

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

APPENDIX II-B

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
REQUEST FOR FISCAL IMPACT STATEMENT (FIS)

FIS Number

Rule Number

En 300

1. Agency Name & Address: Department of Energy, 21 S. Fruit St., Ste. 10, Concord, NH 03301
2. RSA Authority: RSA 12-P:5, IV
3. Federal Authority:
4. Type of Action: Adoption (X), Amendment, Repeal, Readoption, Readoption w/amendment, Interim rule
5. Have the rules expired? Yes [ ] No [X]
Date Expired:

6. Short Title: En 300 RULES FOR ELECTRIC SERVICE

7. Contact Person:

Name: Marie-Helene B. Bailinson, Esq. Title: Hearings Examiner
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Remember:

- (a) A copy of the proposed rule or an annotated copy of the amended rule must accompany this form. The annotated copy shall use [brackets] to indicate deleted material, and underlining for added material, or any other annotation style allowed in Section 5.4 in Chapter 4 of the Drafting and Procedure Manual for Administrative Rules.
(b) Please provide the methodology and any calculations used in determining the fiscal impact. Where appropriate or necessary, please attach a worksheet detailing the methodology and associated calculations.
(c) This form may be replicated to expedite preparation.
(d) Please allow 10 working days from day of receipt for the Office of Legislative Budget Assistant to complete the fiscal impact statement. Additional information about this form is in Section 2.3 in Chapter 3 of the Drafting and Procedure Manual for Administrative Rules.

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- (e) Please provide the following information and attach additional sheets if necessary:

**NOTE: Pursuant to RSA 541-A:5, IV the fiscal impact of the proposed rule which was previously effective but has expired, or of a proposed rule which adopts a current agency policy, procedure or practice as a rule for the first time, shall not be assessed as an existing rule but as a proposed rule which is not yet effective.**

- (1) Summarize the intended action and the proposed rule. The intended action is defined by RSA 541-A:5, VII as the proposed adoption, amendment, readoption, readoption with amendment, or repeal of a rule pursuant to RSA 541-A.

**The intended action of the rulemaking is to adopt Chapter En 300 rules for Electric Service.**

**The substance of the new Chapter En 300 rules proposed by the Department of Energy (Department) is based on various provisions of the existing Chapter Puc 300 rules of the Public Utilities Commission (PUC) effectuating the division of regulatory responsibilities between the Department and the PUC. The Department drafted the Chapter En 300 rules in coordination with the PUC.**

**The Department proposes to adopt these new Chapter En 300 rules in accordance with 12-P:5, IV following the enactment of RSA 12-P:2, which created the Department effective July 1, 2021. (2021, 91:187, eff. July 1, 2021).**

**The Department proposes to adopt the existing sections of the Puc 300 rules where the Department's statutory authority to do so exists.**

**The purpose of the En 300 rules is to establish requirements for the provision of electric service in New Hampshire. The proposed rules regulate meter reading and meter accuracy and testing, service quality including voltage variation and interruption of service, notice to the Department of accidents and outages, and the requirement that utilities submit periodic reports for Department review.**

- (2) Is the cost associated with this intended action mandated by the rule or by state statute? If the cost is mandated by statute, then the rule itself may not have a cost or benefit associated with it. Please state either the statute or chapter law that is instigating this rule.

**The costs, if any, associated with these rules are the direct result of the creation of the Department under RSA 12-P:2, I and the division of existing regulatory responsibilities pertaining to utilities, as defined in proposed En 302.23, between the Department and the PUC. The rules are being moved to the Department as a result of the enactment of RSA 12-P:2. The rules adopt the substance of existing Puc rules and do not impose any other costs. To the extent that the Puc rules created criteria in its rules that were not set out in statute and resulted in costs, those costs would be the same under the proposed Chapter En 300 rules. Accordingly, there are no additional costs mandated solely by the rules.**

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- (3) Compare the cost of the proposed rule with the cost of the existing rule, if there is an existing rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

**There are no incremental or net costs as a result of the proposed Chapter En 300 rules.**

- (4) To the extent the proposed rule had expired, please indicate the cost of the expired rule as you do for a new rule, and if applicable, the difference in cost of any proposed change from the expired rule. Please provide the methodology and any calculations used in making your determination. If there is no cost, please explain why.

**These are new rules being proposed by the Department and the corresponding provisions of the existing Puc 300 rules have not expired.**

- (5) Describe the costs and benefits to the state general fund which would result from this intended action.

**The Department does not expect any cost or benefit to the state general fund as a result of the proposed rules.**

- (6) Explain and cite the federal mandate for the intended action, if there is such a mandate. How would the mandate affect state funds?

**The proposed rules are not the result of a federal mandate.**

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- (7) Describe the cost and benefits to any state special fund which would result.

**There is no impact to any state special fund as a result of the proposed rules.**

- (8) Describe the costs and benefits to the political subdivisions of the state.

**This rule is neutral as applied to political subdivisions of this state, however, the rule does provide that utilities shall invite municipal officials to meet to assure the accuracy of emergency response contact information and validate or revise the municipalities' critical infrastructure listing. See En 306.09(f).**

- (9) Describe the costs and benefits to the citizens of the state.

**There is no direct cost to the citizens of the state. Citizens benefit from the En 300 rules which provide regulatory monitoring of utility operations and utility service to customers, and the increased safety and reliability that are intended to be advanced by the proposed rules on emergency planning and related reporting.**

- (10) Describe the costs and benefits to any independently owned business, including a description of the specific reporting and recordkeeping requirements upon those employing fewer than 10 employees.

**Any costs to independently owned business to comply with the rules are expected to be de minimus.**

**The Chapter En 300 rules do not impose any costs that are particular to independently-owned businesses or businesses employing fewer than 10 employees, and do not impose any new costs upon regulated utilities.**