

Adopt En 200 cited and to read as follows:

CHAPTER En 200 PROCEDURAL RULES

Statutory Authority: RSA 12-P:5, IV and V

PART En 201 GENERAL REQUIREMENTS

En 201.01 RESERVED

En 201.02 RESERVED

En 201.03 RESERVED

En 201.04 RESERVED

En. 201.05 Waiver of Rules.

(a) The department shall waive the requirements or provisions of any department rule, except where precluded by statute, upon request by an interested party, or on its own motion, if the department finds that such waiver does not contradict the objective or intent of the rule and:

- (1) Applying the rule provision would cause confusion or would be misleading;
 - (2) The rule provision is in whole or in part inapplicable to the given circumstances;
 - (3) There are specific circumstances unique to the situation such that strict compliance with the rule would be onerous and would not promote the objective or intent of the rule provision; or
 - (4) Any other extenuating circumstances exist such that application of an alternative standard or procedure better promotes the objective or intent of the rule provision.
- (b) No requirement prescribed by statute shall be waived unless expressly authorized by law.
- (c) Any person or entity seeking a waiver shall make a request in writing.
- (d) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.

APPENDIX

Rule	Statute
Puc 201.01- Puc 201.04 (RESERVED)	RSA 12-P:5, IV
Puc 201.05	RSA 12-P:5, IV