



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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VOLUME XXXIII, Number 13, March 28, 2013

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

CONTINUED MEETING Previously Scheduled for April 5, 2013 Has Been Cancelled

REGULAR MEETING: **Friday, April 19, 2013** 9:00 a.m.
Rooms 305/307, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES APRIL-JUNE, 2013

The JLCAR has voted to hold its regularly scheduled meetings for April through June, 2013 on the third Friday of the month as listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
April 5	April 19	May 3
May 3	May 17	June 7
June 7	June 21	June 28

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2013-26	Env-Wq 301 (currently Env-Ws 401)	Department of Environmental Services Water Quality and Quantity Programs State Surface Water Discharge Permits.	1
2013-27	He-P 1100	Department of Health and Human Services Former Division of Public Health Services Body Art Licensing.	3
2013-28	He-P 6000	Department of Health and Human Services Former Division of Public Health Services Ophthalmic Dispensing.	5
2013-29	Lab 600	New Hampshire Department of Labor Safety Programs and Joint Loss Management Committees.	7
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**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2013**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2013 on the third Thursdays listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 3 (Wednesday)	July 18	August 1
August 1	August 15	September 5
September 5	September 19	October 3
October 3	October 17	November 7
November 7	November 21	December 5
December 5	December 19	None

Notice Number	2013-26	Rule Number	Env-Wq 301 (currently Env-Ws 401)
1. Agency Name & Address:	NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority:	RSA 485-A:6, VII
		3. Federal Authority:	N/A
		4. Type of Action:	
		Adoption	_____
		Amendment	_____
	Repeal	_____	
	Readoption	_____	
	Readoption w/amendment	<u> X </u>	

5. Short Title: State Surface Water Discharge Permits

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules, Env-Ws 401, establish the standards and procedures by which a facility can obtain a state surface water discharge permit under RSA 485-A:13, I(a) when no federal NPDES permit is needed. The rules are scheduled to expire May 28, 2013.* The Department is proposing to readopt the rules with amendments intended to (1) renumber the rules into a new Chapter Env-Wq 300 in the Env-Wq subtitle, (2) move statutory definitions into an appendix, (3) clarify existing requirements, and (4) add three requirements in the application section to address situations that have arisen in other Department permitting programs. The additional application requirements are intended to:

- (a) Ensure that the facility owner has legal right, title, or interest in the property on which the facility is or will be located if the facility owner of the facility does not own the land on which the facility is or will be located;
- (b) Ensure that if the facility owner is a business entity that is required by New Hampshire law to register with the New Hampshire Secretary of State, then the business is registered and in good standing to do business in New Hampshire; and
- (c) Ensure that if the applicant is not the legal owner of the facility, then the applicant has been legally authorized to act on behalf of the owner for purposes of the application.

* If this rulemaking is not completed prior to May 28, 2013, the existing rules will continue in effect as specified in RSA 541-A:14-a, subject to the conditions specified therein.

6. (b) Brief description of the groups affected:

The rules affect the owner(s) of any facility seeking to discharge pollutants from a point source to surface waters of the state where such discharge would not require both a state discharge permit and a federal National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the Clean Water Act.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Wq 301 (also see specific sections listed below)	RSA 485-A:8; RSA 485-A:13, I(a)
Env-Wq 301.06	RSA 485-A:4, XVII
Env-Wq 301.10	RSA 541-A:30

NN 2013-26 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Stergios Spanos	Title:	Sanitary Engineer III
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-6637
		Fax#:	(603) 271-4128
		E-mail:	Stergios.spanos@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, April 30, 2013 by close of business at 4:00 pm.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, April 23, 2013 at 9:00 am.**

Place: **Rooms 110-111, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 13:024, dated 03/15/2013 :

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

When compared to the existing rules, the proposed rules may increase costs to independently owned businesses 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):

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

To the extent an independently owned business is an applicant for a state discharge permit and the business is an entity that is required by law to register with the Secretary of State, they would have to obtain a certificate of good standing from the Secretary of State. The Department states that these costs will be negligible, as applicants can obtain a certificate of good standing through the mail at a cost of \$5, payable to the Secretary of State.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Any facilities owned by a political subdivision that discharge pollutants to the surface waters of the state require both a state discharge permit and a federal National Pollutant Discharge Elimination System (NPDES) permit under section 402 of the Clean Water Act and so are not affected by the proposed rules. Additionally, the only new cost applies only to businesses that are required to register with the NH Secretary of State. Accordingly, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures.

Notice Number 2013-27Rule Number He-P 1100

1. Agency Name & Address:

Department of Health & Human Services
Office of Operations Support
129 Pleasant St., Brown Building
Concord, NH 03301

2. RSA Authority: RSA 314-A:6

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment _____

X5. Short Title: **Body Art Licensing**

6. (a) Summary of what the rule says and of any proposed amendments:

These rules contain procedures for the licensure of body artists. They outline the process for obtaining an initial and renewal application for a license, licensing fees, duties and responsibilities of licensees, prohibited practices, procedures for complaints, and enforcement actions. There is a new section on the process for requesting a waiver of a rule.

Compared to the existing rules, there are changes to the rules on administrative fines, which will now be in He-P 1101.17. Four new fines--three in the amount of \$2,000 and one in the amount of \$1,000--have been added in He-P 1101.17(d)(8)-(11) for certain prohibited acts. Two existing fines have been increased--the fine in He-P 1101.17(d)(2) on falsification of a license is being increased from \$1,000 to \$2,000, and the fine in He-P 1101.17(d)(7) on failure to cooperate during an investigation is being increased from \$750 to \$1,000. The existing fine in He-P 1101.17(d)(3) of \$2,000 for "practicing body art without a license" is being amended to refer to "practicing or advertising body art without a license" as being subject to the fine. The existing fine of \$500 in He-P 1101.17(d)(5) for failure to submit a plan of correction is being amended to state that the fine is "per violation."

In addition, applicants and licensees no longer have to submit documentation of a negative TB test. The sections on Enforcement Actions and Administrative Appeals and Suspension, Revocation and Denial have been re-worked for clarity and the entire rule has been reorganized for a more logical flow and to align with other Department rules regarding licensing.

6. (b) Brief description of the groups affected: **Persons practicing body art and their clients affected by this rule.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Section	RSA/Federal Authority
He-P 1101.01	RSA 541-A:3-a
He-P 1101.02	RSA 314-A:1, RSA 314-A:6
He-P 1101.03	RSA 314-A:4
He-P 1101.04	RSA 314-A:2, RSA 314-A:6, II
He-P 1101.05	RSA 314-A:3, RSA 314-A:6, II
He-P 1101.06	RSA 314-A:3
He-P 1101.07	RSA 314-A:6, II
He-P 1101.08	RSA 314-A:6, III
He-P 1101.09	RSA 314-A:6, II
He-P 1101.10	RSA 314-A:5, RSA 314-A:6, II
He-P 1101.11	RSA 314-A:6, I, IV, and V
He-P 1101.12	RSA 314-A:6, I
He-P 1101.13	RSA 314-A:7
He-P 1101.14	RSA 314-A:11
He-P 1101.15	RSA 314-A:6, II, RSA 314-A:9, RSA 314-A:10, RSA 314-A:11
He-P 1101.16	RSA 314-A:9
He-P 1101.17	RSA 314-A:6, III, RSA 314-A:10
He-P 1101.18	RSA 314-A:6, II

NN 2013-27 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Michele Beasley	Title:	Rules Coordinator
Address:	Administrative Rules Unit	Phone #:	271-9233
	Department of Health & Human Services	Fax#:	271-5590
	129 Pleasant Street, Brown Building	E-mail:	mbeasley@dhhs.state.nh.us
	Concord, NH 03301		

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **April 25, 2013**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 18, 2013 at 10:30 a.m.**

Place: **Brown Bldg., Room 211, 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:022 , dated 03/14/13

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

When compared to the existing rules, the proposed rules may increase state general fund revenue by an indeterminable amount, and may have an indeterminable impact on costs to state citizens and independently owned businesses.

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):

A. To state general or State special funds:

The proposed rules add four new fines and increase two existing fines which may increase state general funds by an indeterminable amount to the extent a licensee must pay these fines.

B. To State citizens and political subdivisions:

The proposed rules will no longer require applicants to undergo and submit documentation of a negative TB test, which may decrease costs to state citizens. To the extent a state citizen is required to pay fines, see A above. There will be no impact to political subdivisions.

C. To independently owned businesses:

To the extent an independently owned businesses is a licensee, see A and B above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and, therefore, does not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2013-28

Rule Number He-P 6000

1. Agency Name & Address:

2. RSA Authority: RSA 327-A:12

3. Federal Authority: _____

**Department of Health & Human Services
Office of Operations Support
129 Pleasant St., Brown Building
Concord, NH 03301**

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment **X**

5. Short Title: **Ophthalmic Dispensing**

6. (a) Summary of what the rule says and of any proposed amendments:

These rules contain procedures for the registration of ophthalmic dispensers. The rule includes procedures for complaints, investigations, continuing education, and disciplinary action relative to ophthalmic dispensers. The Department of Health and Human Services is proposing to readopt the rule with amendments that reflect changes made to RSA 327-A to include the definition of plano lenses. In addition, revisions are being made to He-P 6002.05 relative to continuing education requirements by removing the role of the ophthalmic dispensing advisory council in the Department's pre-approval of continuing education events.

6. (b) Brief description of the groups affected:

Individuals who are registered or wish to become registered as ophthalmic dispensers and their customers are affected by this rule.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE
He-P 6001.01	RSA 327-A:12
He-P 6002.01	RSA 327-A:2; RSA 327-A:3; RSA 327-A:5,I; RSA 327-A:6; RSA 327-A:7; RSA 327-A:9; RSA 327-A:12, I
He-P 6002.01 (b) (4)	RSA 161-B:11, VI-a
He-P 6002.02	RSA 327-A:3; RSA 327-A:5, II; RSA 327-A:6; RSA 327-A:7; RSA 327-A:9; RSA 327-A:12, II
He-P 6002.03	RSA 327-A:2; RSA 327-A:3
He-P 6002.04	RSA 327-A:14
He-P 6002.05	RSA 327-A:12, II; RSA 327-A:14
He-P 6002.06	RSA 327-A:6; RSA 327-A:7; RSA 327-A:12, III; RSA 327-A:14
He-P 6003.01	RSA 327-A:5:IV; RSA 327-A:12, VIII
He-P 6003.02	RSA 327-A:5, IV; RSA 327-A:12, V and VIII
He-P 6003.03	RSA 327-A:9; RSA 327-A:10; RSA 327-A:11, I; RSA 327-A:12, VII, VIII, and X
He-P 6003.04	RSA 327-A:12, VI; RSA 327-A:17
He-P 6003.05	RSA 327-A:12, XII

NN 2013-28 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Michele Beasley Title: Rules Coordinator
Address: Administrative Rules Unit Phone #: 271-9233
Department of Health & Human Services Fax#: 271-5590
129 Pleasant Street, Brown Building E-mail: mbeasley@dhhs.state.nh.us
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **April 25, 2013**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 18, 2013 at 10:00 a.m.**

Place:

Brown Bldg Room 211, 129 Pleasant St., Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:023, dated 03/14/13

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

When compared to the existing rule, the proposed rules may increase costs to independently owned businesses by an indeterminable amount.

- 2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, to impact on state funds.

- 3. Cost and benefits of the proposed rule(s):**

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

None.

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

None.

- C. To independently owned businesses:**

By requiring ophthalmic registration in order to sell plano lenses, some businesses will incur additional costs in order to register employees as ophthalmic dispensers. The registration fee is \$100 for a two-year registration. The number of potential registrations cannot be determined.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and, therefore, does not violate Part I, Article 28-a of the N.H. Constitution.**

Notice Number

2013-29

Rule Number

Lab 600

1. Agency Name & Address:

New Hampshire Dept of Labor
Hugh J. Gallen Office Park
95 Pleasant Street
Concord, NH 03301

2. RSA Authority:

RSA 281-A: 60, I (k)

3. Federal Authority:

n/a

4. Type of Action:

Adoption

Amendment

Repeal

Readoption

X

Readoption w/amendments

X

5. Short Title: **Safety Programs and Joint Loss Management Committees**

6. (a) Summary of what the rule says and of any proposed amendments:

This proposal readopts with amendments an existing rule that sets forth definitions, requirements (which RSA 281-A:60, I (k) calls "guidelines"), and procedures, as required by RSA 281-A:64 for Joint Loss Management Committees (safety committees), safety programs and the filing of safety summary forms. The proposed amendments are to carry out the intent of HB 1587 in the 2012 legislative session (Chapter 144 of the Laws of 2012), changing the requirements put on employers for filing a Safety Summary Form and establishing safety committees. HB 1587 increased the minimum number of employees employed before these safety requirements apply to the employer and changed the filing requirement for the employer from bi-annually to only one time.

6. (b) Brief description of the groups affected: **The rule affects all New Hampshire employers with 5 or more employees.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATE STATUTE IMPLEMENTED
Lab 601	RSA 281-A: 64
Lab 602	RSA 281-A: 64
Lab 603	RSA 281-A: 64

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Christine D. Farmer

Title: Assistant Administrator

Address: NH Department of Labor

Phone #: (603) 271-2599

PO Box 2076

Fax#: (603)271-2668

Concord, NH 03301

E-mail: InspectionDiv@labor.State.nh.us

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2013-29 Continued

8. Deadline for submission of materials: April 30, 2013

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **April 23, 2013 @9:00 am**

Place: **New Hampshire Dept of Labor
Hugh J. Gallen Office Park
95 Pleasant Street
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:008, dated 02/05/13

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

There is no difference in cost when comparing the proposed rules to the existing rules. Any costs or benefits associated with the proposed rules are attributable to RSA 281-A:64.

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):

Any costs or benefits associated with the proposed rules are attributable to RSA 281-A:64.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

As this is an existing rule and the amendment creates no new or additional requirement beyond the previous rule, political subdivisions of the State have already been following the guidelines and procedures outlined in these rules and they and their employees benefit from the guidance they receive from the rule through the clarification of the statutes relating to their Joint Loss Management Committees, Safety Programs and filing Safety Summary Forms. Since this rule does not mandate or assign any new program responsibilities or any new cost to any political subdivision of the State, the rule does not violate the constitutional provision, Part I, Art. 28a.

Notice Number 2013-30

Rule Number Puc 600

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 S. Fruit Street, Suite 10 Concord, New Hampshire 03301</p>	<p>2. RSA Authority: <u>RSA 365:8, XII</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Puc 600 Rules for Water Service**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 600 governs the quality of water service provided by regulated water utilities, accuracy and testing of meters, type of service, type of equipment and facilities, reporting and record keeping, short term debt limits, safety issues, inspections, tariffs, and provide an expedited rate making mechanism for small water utilities. The amendments are editorial changes to the internal cross-references in the rules.

These rules are being readopted with amendments because the existing rules were scheduled to expire on March 25, 2013, but are now subject to extension pursuant to RSA 541-A:14-a during the rulemaking process.

6. (b) Brief description of the groups affected:

The rules affect regulated water utilities operating in New Hampshire.

6. (c) Specific section or sections of state statute or regulation which the rule is intended to implement:

Rule	State Statute the Rule Implements
Puc 601.01 - 602.15	RSA 365:8, XII
Puc 603.01	RSA 365:8, XII; 378:3
Puc 603.02 - 603.05	RSA 365:8, XII; 370:1-3; 374:3
Puc 604.01 - 604.08	RSA 365:8, XII; 374:3
Puc 605.01 - 605.06	RSA 365:8, XII; 370:1-8
Puc 605.07	RSA 365:8, XII; 374:48-56
Puc 606.01 - 606.05	RSA 365:8, XII; 374:3, 15
Puc 607.01 - 607.08	RSA 365:8, XII; 374:3, 5 and 15
Puc 608.01 - 608.05	RSA 365:8, XII; 374:3, 4 and 37-39
Puc 609.01 - 609.02	RSA 365:8, XII; 374:15
Puc 609.03	RSA 365:8, XII; 369:1, 3
Puc 609.04 - 609.05	RSA 365:8, XII; 374:15
Puc 609.06	RSA 365:8, XII; 374:37-39
Puc 609.07 - 609.09	RSA 365:8, XII; 370:2-5
Puc 609.10 - 609.15	RSA 365:8, XII; 374:3, 15
Puc 610.01 - 610.10	RSA 365:8, XII; 374:3, 15; 378:3

NN 2013-30 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Marcia Brown	Title:	Staff Attorney
Address:	New Hampshire Public Utilities Commission 21 South Fruit Street Suite 10 Concord NH 03301	Phone #:	603-271-2431
		Fax#:	603-271-3878
		E-mail:	Marcia.Brown@puc.nh.gov
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 6, 2013, close of business at 4:30 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for: **April 29, 2013**

Date and Time: **April 29, 2013 at 2:00 p.m.**

Place: **21 South Fruit Street, Suite 10, Hearing Room A, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:31, dated March 21, 2013

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

There is no difference in cost when comparing the proposed and existing rules.

- 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):**

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

None.

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

None.

- C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not assign any responsibility to any political subdivision and therefore is not proposed in violation of Part I, Article 28-a.**

Notice Number 2013-31Rule Number Puc 700

1. Agency Name & Address:

**Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301**

2. RSA Authority: RSA 365:8, XII

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption x _____

Readoption w/amendment _____

5. Short Title: **Puc 700 Rules for Sewer Utilities**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 700 governs the service provided by regulated sewer utilities and prescribes requirements for quality of service, billing, customer relations, tariffs, reporting record keeping, accounting, safety, accidents, and inspection.

These rules are being readopted because the existing rules were scheduled to expire on March 25, 2013, but are now subject to extension pursuant to RSA 541-A:14-a during the rulemaking process.

6. (b) Brief description of the groups affected:

The rules affect regulated sewer utilities operating in New Hampshire.

6. (c) Specific section or sections of state statute or regulation which the rule is intended to implement:

Rule	Specific State Statute the Rule Implements
Puc 701.01 - 702.10	RSA 365:8, XII
Puc 703.01	RSA 365:8, XII, 374:15
Puc 703.02	RSA 365:8, XII, 370:7
Puc 703.03 - 703.04	RSA 365:8, XII, 374:3; 370:2
Puc 704.01 - 704.03	RSA 365:8, XII, 370:2
Puc 705.01	RSA 365:8, XII, 374:3
Puc 706.01 - 706.04	RSA 365:8, XII, 374:4, 13
Puc 706.05 - 706.07	RSA 365:8, XII, 369:1,3; 374:13
Puc 707.01 - 707.04	RSA 365:8, XII, 374:37-39; 374:3, 4
Puc 708.01	RSA 365:8, XII, 374:39
Puc 708.02	RSA 365:8, XII, 370:2-5
Puc 708.03	RSA 365:8, XII, 374:5, 13, 15
Puc 708.04	RSA 365:8, XII, 374:4
Puc 708.05	RSA 365:8, XII, 374:2; 378:3

NN 2013-31 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Marcia Brown	Title:	Staff Attorney
Address:	New Hampshire Public Utilities Commission 21 South Fruit Street Suite 10 Concord NH 033-1	Phone #:	603-271-2431
		Fax#:	603-271-3878
		E-mail:	Marcia.Brown@puc.nh.gov
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 6, 2013, close of business at 4:30 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for: **April 29, 2013**

Date and Time: **April 29, 2013 at 2:30 p.m.**

Place: **21 South Fruit Street, Suite 10, Hearing Room A, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:32, dated March 21, 2013

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

There is no difference in cost when comparing the proposed and existing rules.

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):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not assign any responsibility to any political subdivision and therefore is not proposed in violation of Part I, Article 28-a.**