

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE  
107 NORTH MAIN STREET, ROOM 109  
CONCORD, NEW HAMPSHIRE 03301-4951

April 24, 2024

Jared Chicoine, Commissioner  
Department of Energy  
21 S. Fruit St., Ste. 10  
Concord, NH 03301

Re: Conditional Approval Confirmation of Final Proposal 2023-298

Dear Commissioner Chicoine:

At its meeting on April 19, 2024, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, V(a), to conditionally approve Final Proposal 2023-298 of the Department of Energy (Department) containing En 1500 regarding licenses for crossings of public waters or state land. The Committee's approval was conditioned on amending Final Proposal 2023-298 as specified in the Department's conditional approval request dated April 8, 2024 and the Committee's oral conditional approval requested April 10, 2024 to include the following:

- En 1501.01 – “Nothing in this part *is to be* construed...”
- En 1504.01 – “(b) The department *shall* condition any license issued under this paragraph in any manner the department finds necessary to assure that the license *is likely to be* exercised safely so as to avoid substantially affecting the public rights in public waters or state-owned lands.”
- En 1504.01 – “(c) Using a non-adjudicative process, the department of energy *shall* reject incomplete or improperly filed applications *unless an application is cured upon request by the department, and* shall, also using a non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant.

On April 24, 2024, our office received your written response indicating how Final Proposal 2023-298 was amended in accordance with the conditional approval. We have reviewed the explanation pursuant to RSA 541-A:13, V(a), and we have determined that Final Proposal 2023-298 has been amended in accordance with the conditional approval and RSA 541-A:13, V(a). Therefore, you may now adopt and file the rules in Final Proposal 2023-298, as amended.

If you have any questions concerning the provisions of RSA 541-A relative to responses or adoptions, please contact me at [rebecca.ricard@leg.state.nh.us](mailto:rebecca.ricard@leg.state.nh.us).

Commissioner Chicoine  
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Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Ricard". The signature is fluid and cursive, with the first name being more prominent than the last.

Rebecca Ricard  
Committee Attorney

cc: Andrew J. Harmon, Esq., Hearings Examiner, Department of Energy