

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2016-233 Rule Number Puc 2000

1. Agency Name & Address: <b>Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301</b>	2. RSA Authority: <u>RSA 374-F:7, V; 365:8, XII</u> 3. Federal Authority: _____ 4. Type of Action: <input type="checkbox"/> Adopt <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal <input type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment
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5. Short Title: **Puc 2000 - Competitive Electric Power Supplier and Aggregator Rules**

6. Contact person for copies and questions:

Name:	<b>David K. Wiesner, Esq.</b>	Title:	<b>Staff Attorney</b>
Address:	<b>NH Public Utilities Commission 21 South Fruit Street, Suite 10 Concord NH 03301-2429</b>	Phone #:	<b>603-271-2431</b>

7. Yes  No  Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on **December 22, 2016**.

9. Yes  N/A  Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET AND ONE COPY OF THE FOLLOWING: (optional to number correspondingly)**

10. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11. Yes  N/A  Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes  N/A  The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).

13. Yes  N/A  The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

### INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the “Rulemaking Notice Form” (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

The agency shall then indicate, by checking the appropriate box on Item 7, whether it is requesting that it receive and respond to comments of the Committee legal staff prior to the Committee meeting that is at least 28 days, but not more than 60 days, after the proposal is filed. In effect, this would be a request for postponement of Committee action. See RSA 541-A:12, I-a and Section 2.14 of Chapter 3 in the Drafting and Procedure Manual for Administrative Rules (Manual).

In Item 8 the agency shall list the full date, by month, day, and year, on which the “Rulemaking Notice Form” was published in the Rulemaking Register.

In Item 9 the agency shall indicate, by checking either the “Yes” box or the “N/A” (not applicable) box, whether it had notified the House and Senate policy committees, or the House Speaker and Senate President, pursuant to RSA 541-A:10, I because the Initial Proposal was the first time the rule or its amendments had been proposed to implement newly-enacted state authority.

Items 10 through 13 all relate to required attachments to the “Final Proposal Cover Sheet”. PROVIDE ONE COPY OF EVERYTHING SUBMITTED. IT IS OPTIONAL TO NUMBER THEM ACCORDINGLY. Item 10 is required in every filing, and therefore is listed without a check-box. Items 11 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachment is required and then check either the “Yes” box to indicate that the document is required and has been attached or the “N/A” box if the document is not required and therefore not applicable:

- Item 10. The “Final Proposal—Fixed Text,” required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.
- Item 11. An “Incorporation by Reference Statement” (Appendix II-H) if the agency has incorporated a third-party document or Internet content by reference for which such a statement is required pursuant to RSA 541-A: 12, III. See Section 3.12 of Chapter 4 in the Manual.
- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.
- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.

STATE OF NEW HAMPSHIRE  
Inter-Department Communication

DATE: July 17, 2017

FROM:



Pamela Ellis  
Office of Legislative Budget Assistant  
State House, Room 102  
Concord, New Hampshire 03301

RE:

FIS 16:250 Amended

TO:

David Wiesner, Esq. (david.wiesner@puc.nh.gov)  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Attached is the fiscal impact statement listed above. It should be reviewed and then submitted to the Division of Administrative Rules, Office of Legislative Services, in accordance with the N.H. Rulemaking Manual dated July 2016.

Attachment

Fiscal Impact Statement for Public Utilities Commission rules governing Puc 2000 – Competitive Electric Power Supplier and Aggregator Rules. [Puc 2000]

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

When compared to the existing rules, the proposed rules will have an indeterminable impact on independently owned businesses and will decrease state restricted revenue by an indeterminable amount.

**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):**

The proposed rules make changes to the existing rules that may increase costs to independently owned businesses that include establishing record retention standards, requirements relative to disclosures, procedures for transferring customer accounts between suppliers, requirements for inputting information into a shopping comparison website, and requirements relative to required financial security instruments.

The proposed rules decreases the initial application fee cost for competitive electric power suppliers (CEPS) from \$500 to \$250, the renewal period for CEPS from five to either one, two, or three years, and the renewal period for aggregators from five years to two years. CEPS are not required to pay a renewal registration fee, but are subject to a \$10,000 annual assessment under RSA 363-A:2, III. Electric load aggregators are required to pay a renewal registration fee if they were not required to pay the statutory \$2,000 assessment for the preceding fiscal year. There are currently 33 registered CEPS and 113 registered electric load aggregators in New Hampshire. The Public Utilities Commission estimates the proposed rules will result in CEPS and electric load aggregators paying less in fees but it is unable to determine the extent of the decrease.

**A. To State general or State special funds:**

See 3 above.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

See 3 above.

Addendum

July 17, 2017

As a result of the rule making process the proposed rules may cause independently owned businesses to experience increased costs as a result of new requirements that include:

- A requirement for CEPS to notify police departments prior to commencing in-person solicitation;
- A requirement to provide notification to customers via text messaging if requested;

- Provisions requiring CEPS to provide certain notifications and maintain written documentation for in-person solicitations;
- Prohibitions preventing CEPS from imposing a fee on residential or small commercial customers for contract termination; and
- Notice and replacement requirements for non-renewals or non-extensions for financial security instruments with fines, suspensions, or revocation for failure to comply.

The proposed rules permit the Commission to waive rules which may benefit independently owned businesses.

The proposed rules decreases the renewal period for all CEPS from five to three years whereas the original rule decreased the renewal period to either one, two or three years.