

APPENDIX II-B

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

FIS Number _____

Rule Number En 800

1. Agency Name & Address: Department of Energy 21 S. Fruit Street, Suite 10 Concord, NH 03301	2. RSA Authority:	<u>RSA 374:50; RSA 12-P:5, IV</u>
	3. Federal Authority:	_____
	4. Type of Action:	
	Adoption	<u>X</u>
	Amendment	_____
	Repeal	_____
	Readoption	_____
	Readoption w/amendment	_____
	Interim rule	_____
	5. Have the rules expired?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Date Expired:	_____

6. Short Title: **En 800 RULES - UNDERGROUND DAMAGE PREVENTION PROGRAM**

7. Contact Person:

Name: **Andrew J. Harmon, Esq.**
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Concord, NH 03301**

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 800 rules regarding the underground damage prevention program, otherwise known as “Dig Safe,” proposed by the Department of Energy (the Department) is the same as various provisions of the existing Puc 800 rules. The En 800 rules replace the Puc 800 rules in their entirety, effectuating the transfer of regulatory responsibilities to the Department when the Department was established on July 1, 2021. See RSA 12-P:2.

The Department intends to adopt new Chapter En 800 rules in accordance with RSA 12-P:5, IV.

The En 800 rules continue the protection of the public, operators, and excavators from physical harm, property damages, and interrupted service resulting from damage to underground facilities. These rules also continue procedures and requirements relative to minimum requirements for the operation of the system, including notification procedures; the investigation of complaints including enforcement; emergency situations for which notice of excavation is not required; and minimum standards for marking a tolerance zone.

- (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 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 800 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.

The existing Puc 800 rules have not expired. The substance of the new En 800 rules is the same as the Puc 800 rules and, thus, there is no new cost.

- (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 800 rules in the new En 800 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 continuation of the existing underground damage prevention program.

- (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 800 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 underground damage prevention.