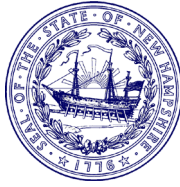


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October 16, 2024

Mr. Michael W. Kane  
Legislative Budget Assistant  
107 North Main Street  
State House Room 102  
Concord, NH 03301

**Re: REQUEST FOR FISCAL IMPACT STATEMENT  
Department of Energy Chapter En 200 Procedural Rules**

Dear Mr. Kane:

Enclosed please find a Request for Fiscal Impact Statement regarding the En 201.05 rules entitled "Procedural Rules," of the Department of Energy (Department). Also enclosed for your review is a copy of the Initial Proposal for adoption of Chapter En 200, as approved by the Commissioner of the Department on October 16, 2024.

The Department is adopting these new rules pursuant to its rulemaking authority under RSA 12-P:5 regarding "rules necessary to implement the specific statutes administered by the department."

On July 1, 2021, the Department came into existence and many functions previously performed by the New Hampshire Public Utilities Commission (NHPUC) were transferred to the Department. Under RSA 12-P:14, "[e]xisting rules, orders, and approvals of the [NHPUC] which are associated with any functions, powers, and duties, transferred to the [Department] pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect notwithstanding any provision of RSA 541-A:17, II to the contrary, and be enforced by the commissioner of the [Department] or the [NHPUC], as applicable, until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first." See 2021 N.H. Laws Chapter 91 (House Bill 2-FN-A-Local); 2022 N.H. Laws Chapter 245 (House Bill 1258). The transfer of functions also operated to authorize the Department to consider and grant or deny waiver requests regarding rules for which it exercises authority, consistent with the waiver standards established in Puc 201.05. Pursuant to RSA 12-P:14, the Department has relied on Puc 201.05 when assessing request to waive rules.

The NHPUC has proposed to amend its procedural rules. In its proposal, the NHPUC repealed Puc 201.05 and adopted it anew under a new number and containing language changes to the existing rule. If NHPUC's proposal relative to Puc 200 is approved, the Department will be unable to rely on the NHPUC's waiver rule. The ability to waive rules is necessary for the administration of the Department. Therefore, the Department is putting forth its En 201.05 that

would alleviate the Department's reliance on Puc 201.05 and provide the Department the ability to review waiver requests in a timely and efficient manner.

When you have completed the Fiscal Impact Statement, please notify the Department. If you should have any questions or comments, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

*Marie-Hélène Bailinson*

Marie-Helene Bailinson, Esq.  
Hearings Examiner