

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

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

April 23, 2024

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

Re: Conditional Approval 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.

Pursuant to RSA 541-A:13, V(a), you are required to submit a written explanation detailing how the rules have been amended in accordance with the conditional approval within 30 days of the date on which it was made, which was April 19, 2024. In this instance, the 30th day is May 19, 2024, which falls on a Sunday. Pursuant to RSA 541-A:16, IV, the deadline will be extended to Monday, May 20, 2024. The explanation shall include a letter and the text of the entire final proposed rule, annotated to show the amendments.

The explanation shall be reviewed by the Office of Legislative Services to determine whether the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a). If it is determined that the rules have not been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the conditional approval will be deemed a Committee vote to make a preliminary

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objection as of the date of the conditional approval, and you must respond to the preliminary objection as specified in RSA 541-13, V(c).

Please be advised that you may not adopt the rules until the Office of Legislative Services sends written confirmation that your amendments are in accordance with the conditional approval and RSA 541-A:13, V(a).

If you have any questions concerning the provisions of RSA 541-A relative to conditional approvals, objections, responses, or adoptions, please contact me at christina.muniz@leg.state.nh.us.

Sincerely,



Christina R. Muñiz
Sr. Committee Attorney

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