



**PUBLIC UTILITIES COMMISSION**  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

October 4, 2024

**Procedural Rules: Puc 200**  
**Summary of Public Comments on Initial Proposal with Responses**

In preparation for the Public Utilities Commission's (Commission) second public hearing on October 11, 2024 concerning its proposal to amend Puc 200, the Commission intends to publish its DRAFT final proposal for Puc 200 on Monday October 7, 2024.

In preparing the draft proposal, the Commission reviewed all public comments submitted. Those comments included general recommendations that the Commission hold further hearings to discuss the proposed rules with stakeholders. Furthermore, the chairman's rulemaking authority was questioned. The Department of Energy (DOE), Office of Consumer Advocate (OCA), Joint Utilities, The Organizations, New Hampshire Legal Assistance, NH Brown Law, and Lakes Region Water Company provided additional comments specific to individual rule sections. In response to these comments the Commission made the following updates on our draft proposal<sup>1</sup>:

- I. Sections of the Rules were Reorganized**
  - a. Recordings- (Previously 204.21) was moved under general requirements and is now located at 203.20
  - b. Transcripts (Previously 204. 22) was moved under general requirements and is now located at 203.21
  - c. Briefs- (Previously 203.22) was moved under Adjudicatory Proceedings and Hearings and is now located at 204.19
  - d. Intervention- was located under general requirements at 203.08 and was moved to 204. 08
  - e. Petitioner's automatic disclosure requirement was moved from Puc 204.01 to 203.08 (a)(6)-(7)
  
- II. Definitions & Procedure that were Added, Removed, or Substantially Amended**
  - a. Puc 202.02 "Applicable law" was removed
  - b. A definition for "Declaratory Ruling" was added
  - c. Puc 202.07- "Governmental authority" was removed
  - d. The definition for "Hearing" was amended to remove the last sentence
  - e. The definition of "Participant" was amended

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<sup>1</sup> The highlighted changes are what the Commission considers "substantial". A multitude of "minor" changes have been made. Those changes are not highlighted in this correspondence.

- f. The definition of "Person" was amended to revert to the current definition of "Person" contained in Puc 102.11
- g. A definition for "Prefiled testimony" was added
- h. A definition for "Prehearing conference" was added
- i. The definition for "Proceeding" was amended
- j. A definition for "Pro Se" was added
- k. The definition for "Public statement hearing" was removed
- l. The definition for "Status conference" was removed
- m. The definition for "Standing" was removed
- n. Puc 203.09 "Department Position Statements" was removed
- o. The references to "Status conference" in Part 203 and Part 204 were removed
- p. The beginning of Part 204 was restructured to add Puc 204.01 Applicability and Puc 204.02 Parties to Adjudicatory Proceedings

### **III. Additional Rule Amendments**

- a. Title to Part Puc 203 was amended to provide clarity that all rules contained in Part 203 apply to all proceedings before the Commission
- b. Title to Part Puc 204 was amended to provide clarity that PUC 204 rules apply to adjudicatory proceedings
- c. All "may" references contained in the rules were changed to "shall" in accordance with the recommendations of the office of legislative services. See Puc 203.01 as an example.
- d. Section 203.03 was retitled "Acceptance of filings" and amended at the suggestion of multiple parties.
- e. Clarifications to how pleadings should be submitted and organized have been made
- f. Clarifications were made to "motion to amend", "motion for remote participation", and "motion to extend deadline"
- g. Puc 203.09 (previously 203.10) "Date of Filing" was substantially amended to provide clarity
- h. Puc 203.17- "Public comment" was amended to remove the "may" reference to a "shall" which allows public comment in proceedings by interested persons who have not intervened
- i. Amendments to "Commission Record Requests" have been made to clarify the purpose of these requests and how the responses will be admitted into the hearing record
- j. "Discovery" was amended to remove the requirement that responses to discovery requests be submitted to the Commission
- k. The mandatory requirement to publish notice of proceeding in a newspaper has been removed
- l. The Petitioners will be responsible for circulating and submission of the structuring statement and exhibits
- m. The timeframe for submission of settlements was amended from 15 business days to 10 business days

- n. The timeframe for submission of hearing exhibits was amended from 5 to 10 business days
- o. The language for intervention was amended to provide the statutory references
- p. The requirement to have an additional DOE certification on settlements consistent with RSA 12-P:2, III was removed
- q. Criteria was added for determination of when a same day hearing exhibit will be admitted
- r. "Certifying a Question of Law" was amended to add reference to statute only.

The Commission has received comments in the following areas that it would like to discuss at the October 11, 2024 public hearing prior to proposing additional amendment to the final proposal.

1. The small water utilities request for exemptions from certain requirements in the rules.
2. The requirement that electronic submissions larger than 33MB be submitted through the NH File Transport Protocol was not amended.
3. "Public Records", "Requests for Confidential Treatment of Documents Submitted by Utilities in Routine Filing", "Requests for Release to the Public of Confidential Documents Submitted in Routine", and "Motions for Confidential Treatment" have not been amended. The Office of the Consumer Advocate (OCA) has proposed substantial changes to these sections. Besides strictly editorial comments, no other participant has requested an update to these sections. The Commission would like to discuss the OCA's proposal with all participants prior to updating these sections.
4. Testimony Based on Proprietary Models- multiple parties have requested the removal of this section. The Commission wishes to discuss this section prior to updating its final proposal.
5. The Commission has not removed the section on Control of Hearings and will be available to address the necessity of these rules.
6. Records and Transcripts- this section provides a substantial change from past practice. The commission wishes to provide overview at public hearing to address the necessity of the change.

Thank you for your attention to this matter.

Sincerely,

*Sarah F. Fuller*

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