

Committee Report

REGULAR CALENDAR

February 22, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Science, Technology and Energy to which was referred HB 371,

AN ACT relative to proceedings of the public utilities commission on rates and charges. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Douglas Thomas

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	HB 371
Title:	relative to proceedings of the public utilities commission on rates and charges.
Date:	February 22, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would require that all proceedings of the Public Utilities Commission to be adjudicative in nature. Currently, some proceedings are handled less formally, such as annual adjustments to line extension policies, qualified capital adjustment charges, water infrastructure and conservation adjustments, and minor tariff changes including those for late fees, meter testing, rate case expenses, and temporary to permanent rate recoupments, among others. Changing these matters to full adjudicative proceedings would add time and cost, possibly requiring new staff. With a pending reorganization of parts of the commission into the new Department of Energy, the majority felt this bill's changes were best left for the future.

Vote 11-10.

Rep. Douglas Thomas
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 371, relative to proceedings of the public utilities commission on rates and charges.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would require that all proceedings of the Public Utilities Commission to be adjudicative in nature. Currently, some proceedings are handled less formally, such as annual adjustments to line extension policies, qualified capital adjustment charges, water infrastructure and conservation adjustments, and minor tariff changes including those for late fees, meter testing, rate case expenses, and temporary to permanent rate recoupments, among others. Changing these matters to full adjudicative proceedings would add time and cost, possibly requiring new staff. With a pending reorganization of parts of the commission into the new Department of Energy, the majority felt this bill's changes were best left for the future. **Vote 11-10.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 22, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Science, Technology and Energy to which was referred HB 371,

AN ACT relative to proceedings of the public utilities commission on rates and charges. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Kat McGhee

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Science, Technology and Energy
Bill Number:	HB 371
Title:	relative to proceedings of the public utilities commission on rates and charges.
Date:	February 22, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Public hearing testimony indicated that the Office of the Consumer Advocate sought this bill to address a recent change in Public Utilities Commission (PUC) proceedings that moved away from the traditional boundaries of adjudicative proceedings and rulemaking, towards a new, quasi-legislative procedure. The Consumer Advocate argued that this new flavor of proceeding should be rebuffed by clarifying in statute language that legislative actions are not among the types of procedures administered by the PUC. Although the minority agrees with the need for the requested changes and did not agree with the recommendation of Inexpedient to Legislate, the Governor's announcement to form a Department of Energy (a plan that expects to include a reorganization including the PUC) gave the majority permission to punt, rather than deal with the issue at hand.

Rep. Kat McGhee
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 371, relative to proceedings of the public utilities commission on rates and charges. **OUGHT TO PASS.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. Public hearing testimony indicated that the Office of the Consumer Advocate sought this bill to address a recent change in Public Utilities Commission (PUC) proceedings that moved away from the traditional boundaries of adjudicative proceedings and rulemaking, towards a new, quasi-legislative procedure. The Consumer Advocate argued that this new flavor of proceeding should be rebuffed by clarifying in statute language that legislative actions are not among the types of procedures administered by the PUC. Although the minority agrees with the need for the requested changes and did not agree with the recommendation of Inexpedient to Legislate, the Governor's announcement to form a Department of Energy (a plan that expects to include a reorganization including the PUC) gave the majority permission to punt, rather than deal with the issue at hand.

Original: House Clerk

Cc: Committee Bill File

Voting Sheets



2021 SESSION

Science, Technology and Energy

Bill #: HB371 Motion: ITL AM #: _____ Exec Session Date: February 22, 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman	x		
Thomas, Douglas W. Vice Chairman	x		
Harrington, Michael D.	x		
Notter, Jeanine M.	x		
Merner, Troy E.	x		
Plett, Fred R. Clerk	x		
Berezhny, Lex	x		
Bernardy, JD	x		
Cambrils, Jose E.	x		
Ploszaj, Tom	x		
White, Nick D.	x		
Somssich, Peter F.		x	
Cali-Pitts, Jacqueline A.		x	
Mann, John E.		x	
Oxenham, Lee Walker		x	
Vincent, Kenneth S.		x	
McGhee, Kat		x	
McWilliams, Rebecca J.		x	
Chretien, Jacqueline H.		x	
Pimentel, Roderick L.		x	
Parshall, Lucius		x	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 371

BILL TITLE: relative to proceedings of the public utilities commission on rates and charges.

DATE: February 22, 2021

LOB ROOM: 206 Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Thomas

Seconded by Rep. Plett

Vote: 11-10

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 371

BILL TITLE: relative to proceedings of the public utilities commission on rates and charges.

DATE: February 8, 2021

LOB ROOM: Remote **Time Public Hearing Called to Order:** 2:10 p.m.

Time Adjourned: 2:43 p.m.

Committee Members: Reps. Vose, Thomas, Plett, Harrington, Notter, Merner, Berezhny, Bernardy, Cambrils, Ploszaj, White, Somssich, Cali-Pitts, Mann, Oxenham, Vincent, McGhee, McWilliams, Chretien, Pimentel and Parshall

Bill Sponsors:

Rep. Harrington

Rep. Vose

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- Chairman Vose introduced the bill
- Don Kreis spoke in support of the bill. Stated the bill is clarifying existing law.
- Rep McGhee questions the POC proceedings.
- Rep Cali-Pitts questioned the process of public hearings.

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB371 on 2021-02-08

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Kreis, Donald	donald.m.kreis@oca.nh.gov	State Agency Staff	Office of the Consumer Advocate	Support	Yes (8m)	2/8/2021 8:57 AM
Neville, Betsey	betsey2003@tds.net	A Member of the Public	Myself	Support	No	2/8/2021 7:35 AM
Beaulieu, Rebecca	rebeccaeb9495@gmail.com	A Member of the Public	Myself	Oppose	No	2/8/2021 8:22 AM
Frey, Gina	ginagfrey@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 8:24 AM
Frey, Kevin	kevfrey@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 8:33 AM
Rardin, Laurie	rardins@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 8:47 AM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 8:52 AM
Dewey, Karen	pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	2/8/2021 8:59 AM
Staub, Kathy	kstaub@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 9:32 AM
Straiton, Marie	m.straiton@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 9:41 AM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Oppose	No	2/8/2021 10:07 AM
Maynard, Richard	maynardrick@outlook.com	A Member of the Public	Myself	Support	No	2/8/2021 10:42 AM
blakeney, gordon	rbplease@aol.com	A Member of the Public	Myself	Support	No	2/8/2021 11:30 AM
Koch, Helmut	helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 12:04 PM
Mattlage, Linda	l.mattlage@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 12:19 PM
Anderson, Keryn	kerynlanderson@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 12:41 PM
Lenz, James	jelenz@comcast.net	A Member of the Public	Myself	Oppose	No	2/8/2021 12:50 PM
Bushueff, Catherine	agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 1:02 PM
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 4:42 PM

Podlipny, Ann	apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 1:50 PM
Wells, Ken	kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	2/8/2021 1:59 PM
Wells, Lee	leewells.locustfarm@gmail.com	A Member of the Public	Myself	Oppose	No	2/8/2021 1:59 PM
Carter, Lilian	lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 3:57 PM
Zboya, Patrice	pzboya654@gmail.com	A Member of the Public	Myself	Oppose	No	2/7/2021 10:20 AM
Pugh, Barbara	Barbara.pugh@comcast.net	A Member of the Public	Myself	Oppose	No	2/7/2021 10:29 AM
Mineau, Madeleine	madeleine@cleanenergynh.org	A Lobbyist	Clean Energy NH	Support	No	2/7/2021 10:36 AM
Thomas, Elaine	thomas.mashall@comcast.net	An Elected Official	Myself	Support	No	2/7/2021 12:10 PM
Grossi, Anne	adgrossi7982@gmail.com	A Member of the Public	Myself	Oppose	No	2/7/2021 2:53 PM
Oxenham, Evan	evan.oxenham@gmail.com	A Member of the Public	Myself	Oppose	No	2/7/2021 3:04 PM
Smith, Jennifer	jaycmd7699@gmail.com	A Member of the Public	Myself	Oppose	No	2/7/2021 4:43 PM
Taylor, Sue	sueetaylor158@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 5:01 PM
Taylor, David	dstaylor342@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 5:19 PM
Walter, Cynthia	cawalter22@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 5:56 PM
Blanchard, Sandra	sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 7:19 PM
Brennan, Nancy	burningnan14@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 7:30 PM
hatch, sally	sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	2/7/2021 7:49 PM
Ellermann, Maureen	ellermannf@aol.com	A Member of the Public	Myself	Support	No	2/7/2021 8:04 PM
Hinebauch, Mel	melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 9:18 PM
Spencer, Louise	kentstusa@aol.com	A Member of the Public	Myself	Support	No	2/7/2021 9:22 PM
Spencer, Rob	kentstusa@aol.com	A Member of the Public	Myself	Support	No	2/7/2021 9:22 PM
Perencevich, Ruth	rperence@comcast.net	A Member of the Public	Myself	Support	No	2/7/2021 9:46 PM
Damon, Claudia	cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	2/7/2021 10:57 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Neutral	No	2/7/2021 11:49 PM
Torpey, Jeanne	jtorp51@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 5:17 AM
Garen, June	jzanesgaren@gmail.com	A Member of the Public	Myself	Support	No	2/8/2021 6:56 AM
Spielman, Kathy	jspielman@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 6:26 AM

Spielman, James	jspielman@comcast.net	A Member of the Public	Myself	Support	No	2/8/2021 6:27 AM
Mangipudi, Latha	Latha.mangipudi@leg.state.nh.us	An Elected Official	Hills 35	Support	No	2/8/2021 8:55 AM

Testimony



OFFICE OF THE CONSUMER ADVOCATE

21 S. Fruit St., Suite 18
Concord, N.H. 03301-2429

Website:
www.oca.nh.gov

February 8, 2021

TESTIMONY OF CONSUMER ADVOCATE DONALD M. KREIS
BEFORE THE HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY, AND ENERGY
IN SUPPORT OF HOUSE BILL 371,
RELATIVE TO PROCEEDINGS OF THE PUBLIC UTILITIES COMMISSION
ON RATES AND CHARGES

Chairman Vose and Honorable Members of the Committee:

The Office of the Consumer Advocate, which (as you know) represents the interests of residential utility customers pursuant to RSA 363:28, offers the following testimony in support of House Bill 371.

Representative Harrington was kind enough to sponsor, and Chairman Vose was kind enough to co-sponsor, this proposal at my suggestion. It arises out of a startling determination made by the Public Utilities Commission on October 8 of last year (via Order No. 26,415 in Docket No. DE 20-092).

In Order No. 26,416, the Commission ruled that when the agency exercises its authority to set rates for public utilities, it is discharging a “legislative rather than an adjudicative function.” Order No. 26,416 at 7. Therefore, the Commission ruled, it was not required to follow the legal requirements (adopted via statute and rule) for adjudicative proceedings.

Let me begin by explaining this distinction between “legislative” and “adjudicative” decisionmaking and why it is important, particularly as relates to the interests of residential utility customers.

Legislative decisionmaking is what *you* do. Fundamentally, it’s about making policy judgments. Do we want to encourage the proliferation of rooftop solar panels by allowing the surplus production to be fed back into the grid? May businesses require workers to be vaccinated against COVID-19 as a condition of employment? Is the Jumping Spider sufficiently emblematic of New Hampshire’s values and culture as to warrant designation as the official state arachnid? As you consider such questions, as legislators you are free to consult with anyone you want, and to rely on any information you want. And, assuming the results don’t violate the federal or state constitutions, you are accountable for your decisions only to the voters. Elections are a potent accountability mechanism, as you know better than I do.

Adjudication is a much more constrained process, subject to the “contested case” provisions of the [Administrative Procedure Act](#) (sections 31 through 36 of RSA 541-A) and the Commission’s own

[rules for adjudicative proceedings](#) (N.H. Code Admin. Rules, Chapter Puc 200, Part Puc 203). Much as in a judicial proceeding, decisions must be based on a defined and limited body of evidence. There is a formal roster of parties, which, by virtue of their cognizable interest in the proceeding, have the opportunity to develop (via the information exchange process known as “discovery”) and to present evidence. The presentation of evidence occurs at a formal hearing at which oral testimony must be made under oath or affirmation (thus exposing deliberate tellers of non-truths to potential prosecution for perjury) and is subject to cross-examination. *Ex parte* communications (i.e., interactions between the deciders and interested parties, outside of settings where everyone has an opportunity to be present) are prohibited. Decisions are subject to review on appeal by the New Hampshire Supreme Court.

Prior to receiving Order No. 24,416, I would have thought – indeed, as far as I know, everyone simply assumed -- that when the Commission sets rates under [RSA chapter 378](#) – where the agency’s rate-setting authority is set forth – it must do so via adjudication. Indeed, I believe it was error for the Commission to determine otherwise and, in due course, we may well appeal to the New Hampshire Supreme Court.¹ In the meantime, I suggested to Representative Harrington and Chairman Vose that would be useful to introduce a bill that would clarify existing law by making it unassailably clear that rate proceedings require adjudication.

This is not to say the Commission cannot make decisions that are legislative in nature. There is such a mechanism – it’s called rulemaking. But here’s the thing: In the Commission’s exercise of its rulemaking (i.e., its legislative) authority the agency is ultimately accountable to you, the General Court, as set forth in the rulemaking provisions of the Administrative Procedure Act (sections 2 through 22 of RSA 541-A). Rules do not go into effect unless the agency successfully runs the gauntlet known as the Joint Legislative Committee on Administrative Rules (JLCAR), where such proposals are subject to rigorous and skeptical scrutiny from, again, people who are ultimately accountable to the voters.

What the Public Utilities Commission did on October 8 was proclaim the existence of a third “flavor” of decisionmaking – a “quasi-legislative” proceeding. Order No. 26,415 at 7. In so doing, the Commission seeks to exercise its rate-setting authority in circumstances that would essentially place the agency’s decisions beyond review.² While I suppose one could still appeal such a decision to the New Hampshire Supreme Court – sections 3 through 6 of RSA 541 would seem to authorize as much – the Court would have no standards against which to measure the agency’s ruling for reversible error. One could not argue that the decision lacks a substantial basis in the record, because there would be no

¹ That decision lies in the future because the Commission’s determinations in Docket No. DE 20-092 are not yet final and appealable.

² Like any government agency, the Commission can and does make certain decisions informally that are non-reviewable, and appropriately so. Could the Commission, based on whim or personal preference, decide to paint its hearing room pink? Yes, however unpleasant that would be for the rest of us. May the agency decide whom to employ? Obviously, assuming it follows the state’s personnel rules. More to the point, the Commission can and does use informal processes to develop policy insights that the Commissioners then articulate via written decisions. There are currently open proceedings along these lines concerning time-of-use rates, electric vehicles, and energy storage, among others. This is fine unless the “rights, duties, or privileges of a party” are at issue, in which instance formal adjudication is necessary if required by law. See RSA 541-A:1, IV (defining “contested case”). That’s exactly my argument here, as to rate proceedings: adjudication is, or should be, required by law.


record. One could not argue that the decision was arbitrary and capricious because the true basis of the decision would be unknown. And, unlike you as legislators, the commissioners would not be accountable to the electorate.

In my view, such a decisionmaking rubric is very bad for the residential utility customers whose interests my office represents. We would essentially have no recourse in the event of a rate determination with which we disagree. I assume the same would be true of utility shareholders although, I note, they enjoy a firm floor on their revenues via the constitutional prohibition of “confiscatory” rates (i.e., rates that are so low that the government has effectively taken the shareholder’s property for public use without just compensation). There is no analogous constitutional *ceiling* on rates.

One can certainly root around in precedents from the Twentieth Century – as it appears the Commission has – and find decisions from the U.S. Supreme Court and other tribunals to the effect that rate-setting is a “legislative” act. This is true only as it relates to the question of *delegation*. All of the Commission’s authority is power delegated by the General Court and, yes, the Legislature could decide to set rates itself. (Indeed, it has reserved exactly this authority in respect to the energy efficiency portion of the electric utilities’ System Benefits Charge). But once that power is delegated to a regulatory agency – which is, technically, part of the Executive Branch – the means by which such decisions are made should resemble what happens in a courtroom rather than a legislative hearing room.

In my respectful opinion, for the reasons I have just described, the Commission must rely on adjudication to set rates for public utilities. In my judgment that’s what *current* law requires, but I believe it would be helpful and appropriate to clarify existing law via the language proposed in House Bill 371. I therefore earnestly recommend you report this bill to the floor as “ought to pass.”

Thank you for considering my views.

Archived: Wednesday, April 21, 2021 9:45:01 AM
From: [Kreis, Donald](#)
Sent: Wednesday, February 3, 2021 10:13:46 AM
To: [~House Science Technology and Energy](#)
Subject: House Bill 371, re PUC rate proceedings
Importance: Normal
Attachments:
[hb 371 testimony 210208.pdf](#) 

Dear Chairman Vose and Honorable Members of ST&E:

I apologize for jumping the gun a bit, inasmuch as HB 371 is not scheduled for hearing until Monday, February 8. But I have received several inquiries about this bill and I thought it would be helpful if I made clear my office's strong support for the proposal – and our basis for taking that position. Please don't hesitate to give me a call, or to reach out via e-mail, if I can answer any questions. Thanks!

Happy Wednesday,
Don

Donald M. Kreis
Consumer Advocate
Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, New Hampshire 03301
603.271.1174 (direct line)

CHAIRWOMAN
Dianne Martin

COMMISSIONER
Kathryn M. Bailey

EXECUTIVE
DIRECTOR
Debra A. Howland

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

Website:
www.puc.nh.gov

February 8, 2021

Via email only: harringt@metrocast.net

Representative Michael Harrington
82 Garland Road
Strafford, NH 03884-6835

Dear Representative Harrington,

The Public Utilities Commission takes no position on House Bill 371. However, we offer the following for your consideration regarding potential unintended consequences and legal effect of the legislation.

There are a number of matters that come before the Commission that can be resolved in an efficient manner, and do not generally involve full litigation as this bill would seem to require. These include annual adjustments to line extension policies, qualified capital adjustment charges, water infrastructure and conservation adjustments, and minor tariff changes including those for late fees, meter testing, rate case expenses, and temporary to permanent rate recoupments, among others.

It appears that the effect of this legislation would be to require that these changes be subject to full litigation, which would impact staff resources and potentially require the hiring of additional staff, as well as create additional regulatory lag, which the Commission's current, flexible procedures are designed to prevent.

We currently have a pending matter regarding the substance of the bill and are necessarily constrained in our communications as a result.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Martin".

Dianne Martin
Chairwoman, NHPUC

Bill as
Introduced

HB 371 - AS INTRODUCED

2021 SESSION

21-0492

10/05

HOUSE BILL **371**

AN ACT relative to proceedings of the public utilities commission on rates and charges.

SPONSORS: Rep. Harrington, Straf. 3; Rep. Vose, Rock. 9

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires that proceedings of the public utilities commission concerning rates and charges of a public utility shall be subject to the rules for contested cases under the administrative procedures act.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to proceedings of the public utilities commission on rates and charges.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Public Utilities Commission; Rates and Charges; Proceedings. Amend RSA 378
2 by inserting after section 2 the following new section:

3 378:2-a Proceedings of the Commission. Every proceeding conducted by the commission to
4 determine the rates and charges of a public utility, whether conducted pursuant to this chapter or
5 otherwise, shall be considered a contested case within the meaning of RSA 541-A:1, IV and shall be
6 resolved by the commission after notice and an opportunity for hearing pursuant to the contested
7 case provisions of RSA 541-A:31-36.

8 2 Effective Date. This act shall take effect January 1, 2022.