in writing and stating the reasons for denial; or~~

~~(3) Furnishing written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied.~~

~~(g) For all records submitted to the commission pursuant to Puc 201.06, the procedures established under Puc 201.07 shall govern the commission's response to requests for public release of such documents.~~

~~(h) The commission shall charge for copies of public records at the actual cost of providing the copy, pursuant to RSA 91-A:4, IV.~~

~~(i) A written denial issued under this rule shall be treated as the final determination of the commission for purposes of appeal to the superior court pursuant to RSA 91-A:7.~~

**APPENDIX**

<b>RULE</b>	<b>STATUTE</b>
Puc 101.01 – Puc 101.12	RSA 363, RSA 365:8, I
Puc 102.01 – Puc 102.02	RSA 365:8, I
Puc 103.01	RSA 365:8, I

↑  
**Unclear/Edit:** The Appendix here and in the Notice should have indicated which sections are being repealed.