

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DEPARTMENT OF ENERGY

October 4, 2023 - 10:10 a.m.  
21 South Fruit Street  
Suite 10  
Concord, NH

RE: **DRM 23-083 RULEMAKING:**

New Hampshire Code of Administrative  
Rules Puc Chapter 700 Rules for  
Sewer Utilities.

**RUL 2023-004 DEPARTMENT OF ENERGY:**

Chapter En 700 Rules for Sewer  
Utilities.

**PRESENT:** Eric J. Wind, Esq.  
PUC Legal Advisor/Hearings Examiner  
(*Presiding as Presiding Officer for PUC*)

Andrew J. Harmon, Esq.  
DOE Hearing Examiner/Enforcement Division  
(*Presiding as Presiding Officer for DOE*)

Tracey Russo, Clerk

**APPEARANCES:** (*No appearances taken*)

Court Reporter: Steven E. Patnaude, LCR No. 52

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PUBLIC COMMENTS BY:

Marcia Brown	4
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**P R O C E E D I N G**

PRESIDING OFCR. WIND: All right. Good morning. We are here for a joint public comment hearing relating to the Public Utilities Commission and Department of Energy's Chapter 700 rules, rules for sewer utilities. These rule sets, when taken together, are not intended to substantively change the existing rules. Rather, they are intended to reflect the division of regulatory responsibilities between the Commission and the Department of Energy following the establishment of the Department in July of 2021.

My name is Eric Wind. I am a Senior Advisor at the Commission. And I will serve as the Designee for the Chairman of the Commission for this hearing. This hearing occurs in Commission Docket DRM 23-083.

Attorney Harmon.

PRESIDING OFCR. HARMON: Thank you. Good morning. I'm Andrew Harmon, Hearing Examiner with the Department of Energy. And I am serving as the Designee of the Commissioner of the Department of Energy.

1           The Department is here to receive  
2       comments on the DOE's proposed new En 700 rules.  
3       These rules are new, but, taken together with the  
4       PUC's 700 rules, they're not intended to  
5       substantively change the existing rules, and  
6       merely they are intended to reflect the division  
7       of regulatory responsibilities.

8           Thank you.

9           PRESIDING OFCR. WIND: All right.  
10       Let's go around the room. Attorney Chiavara, do  
11       you have any comments on the 700 rules?

12           MS. CHIAVARA: I have nothing for the  
13       700 rules. Thank you.

14           PRESIDING OFCR. WIND: Attorney Brown?

15           MS, BROWN: Good morning. And my  
16       apologies for still not being able to pull up a  
17       copy of DOE's 700 proposed rules. But I will  
18       speak with respect to the existing PUC's 703.03  
19       rule, and however it's referenced in the new DOE  
20       rules.

21           PRESIDING OFCR. WIND: Okay.

22           MS, BROWN: That particular rule  
23       pertains to "Disconnection of Service". And many  
24       of our clients get that it's against public

1 policy to prohibit disconnection of sewer,  
2 because of the mess that that makes.

3 But, in taking away that enforcement  
4 mechanism, we're going to brainstorm to try to  
5 suggest that the DOE consider some other method,  
6 perhaps leveraging with other utilities to  
7 collect bills, or allowing that by rule, so that  
8 some other utility can be stopped, disconnected,  
9 somehow offer leverage.

10 Because the way that the 703.03 rule  
11 operates in practice now is the bill has to get  
12 very large before the Company finds it worthwhile  
13 to hire an attorney to pursue it in court.  
14 There's no way to stop it sooner at a smaller  
15 amount owed. So, you will see some comments from  
16 me on 703.03.

17 Other than that, no other comments on  
18 the 700 rules. Thank you.

19 PRESIDING OFCR. HARMON: Very good.  
20 Thank you.

21 And I think you'll find that that's at  
22 703.02 in the En rules. But I don't believe  
23 there was any -- I certainly don't think there  
24 was any change in the rule. So, your comments

1 are well taken.

2 Thank you.

3 PRESIDING OFCR. WIND: All right.

4 Seeing no other requests for indications of  
5 intent to comment, I will note that, before we  
6 close this hearing, under the PUC's rulemaking  
7 notice, we are accepting written comments through  
8 October 13, 2023.

9 Attorney Harmon, what's the date for  
10 the DOE?

11 PRESIDING OFCR. HARMON: We are  
12 receiving comments on both sets of rules through  
13 the 18th.

14 Thank you.

15 PRESIDING OFCR. WIND: And joint  
16 comments filed with both the Commission and the  
17 DOE are acceptable, too?

18 PRESIDING OFCR. HARMON: They certainly  
19 are. Is our date later than yours?

20 PRESIDING OFCR. WIND: It is.

21 PRESIDING OFCR. HARMON: I don't think  
22 we have to make any change on that. But,  
23 certainly, if they're submitted jointly, that  
24 would be fine with all.

1                   Okay. That's all.

2                   PRESIDING OFCR. WIND: All right.

3           Thank you all for your time here this morning.

4                   ***(Whereupon the joint public comment***  
5                   ***hearing was adjourned at 10:14 a.m.)***

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