

Notice Number 2024-231

Rule Number En 200

1. Agency Name & Address:	2. RSA Authority: <u>RSA 12-P:5, IV</u>
Department of Energy 21 S. Fruit St., Ste. 10 Concord, NH 03301	3. Federal Authority: <u>N/A</u>
	4. Type of Action: Adoption <u>X</u> Repeal _____ Readoption _____ Readoption w/amendment _____

5. Short Title: **Procedural Rules**

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 intended action of the rulemaking is to adopt Chapter En 200 Procedural Rules. This request is limited to adopting only En 201.05 Waiver of Rules.

On July 1, 2021, the Department of Energy (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be enforced by the commissioner of the [Department] or the [NHPUC], as applicable, until they otherwise expire or are repealed or amended in accordance with applicable law, or for a period of 5 years, whichever occurs first.”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 criteria established in Puc 201.05. Pursuant to RSA 12-P:14, the Department has relied on Puc 201.05 when assessing requests to waive Department rules.

The NHPUC has proposed to amend its procedural rules, Puc Ch. 200 (Notice No. 2024-110.) The amendment to the NHPUC’s procedural rules includes the repeal of Puc 201.05 Waiver of Rules. If the amendment is approved, the Department will be unable to rely on that rule. The ability to waive rules is necessary for the administration of the Department. Therefore, the Department is proposing En 201.05 to provide the Department the ability to act on waiver requests.

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

En 200 rules affect the regulated public utilities and members of the general public.

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

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

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

Name: **Marie-Helene B. Bailinson, Esq**
Mailing Address: **21 South Fruit Street, Suite 10
Concord, NH 03301**

Title: **Hearings Examiner**
Phone #: **603-271-7524**
Fax#:
E-mail: **marie-helene.b.bailinson@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: **Thursday, December 5, 2024**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, November 21, 2024 at 9:00 am**

Physical Location: **Hearing Room B
21 S. Fruit Street, Suite 10, Concord, NH 03301**

Electronic Access (if applicable): **N/A**

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

FIS # 24:231, dated October 17, 2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable, these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

There are no incremental or net costs as a result of the proposed Chapter En 200 rules when compared to the Puc 201.05 rule currently enforced by the Department. The costs, if any, associated with these rules are the direct result of the creation of the Department of Energy under RSA 12-P:2, I.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

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.