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VIA ELECTRONIC DELIVERY
Chairman Daniel C. Goldner
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, New Hampshire, 03301

RE: Docket No. DRM 24-086
Comments on Proposed Rule Puc 200

Dear Chairman Goldner,

N.H. Brown Law, PLLC respectfully offers the following comments to the revised proposed Puc 200 rules and second public hearing held on October 11, 2024.

ISSUE 1: Public Posting of Office of Legislative Services Comments

As raised at the October 11th hearing, the Commission's docket does not contain the public comments of the Division of Administrative Rules, Office of Legislative Services. Making those public comments part of the record would be very useful to see because those comments would explain OLS's view of the Commission's proposed 200 rules comply with the Rulemaking Manual.

ISSUE 2: Revised Proposed Puc 203.07(a)(7) Automatic Disclosures

The proposed Automatic Disclosure is substantively a checklist for whether a petition meets all the content requirements. As such, I recommend that it be filed at the same time as the petition requesting Commission action. At present, it is filed 30 days after the petition and runs into the expiration of the Commission's 30 day time frame to determine whether a filing is complete. RSA 541-A:29. The substance of the Commission's proposed "Automatic Disclosure" is not substantively the same as a Superior Court "Automatic Disclosure". Rather the Commission's form is more of a checklist and should be renamed to reflect that actual intent: "Petition Content Checklist".

ISSUE 3: Case Structuring Order and Audit

The proposed "Case Structuring Order" form requires knowledge of whether an audit has been conducted. Audits are performed by the Department of Energy ("DOE"), not the Commission. The legislature, for better or worse, stripped the Commission of that function. The DOE has the autonomy to decide how it spends its resources, which includes whether it will audit a regulated utility. The Case Structuring Order can ask if an audit has been done but this section of the form will be irrelevant to many proceedings. So, while I

have no objection to merely asking the two audit questions on the Case Structuring Order form, it is the expectation that audits will be relevant to all proceedings and be conducted by the DOE that I object to.

ISSUE 4: Revised Proposed Puc 203.19 and Commission Record Requests

Revised Puc 203.20 Commission record requests. At any time during a proceeding **but prior to any close of the record**, the commission may ask ~~questions of participants, parties, or regulated utilities, participating in the proceeding, questions, which are relevant to the proceedings,~~ to be answered in writing or orally within a time period determined by the commission. Responses to commission record requests shall be part of the hearing record and contain the name of the person who completed the record request and their position with the issuing party.

The concern remains that the proposed rule can interject disruption to an otherwise agreed to procedural schedule. The second concern is that any information can be made automatically a part of the record of the proceeding without having to meet any relevance standard. See the grey highlighted language. Instead, it would be preferable that the proposed Commission Record Request be made part of the procedural schedule so that the proper time can be allotted to the request. Lastly, knowing that in one case, the Commission has asked for additional information after it has closed the record and issued a decision, that the rule make clear that Record Requests cannot be made once the record has closed on the issue of concern so as to comply with constitutional due process rights. Thus, I suggest the red-font language.

NH Brown Law notes its earlier objection to including non-parties in the proceeding and thus recommends striking “participants”. RSA 541-A:32 allows “parties”, not just any interested person, to participate in adjudicative proceedings only if they meet the requirements of RSA 541-A:32.

Regulated utilities are already “parties” and thus do not need to be separately listed.

ISSUE 5: Omission of Comment Does Not Equate to Issue Not of Concern

At the October 11th hearing, the comment from the bench was that Office of Consumer Advocate’s sole raising of an issue was interpreted as that other participants did not have an interest or concern with that issue. That is not the case. There was a concerted among the participants in this docket to not duplicate arguments. NH Brown Law, joins with the other participants’ comments and positions.

In conclusion, NH Brown Law respectfully requests the JLCAR and the Commission consider these comments in addition to the other comments received in these dockets for the benefit of the proposed Puc 200 rules and the entities those rules regulate. Thank you.

Very Truly Yours,



Marcia A. Brown

cc: Electronic Service List for DRM 24-086
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