

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.

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.

Rebecca Ricard
Committee Attorney

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