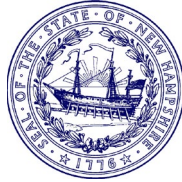


COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.

STATE OF NEW HAMPSHIRE



TDD Access
Relay NH
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Tel. (603) 271-3670

Website:
www.energy.nh.gov

DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

October 16, 2024

Daniel C. Goldner, Chair
NH Public Utilities Commission
21 S Fruit St, Ste 10
Concord, NH 03301

RE: Department Request for Expedited Extension of Written Comments Deadline DRM 24-085

Dear Chairman Goldner:

The Department of Energy (Department) requests an extension of the October 22, 2024, deadline for filing written comments in this proceeding to November 4, 2024. The Department also requests an expedited decision on its request.

On September 13, 2024, the Public Utilities Commission (Commission) issued a Special Notice of a Second Public Comment Hearing. The Special Notice scheduled the Second Public Comment Hearing for October 11, 2024, and included an October 22, 2024, deadline for written comments on its final proposal.

At and after the October 11, 2024 hearing, the Commission asked the Department to expedite its promulgation of a new Department rule authorizing rule waivers. The Commission plans to be on the January 2025 Joint Legislative Committee on Administrative Rules (JLCAR) meeting agenda on its final Puc 200 proposal and asks the Department to meet the deadlines for that meeting, too. The Department has only begun work on its new waiver rule, and the first deadline for January JLCAR meeting has passed already. Thus, immediate action by the Department and retroactive extension of the first deadline from the Legislative Budget Assistant (LBA) are required to accommodate the Commission's request.

A new Department waiver rule would resolve a conflict in DRM 24-086 between the Commission's final proposal and utility stakeholders' need for Department authority to grant rule waivers. Without a new Department waiver rule, the Commission's re-promulgation of its waiver rule with amendments eliminates the Department's authority to grant rule waivers. See RSA 12-P:14 (prohibiting the Department from enforcing an amended PUC rule after July 1, 2021). Moreover, the

Department's lack of authority to grant rule waivers to serve the public interest could result in negative financial consequences to utilities and other stakeholders.

The Commission offered, in making its request for the Department's expedited rule-waiver proceeding, to provide administrative support for the process. While accepted and appreciated, that support will not relieve the Department of its responsibility for the accurate and complete process and documentation, as required by RSA 541-A and the state's rulemaking mandates. The Department will still need to expend time and resources on the expedited rule proceeding, which must be immediately re-directed from other proceedings. Without the requested extension, the Department's workload will prevent the necessary, immediate work on a new Department waiver rule. The written comments cannot be re-assigned to another Department attorney.

The Commission has until December 16, 2024, to get its final Puc 100 and 200 proposals to JLCAR and qualify for the January JLCAR meeting. Granting the Department's requested extension until November 4, 2024, enables the Commission to eliminate a serious concern about its proposed rules, which, without a resolution in the Puc 200 final proposal, would be resolved by JLCAR. The extension also allows the Department to immediately focus on promulgating a new waiver rule in time to avoid a lapse in its waiver authority, which would arise from a new Commission waiver rule.

Moreover, thoughtful, clear, and thorough written comments from the Department to the Commission's final proposal are critical to effectuate the Department's regulatory authority. The Department is an automatic party in Commission proceedings, RSA 12-P:3, III, and participates in most of them. That participation in PUC proceedings is a significant portion of the Department's work.

An expedited decision on the Department's requested extension is necessary due to the time-sensitive nature of the work needed to accommodate the Commission's request for a new Department waiver rule and the October 22, 2024, written comments deadline. Essentially, both need to be completed this week. The Department does not anticipate any opposition to its requested extension. The other participants will benefit from the additional time requested. Due to the nature of the proceeding, however, the Commission may act on the Department's request without waiting for, or receiving, responses to it.

Thank you for your attention.

Sincerely,

Marie-Helene Bailinson

Marie-Helene Bailinson, Esq.
Staff Attorney/Hearings Examiner

cc: Service List

ClerksOffice@puc.nh.gov
Adam.Yusuf@Libertyutilities.com
alexandra.k.ladwig@energy.nh.gov
amanda.o.noonan@energy.nh.gov
carolann.howe@pennichuck.com
chris@cleanenergynh.org
christopher.j.ellmsjr@energy.nh.gov
Clifton.Below@CommunityPowerNH.gov
david.j.shulock@energy.nh.gov
david.wiesner@eversource.com
Deana.Dennis@CommunityPowerNH.gov
donald.m.kreis@oca.nh.gov
donald.ware@pennichuck.com
dpatch@orr-reno.com
elizabeth.r.nixon@energy.nh.gov
Energy-Litigation@energy.nh.gov
Erica.Menard@libertyutilities.com
erin.engstrom@eversource.com
George.Torres@Pennichuck.com
golding@communitychoicepartners.com
henry@cpcnh.org
htombarello@lewisbuilders.com
jay.kerrigan@pennichuck.com
jessica.chiavara@eversource.com
jjs@rathlaw.com
john.boisvert@pennichuck.com
john@lewisbuilders.com
justin@nhwaterlaw.com
leah@Lakesregionwater.com
lrwh2oserv@yahoo.com
mab@nhbrownlaw.com
Marie-Helene.B.Bailinson@energy.nh.gov
marisa.paruta@eversource.com
mary.e.schwarzer@energy.nh.gov
Matthew.C.Young@energy.nh.gov
Mconnors@nepga.org
melissa.price@eversource.com
meredith.hatfield@tnc.org
michael.sheehan@libertyutilities.com
Michelle.Azulay@libertyutilities.com
Molly.M.Lynch@energy.nh.gov
nhregulatory@eversource.com
ocalitigation@oca.nh.gov
paul.b.dexter@energy.nh.gov
rburke@nhla.org
rclouthier@snhs.org
rcronin@lewisbuilders.com
Robert.Garcia@libertyutilities.com
rorie.e.patterson@energy.nh.gov
sandra.gagnon@eversource.com
sean_carroll2@comcast.com
sgeiger@orr-reno.com
stower@nhla.org
Susan.M.Gagne@energy.nh.gov
taylorp@unitil.com
thomas.getz@mclane.com
Tyler.Culbertson@libertyutilities.com