

REPORT OF PUBLIC COMMENT

Notice Number 2024-92

Rule Number En 300

<p>1. Agency Name & Address: Department of Energy 21 South Fruit Street, Suite 10 Concord, NH 03301</p>	<p>2. Were there attendees at the public hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>3. Was public comment submitted during the public hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <hr/> <p>4. Was public comment submitted during the public comment period? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/>
<p>5. Short Title: En 300 Rules For Electric Service</p>	
<p>6. Comments received and responses, if applicable:</p>	

Rule Section:

En 302.24; En 303.01; En 305.01; En 305.03; En 306.06; En 306.07; En 306.09(a), En 306.10(e), En 307.02(a), En 308.01-06, 11-12; En 306.09; En 307.04; En 307.05; En 307.07

Comment:

En 302.24 – The comment questioned whether a " mandatory controlled load-shedding" should be excluded from the definition of a “wide scale emergency, and not be considered the same as a as “storms,” and other “natural disasters” for reporting purposes at En 307.05(f). It was also recommended to delete the language "or is or expected to result in" in the introduction of the existing definition at En 302.24 to achieve great clarity and certainty.

En 303.01 sections:

- En 303.01(a)(1) – It was requested that the reference to "individual meters" be changed to "individual meter sockets," for consistency with the intent of the rule provisions.
- En 303.01(d) – It was recommended that the grandfathering date be changed from "prior to July 1, 2024" to "prior to January 1, 2025" affording more time for utility process transition where the new rules would not be effective until after July 1, 2024.
- En 303.01(e)(2) – It was requested that the term "adequate documentation" should have more specificity to provide clarity for what would be deemed sufficient.
- En 303.01(e)(3) – It was requested that the three-year verification update requirement be revised so customers with a master meter would only provide updated information to the utility in the case of material changes affecting its eligibility to master meter together with a renewed certification and supporting documentation demonstrating its continuing eligibility under the rules notwithstanding the material changes.

En 305.01(h)(2) – It was recommended that the requirement to "verify the current transformer ratio and voltage transformer ratio via electrical testing" be deleted.

En 305.03 sections:

- En 305.03(c)(1)b.1 – It was requested that the sample test group be comprised of at least .05% of meters (instead of 1%) in use but not fewer than 250 meters.
- En 305.03(c)(2), (3) and (4) – It was requested to increase the frequency of meter inspections be doubled for three different categories of meters from 12 to 24 years, 8 to 16 years, 4 to 8 years, respectively.

En 306.06 sections:

- En 306.06 (a) – It was stated that this section was overly broad and vague. It was recommended that the language "or potentially involving" be deleted and that there be limitation of the scope of the reference to "the utility's facilities, operations, works, or systems." At a minimum, greater specificity is requested.
- En 306.06(d)(1) – It was recommended that the language "including, but not limited to, an injury for which medical care is sought" be deleted because it is too broad. Also, it was suggested that the term "serious injury" be more clearly and specifically defined.
- En 306.06(d)(2) – It was stated that this subsection is overly broad and vague, particularly with the language "results in a degradation of operations of safety" and should be deleted entirely or greatly scaled down to be more specific and definitive. It was stated that this section would result in burdensome over-reporting obligations.
- En 306.06(d)(6) – It was recommended that the phrase "or is anticipated to be" be deleted. It creates less clarity as to what represents a "major commercial news outlets."
- En 306.06(f)(1) – It was recommended that the deadline for Form E-5E reporting remain at 10 business days rather than five days to provide greater time for more complete and accurate reports to be prepared and submitted.
- En 306.06(f)(2) – It was recommended that the timeframe for a utility to respond to Department requests for a more detailed written report with additional supportive documentation not provided in the original E-5E report be changed from 10 business days to 30 days. The additional time would afford the responding utility a greater opportunity to compile and submit the supplemental information sought by the Department.

En 306.07 – It was recommended that the language "including, without limitation, with respect to safety policies and procedures" be deleted stating the focus of any on-site inspection should be utility compliance with applicable Department rules and codes and standards incorporated by reference in those rules.

En 306.09(a), En 306.10(e), En 307.02(a), En 308.01-06, 11-12 – It was recommended that electronic copies only be provided. The rule as currently written requests an original paper copy.

En 306.09 sections:

- En 306.09(e) – It was recommended that the requirement for one annual full readiness exercise be unnecessary if, prior to any such scheduled exercise, an event occurs involving full activation of the utility's Incident Command Center under its filed Emergency Response Plan.
- En 306.09(g) – It was recommended that Table 306-1 be revised to include different percentages out at peak and outage durations for each ERP Even Level stating it would be more consistent with the Company's recent experience with storm-related customer outage numbers and restoration timelines.

En 307.04 – It was recommended that the defined term "wide-scale emergencies" should be used in place of the undefined term of "major storms" to achieve greater clarity.

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En 307.05 sections:

- En 307.05(a) and (b) – It was recommended that the submission of crew count reports during wide-scale emergencies be twice a day, rather than four times a day stating that twice a day should be sufficient.
- En 307.05(f) – It was recommended that utility outage reports not be required in the event of mandatory controlled load-shedding situations; instead, an after-event reporting obligation might be more appropriate in that context.

En 307.07 (a)(2) – It was requested by one utility that the minimum clearance for tree pruning be six feet instead of eight feet.

Action Taken:

En 302.24 – The Department believes that “mandatory controlled load shedding,” should continue to be considered a “wide scale emergency,” and that utilities follow current reporting requirements at En 307.05. No changes are being made to these provisions.

En 303.01(a)(1) – The Department agrees to adopt the change to "individual meter sockets."

En 303.01(d) – The Department agrees to adopt the change from "prior to July 1, 2024" to "prior to January 1, 2025."

En 303.01(e)(2) – The Department intends that "adequate documentation" would be documents that demonstrate that the customer complies with En 303.01 (a) or (b) and includes a revision to reflect this.

En 303.01(e)(3) – The Department agrees to adopt the change from a three-year verification update requirement to the language proposed by the utilities.

En 305.01 (h)(2)– The Department does not agree with this proposed change. Incorrect current transformer ratios and incorrect voltage transformer ratios could result in significant metering errors; therefore, the Department believes that this requirement is necessary.

En 305.03(c)(1)b.1 – The Department agrees to adopt the proposed change from 1% to 0.5% and deletes the language of "but not fewer than 500 meters."

En 305.03(c)(2), (3) and (4) – The Department agrees to adopt the proposed changes to these cited provisions.

En 306.06 (a) – The Department does not agree with the recommendation to amend this paragraph because the rule as written encompasses all abnormal conditions and events.

En 306.06(d)(1) – The Department has removed the word “serious.”

En 306.06(d)(2) – The Department does not agree with the recommendation to amend this paragraph to remove the reference to "results in a degradation of operations of safety," because the rule as written encompasses circumstances where the extent of the damage becomes apparent in a short span of time after the incident.

En 306.06(d)(6) – The Department does not agree with the recommendation to amend this paragraph because the rule as written allows the Department to become aware of information that is known and shared by the general public.

En 306.06(f)(1) – The Department does not agree with increasing the time for reporting in accordance with this section. The five-day deadline for submitting the initial Form E-5E report is sufficient time to allow the utility to provide the Department with basic information following an event so that Department is made aware reasonably quickly. The initial Form E-5E report can be supplemented later and the Department is amending En 306.06(f)(2) to allow a total of 15 days to provide supplemental information upon request of the Department.

En 306.06(f)(2) – The Department agrees to increase the time for reporting supplemental information provided at the request of the Department in the original Form E-5E to 15 days.

En 306.07 – The Department does not agree with the proposed change because any restrictions of inspections and analyses with regard to safety policies and procedures would be detrimental to the employee safety, wellbeing, facilities, and public safety.

En 306.09(a), En 306.10(e), En 307.02(a), En 308.01-06, 11-12 – The Department agrees to adopt the change to electronic copies only.

En 306.09(e) – The Department does not support the recommended change to this paragraph which would limit the Department’s ability to encompass lessons learned from an actual event.

En 306.09(g) – En 306.09(g) – The Department does not support the proposed change. The recommended changes extend the times for restorations and due to advancements in improved system reliability technology, there should be reduction in restoration times. The Department notes that the proposed changes include overlap between levels for percentage of customers out at peak and also the estimated outage duration and that overlap will cause reporting problems.

En 307.04 – The Department agrees to adopt the change in language from the term "major storms" to "wide-scale emergencies."

En 307.05(a) and (b) – The Department does not support the recommendation to revise these paragraphs to only require reports twice per day as conditions during a wide-scale emergency can change at any time. Real time crew reports information would be inaccurate with only two reports per day. Further, the Department uses this information to help inform customers who call the Department.

En 307.05(f) – The Department does not support this recommendation as the Department considers a load shedding event by ISO-NE to be a wide scale emergency. Reporting requirements under this section will remain intact.

En 307.07 – The Department did not adopt the suggested edit from one utility to change the side clearance for pruning from 8 feet to 6 feet because 8 feet has been the industry practice in New Hampshire for at least a decade. Other New Hampshire electric utilities can, and already do, maintain pruning with 8-foot side clearances.

Submitted by:

We received comments from Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Unitil Energy Systems, Inc. (UES) and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty). UES stated it supports written comments provided by Eversource and Liberty. Liberty stated it supports written comments by Eversource. In essence, all comments, with the exception of the comments for En 305.03(c)(2), (3) and (4) and 307.07, were made by all three entities.

Comments relative to En 305.03(c)(2), (3) and (4) and En 307.07 were submitted solely by Liberty.