

APPENDIX II-B

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

FIS Number _____

Rule Number En 700

<p>1. Agency Name & Address:</p> <p>Department of Energy 21 S. Fruit Street, Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 362, et. seq.; RSA 371:1, et seq.; RSA 12-P:5, IV</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p> <p>Interim rule _____</p> <p>5. Have the rules expired? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Date Expired: _____</p>
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6. Short Title: **En 700 RULES FOR SEWER UTILITIES**

7. Contact Person:

Name:	Andrew J. Harmon, 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 substance of the new En 700 rules regarding sewer utilities proposed by the Department of Energy (the Department) is the same as various provisions of the existing Puc 700 rules, with the En 700 rules effectuating the division of sewer utility service regulatory responsibilities between the Department and the Public Utilities Commission (the PUC). The only exception is the addition of the rule that utilities comply with the Underground Utility Damage Prevention Program consistent with the same rule contained in the existing Puc 600 rules and in the new En 600 Rules for Water Service. The Department drafted the En 700 rules in coordination with the PUC pursuant to RSA 12-P:3,II.

The Department intends to adopt new Chapter En 700 rules in accordance with RSA 12-P:2, which created the Department effective July 1, 2021,

The Department intends to adopt all applicable, existing Puc 700 rules in adopting the new Chapter En 700 rules pursuant to RSA 362, et seq.; RSA 374:1, et seq.; and RSA 12-P:5, IV. More specifically, the En 700 rules apply to sewer utilities and operators in the State and govern sewer service by adopting the existing Puc 700 rules regarding quality of service, meter accuracy and testing, equipment and facilities, records and reports, safety and inspections, accident and leak reporting, other reporting and accounting, and applicable forms.

- (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 sewer utilities regulatory responsibilities between the Department and the PUC; the rules adopt the substance of existing Puc rules and do not impose any other costs. 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 to the State of New Hampshire as a result of the proposed new En 700 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 to be adopted by the Department and the corresponding provisions of the existing Puc 700 rules have not expired.

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

For the reasons set forth above, there are no costs or benefits to the state general fund as a result of the proposed new 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?

N/A

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

There are no costs or benefits to any state special fund in carrying forward existing Puc 700 rules in the new En 700 rules.

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

These rules are neutral as applied to political subdivisions of the State.

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

There are no direct costs to citizens of the state; citizens benefit from the continuation of existing Puc rules regulating and monitoring utility operations and service to customers, including regarding safety and reliability.

- (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.

The En 700 rules do not impose any costs whatsoever that are particular to independently owned businesses or businesses employing fewer than 10 employees, and do not impose any new costs upon regulated utilities; The rules benefit the referenced independent and small businesses through the regulation sewer service and safety.