**STATE OF NEW HAMPSHIRE**
**PUBLIC UTILITIES COMMISSION**

**Order Implementing Governor's Emergency Order #3**
**Pursuant to Executive Order 2020-04**
**Relative to Competitive Electric Power Suppliers and**
**Competitive Natural Gas Suppliers**

**O R D E R  N O.  26,344**

**March 31, 2020**

On March 13, 2020, Governor Christopher T. Sununu issued Executive Order 2020-04 declaring a state of emergency due to Novel Coronavirus (COVID-19) and invoking his emergency powers under Part II, Article 41 of the New Hampshire Constitution and RSA 4:45 and RSA 4:47. Paragraph 18 of that Executive Order stated that "additional temporary orders, directives, rules and regulations may be issued either by the Governor or by designated State officials with written approval of the Governor."

On March 17, 2020, the Governor issued Emergency Order #3 pursuant to Executive Order 2020-04 (Emergency Order #3), which imposed temporary prohibitions on disconnection or discontinuance of certain essential services. Under Emergency Order #3, all providers of electric, gas, water, telephone, cable, voice over internet protocol (VoIP), internet service, and deliverable fuels (including propane, fuel oil, and heating oil) in the State of New Hampshire are prohibited from disconnecting or discontinuing service for non-payment for the duration of the state of emergency declared based on the novel coronavirus.

At the end of the state of emergency, customers having arrearages accrued during the state of emergency must be provided the opportunity to make a reasonable payment arrangement over no less than a six-month period and shall not be charged any fees for late payment for

arrearages accrued during the state of emergency; however, customers are not relieved of their obligation to pay bills for receipt of any service covered by Emergency Order #3.

Under Emergency Order #3, the Commission is directed to provide assistance and guidance to public utilities in implementing the provisions of that order. In addition, the Commission and the Attorney General "shall have the authority to enforce the provisions of [Emergency Order #3] through any methods provided by current law."

The Commission issues this order to confirm that Emergency Order #3 applies to competitive electric power suppliers (CEPS) and competitive natural gas suppliers (CNGS), as they are, respectively, "providers of electric, [and] gas … service." The Commission has regulatory and enforcement authority over CEPS under RSA 374-F:7 and the Commission's Puc 2000 rules. N.H. Admin. R., Puc Ch. 2000. The Commission will deem any violations by a CEPS of the prohibitions and restrictions imposed under Emergency Order #3 to be "Sanctionable Event[s]," as "unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity supply or related services." Puc 2002.20(3). Any such "Sanctionable Event" will be subject to the Commission's enforcement authority under Puc 2005, which includes the potential assessment of fines, prospective suspension of marketing and sales activities, and suspension or revocation of the CEPS's registration.

The Commission has regulatory and enforcement authority over CNGS under RSA 365:8-a and the Commission's Puc 3000 rules. N.H. Admin. R., Puc Ch. 3000. The Commission will deem any violations by a CNGS of the prohibitions and restrictions imposed under Emergency Order #3 to be "Sanctionable Event[s]," as "unfair or deceptive acts or practices in the marketing, sale, or solicitation of natural gas or related services." Puc 3002.17(3). Any such "Sanctionable Event" will be subject to the Commission's

enforcement authority under Puc 3005, which includes the potential assessment of fines, prospective suspension of marketing and sales activities, and suspension or revocation of the CNGS's registration.

**Based upon the foregoing, it is hereby**

**ORDERED**, that competitive electric power suppliers and competitive natural gas suppliers are subject to the Governor's Emergency Order #3, because they are, respectively, "providers of electric, [and] gas … service" under Emergency Order #3; and it is

**FURTHER ORDERED,** that any violation by a competitive electric power supplier or a competitive natural gas supplier shall be deemed a "Sanctionable Event," subject to the Commission's enforcement authority under Puc 2005 or Puc 3005, respectively, as described in the body of this Order.

By order of the Public Utilities Commission of New Hampshire this thirty-first day of March, 2020.

| Dianne Martin | Kathryn M. Bailey | Michael S. Giaimo |
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| Chairwoman | Commissioner | Commissioner |

Attested by:

Debra A. Howland
Executive Director