

Edit. Authority is missing. The rulemaking authority in Item #2 should be "RSA 371:22." If there is no applicable federal authority, insert "N/A" in Item #3.

Notice Number _____

1. Agency Name & Address:

**Department of Energy
21 S. Fruit St., Ste. 10
Concord, NH 03301**

2. **RSA Authority:** _____

3. **Federal Authority:** _____

4. Type of Action:

Adoption _____

X

Repeal _____

Unclear En 1500 seems to implement, for the first time, RSA 317:17-23 as modified by 2022, 245:22, 23, and 34, II-III, effective 8-20-22. Also, if there were previously applicable PUC rules, please cite them and summarize how En 1500 is different from them.

Amendment _____

5. Short Title: **Licenses for Crossings of Public Waters or State Land**

6. (a) Summary of what the rule says and of any proposed amendments including whether **the rule implements a state statute for the first time:**

The Department of Energy is proposing to adopt En 1500, which governs licenses for crossings of public waters or state land, and codifies an application process that will operate in the same manner as under prior law except as specifically modified in RSA 371:17-23, with the exception that En 1500 also provides for a more streamlined application for certain circumstances involving lower safety impacts.

Unclear. RSA 371:17 does not refer to "anyone" or even "any person" but to "public utility". If the term encompasses these entities, please cite to the RSA definition of "public utility" which applies.

6. (b) Brief description of the groups affected:

The rules affect anyone desiring to cross public waters or land for the purposes set forth in RSA 371:17, and specifically apply to public utilities, rural electric cooperatives that have filed certificates of deregulation, and municipal corporations.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Edit. See comments on pages 3, 8, and 9 of the rules. The rules in En 1503 should be "En 1503.01-En 1503.06."

| Rule | Specific State Statute the Rule Implements |
|--------------------------------|---|
| En 1501.01 to En 1501.02 | RSA 12-P:5; RSA 362:2; RSA 371:17, 22 |
| En 1502.01 – En 1502.30 | RSA 12-P:5; RSA 12-P:8; RSA 271:20; RSA 362:2; RSA 371:17 |
| En 1503.01 – En 1503.04 | RSA 12-P:5; RSA 371:17 |
| En 1504.01 | RSA 12-P:5 |
| En 1505.01 to En 1505.02 | RSA 12-P:5; RSA 371:20 |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Andrew J. Harmon, Esq.**

Title: **Hearings Examiner**

Mailing Address: **21 So. Fruit St., Ste. 10,**

Phone #: **603-271-2443**

Concord, NH 03301

Fax#:

E-mail: **andrew.j.harmon@energy.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, February 27, 2024 at 9:00 a.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Edit. Please insert the time of the hearing.

Date and Time: **Tuesday, February 13, 2024**

**New Hampshire Public Utilities Commission
Hearing Room B
21 So. Fruit Street
Concord, NH 03301**

Physical
Location:

**Electronic
Access (if
applicable):**

Edit. Missing electronic access. Say
"N/A" if none is available.

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

Edit. The FIS itself is
missing. Please insert FIS
text here.

FIS # 23:303, dated 12/20/2023

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision of the State of New Hampshire. They, therefore, do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.