

STATE OF NEW HAMPSHIRE



OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE  
107 NORTH MAIN STREET, ROOM 109  
CONCORD, NEW HAMPSHIRE 03301-4951

October 5, 2015

Site Evaluation Committee  
c/o Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: **Waiver of 14-Day Deadline for Filing Final Proposals 2015-11 and 2015-12**

Dear Committee Members:

In an e-mail received on October 1, 2015, Attorney David Wiesner of the Public Utilities Commission (PUC), on behalf of the Site Evaluation Committee (Committee), requested a waiver pursuant to RSA 541-A:40, IV of the 14-day deadline under RSA 541-A:12, I for filing Final Proposals 2015-11 and 2015-12. These Final Proposals were filed on October 2 and contain a re-adoption with amendments of the Committee's rules Site 100 through Site 204, and Site 300 through Site 500, respectively. A waiver would allow the Final Proposals to be placed on the agenda of the October 15, 2015 regular meeting of the Joint Legislative Committee on Administrative Rules (JLCAR) if the Final Proposals were filed by a new deadline set before that meeting.

As provided by RSA 541-A:40, IV, as the Director of the Office of Legislative Services (OLS) I have the authority to waive, for good cause shown, any deadline contained in RSA 541-A after consultation with the Chair and Vice-Chair of the JLCAR. Pursuant to RSA 541-A:12, I, Final Proposals filed fewer than 14 days before a regularly scheduled JLCAR meeting must be placed by the OLS on the agenda for the following regularly scheduled meeting. The deadline therefore to file a Final Proposal for placement on the October 15, 2015 agenda was October 1, 2015. Attorney Wiesner indicated that the Final Proposals would not be filed until the afternoon of October 2, 2015 because the public comment and Final Proposal approval process did not end until late on September 29, 2015, and the Committee staff was unavailable to complete the technical document review related to incorporation by reference by October 1. Nevertheless, pursuant to RSA 162-H:10, VII, the rules must be adopted by November 1. Absent a waiver, the earliest JLCAR meeting at which the Final Proposals would otherwise be heard is November 19, 2015.

I have consulted with the JLCAR Chair and Vice-Chair. In light of the circumstances above, I agree that good cause exists for waiving the 14-day deadline for filing the Final Proposals, and I hereby grant the waiver request. In setting a new deadline, however, I have also consulted with the JLCAR Chair and Vice-Chair about whether the Committee approved a specific text of the Final Proposals on September 29, 2015, and therefore whether the filing on October 2 was consistent with RSA 541-A. Committee staff has indicated that the Committee might meet again this week to approve the exact text prepared by the Committee staff at the Committee's direction. I am therefore extending the deadline to Friday, October 9 to provide the Committee with an opportunity, should it decide to approve the text, also to re-file the Final Proposals and thereby remove any procedural issues. Final Proposals 2015-11 and 12 would in either case be placed on the JLCAR agenda for October 15, 2015.

TDD Access: Relay NH 1-800-735-2964  
DIRECTOR (603) 271-3432  
LEGAL STAFF (603) 271-3435

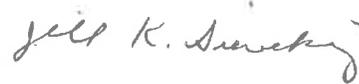
FAX: (603) 271-6607

RESEARCH (603) 271-3326  
ADMINISTRATIVE RULES (603) 271-3680

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If you have any questions, please contact the legal staff in Administrative Rules at 271-3680.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jill K. Sieveking".

Jill K. Sieveking  
Director

JKS/SFE

cc: David K. Wiesner, Esq., Staff Attorney, PUC  
Scott F. Eaton, Administrative Rules Director