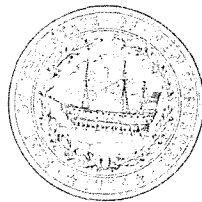


THE STATE OF NEW HAMPSHIRE



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Amy L. Ignatius

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EXECUTIVE DIRECTOR
Debra A. Howland

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PUBLIC UTILITIES COMMISSION

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

November 14, 2013

Gary Epler
Unitil Energy Systems, Inc.
6 Liberty Lane West
Hampton, NH 03824

Re: DG 13-321, Spinnaker Point Condominium Association
Complaint Against Unitil Energy Systems, Inc.

Dear Mr. Epler:

On November 12, 2013, the enclosed complaint was filed with the Public Utilities Commission against Unitil Energy Systems, Inc. (Unitil). The Commission is treating this matter as a complaint pursuant to RSA 365:1 and :2 and will require that Unitil respond in writing by November 25, 2013. Docket No. DG 13-321 has been assigned for future filings in this matter.

Sincerely,

Debra A. Howland
Executive Director

Encl.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov
amanda.noonan@puc.nh.gov
Christina.Martin@oca.nh.gov
epler@unitil.com
mark.naylor@puc.nh.gov
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steve.frink@puc.nh.gov
susan.chamberlin@oca.nh.gov

Docket #: 13-321-1 Printed: November 14, 2013

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.

**SPINNAKER POINT CONDOMINIUM ASSOCIATION
70 SPINNAKER WAY
PORTSMOUTH, NH 03801
(603) 431-9208 Office
(603) 431-9308 Fax
mgmt@spinnakerpointnh.net**

October 29, 2013

NHPUC 12NOV13pm12:07

NHPUC
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: Request for NHPUC Intervention

On Monday, October 21, 2013 Unitil, without providing prior notification or warning, turned off the gas to a building at Spinnaker Point Condominiums housing four (4) individual units; 17, 19, 21, and 23 Spinnaker Way. Many of Spinnaker's residents, including the occupants of the aforementioned units, are elderly and/or have children. Shutting off heat without due cause or evidence of imminent danger created a needless health and safety hazard especially given the time of year and the on-set of cold temperatures. Therefore, we request that the NHPUC intervene to prevent Unitil from repeating this action in the future at Spinnaker Point, as well as at other condominiums and residences throughout the State. We feel that Unitil should be required to act responsibly and be prevented from turning off gas supplies when there is no immediate threat to health and safety.

On October 21, while responding to a resident's request to turn off gas service as they were moving the Unitil technicians noted a code violation described as follows: the four black iron gas pipes servicing these units entered the building un-sleeved through the concrete foundation wall. Without any prior notice, the Unitil technicians immediately turned off the gas to all four (4) units, leaving tags at the meters and stickers on the front doors of each unit. They did not notify Management or the Condominium Association. The homeowners came home from work to find their homes with no heat, hot water and/or stoves. Homeowners immediately contacted Management who had no knowledge of the gas being turned off.

The Spinnaker Point Condominium Association owns the exterior of the building, while individual unit owners own the interior of their individual housing unit. This requires careful coordination between both parties, when there are issues that may affect both

areas of a housing unit. The gas is metered and delivered to individual units and their owners, but the pipes pass through common structural areas. This differs from apartments and mobile home parks where there is one supply and re-billing to individual residents and differs from housing where one owner owns the entire building.

The residents, the Board of Directors, and the Management at Spinnaker Point Condominium Association are filing this petition because we are of the opinion that Unitil acted inappropriately. Shutting off gas services where there was no imminent danger *and* without proper or adequate notification is unwarranted. Unitil *created* a safety hazard by shutting off the residents' heat, hot water, and cooking. In an attempt to get the gas turned back on, Management filed an on-line complaint with NHPUC and discussed this issue with a State Representative Ms. Laura Pantelakos and several city officials.

Due to our concerns and wishing to be proactive, we met with Joseph Caldarola, a licensed gas fitter, license # GFE0804015, to discuss this situation. Mr. Caldarola explained that gas licensees are required to shut off a gas supply and provide notifications when there is an immediate threat to health or safety. He also explained that when there is a code violation, but no immediate threat, the licensees' obligation is to provide notifications only. He explained that, in fact, licensees are liable for damages to persons and property if they turn off a gas supply when there is no immediate threat. After our meeting, Mr. Caldarola consulted with Chief Jeffrey Cyr, a representative of the Office of the State Fire Marshal, and confirmed that what he explained to us was correct.

Mr. Caldarola confirmed that an un-sleeved gas service passing through concrete does constitute a code violation that would required notifications, but does not constitute a immediate threat to health or safety unless the pipes are rotted or leaking. Mr. Caldarola is in agreement with this Petition and has signed below.

In this case the gas pipes were not deteriorated or rusted. Therefore, Unitil should have provided notifications, not shut off the gas services. Furthermore, NHPUC Administrative Rules state that unplanned outages cannot exceed 60 hours and this outage covered a three day period.

We are greatly troubled about this new Unitil policy, which, at this time of year, could endanger lives, adversely affect the health and welfare of our residents and pets, and cause property damage due to frozen pipes. We request that the NHPUC intervene to prevent Unitil from repeating this action in the future at Spinnaker Point, as well as at other condominiums and residences throughout the State. We feel that Unitil should be required to act responsibly and be prevented from turning off gas supplies when there is no immediate threat to health and safety.

NHPUC PETITION

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	<u>Name</u>	<u>Address</u>
1	Shirley MacGregor	19 Spinnaker Way
2	Patricia Salome	142 Spinnaker Way Portsmouth NH
3	Gerrie Bafford	5 SPINNAKER WAY Portsmouth NH
4	NORMAN PATEWAUDE	69 SPINNAKER WAY PORTSMOUTH NH
5	GABRIEL MONTE	111 SPINNAKER WAY PORTSMOUTH, NH
6	Svetlana PECHKOVA	39 STAYSAIL WAY Portsmouth NH
7	ROSSIE GIBSON	135 SPINNAKER WAY
8	Marsha Richelli	35 Spinnaker Way Portsmouth NH
9	Dana Ludd	125 Spinnaker Way Portsmouth NH
10	Mike Woodard	100 Spinnaker Way Portsmouth NH
11	Margery D Andrews	124 Spinnaker Way PORTSMOUTH NH
12	Jay S. Mizimis	51 SPINNAKER WAY PORTSMOUTH NH
13	LARRY HUGHES Janyfyko	75 SPINNAKER WAY PORTSMOUTH NH
14	Kevin Foley	101 Spinnaker Way Portsmouth NH
15	Suzanne Johnson	143 Spinnaker Way Portsmouth NH
16	Annal M Kelly	65 Spinnaker Way Portsmouth NH
17	Natalie McCarthy	100 Spinnaker Way Portsmouth NH
18	Geet Martens	9 Spinnaker Way Portsmouth NH
19	Paul Ceina	133 STAYSAIL WAY Portsmouth NH
20	Richard David Grossman	131 Spinnaker Way Portsmouth NH
21	Deborah Krystof	139 Spinnaker Way Portsmouth NH
22	Josiah Smith	410 Spinnaker Way Portsmouth NH 03801

NHPUC PETITION

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<u>Name</u>	<u>Address</u>
23 Gary Marden	33 Spinnaker Way Portsmouth NH 03801
24 AMY SOPHIELLA	102 SPINNAKER WAY Portsmouth NH 03801
25 Alma Johnson	25 SPINNAKER WAY, PORTSMOUTH, NH 03801
26 Jade Patrick	119 Spinnaker Way, " " "
27 Christy Ferraro	120 Spinnaker Way Portsmouth N.H.
28 Karen Frustie	39 Spinnaker Way Portsmouth NH 03801
29 Dick Allen	95 Spinnaker Way Ports. NH 03801
30 Amy Russell	11 Spinnaker Way Portsmouth, NH 03801
31 JASON BUSSELL	11 SPINNAKER WAY PORTSMOUTH NH 03801
32 Rick Ellmore	45 Spinnaker Way Portsmouth NH 03801
33 Michael J. Sillit	37 Spinnaker Way Portsmouth NH 03801
34 R Archon	57 SPINNAKER " " "
35 J + M Zanchi	15 Staysail Way Portsmouth NH 03801
36 Corey Bussell	116 SPINNAKER WAY PORTS. N.H. 03801
39 Amanda & Kyle Jones	96 Spinnaker Way Portsmouth " "
38 Eric Oliver	105 Spinnaker Way Portsmouth NH 03801
39 Barbara Sobczak	13 Spinnaker Way Portsmouth NH 03801
40 Alan D Benedict III	29 Spinnaker Way Portsmouth NH 03801
41 Annie DiIullo	33 Spinnaker Way Ports 03801
42 Kathy Claydon	82 Spinnaker Way Portsmouth NH

Name

Address

43	John Paul	14 STAYSAIL WAY
44	Ken Dean	104 Spinnaker Way
45	Jeremy Valentine.	7 Spinnaker Way
46	Paul Valentine.	7 Spinnaker Way
47	Clancy Kichtin	121 Spinnaker Way
48	Jessica Jean	21 Spinnaker Way
49	Carl John	89 Spinnaker Way

Name	Address
Paula Hodkins	109 Spinnaker Way
Sharon Parker	94 Spinnaker Way
Erin Orchoy	57 Spinnaker way
Michelle Milne	91 Spinnaker Way
Robert & Rita Pitt	334 Rte 108 Madison
John Edwards	144 Spinnaker way
Carol Ann Edwards	" " "
Thomas Sopa	132 Spinnaker Way
Colleen Sopa	132 Spinnaker Way
Jerome V. Vrestti	739 Grace St. Manchester
Cheryl Hughes	75 Spinnaker Way
Phyllis	59 Spinnaker Way

Name	Address
Don	132 Spinnaker Way
Stephanie Schuy	47 Spinnaker Way Portsmouth.
Carl	242 STATE ST Units Portsmouth NH
John Corrado	49 SPINNAKER way
Jim Mumpert	123 Spinnaker Way
Pat Sullivan	31 SPINNAKER WAY
Mike	310 RICHARDS AVE
A. Blood	Dodge Ave.
B. Paterson	Dorchester St.
C. Johnson	20 Staysail Way
Jack Coffey	Staysail way
Walter Jorg	81 Spinnaker Way
Eric	22 Staysail way
DeWolando	17 Staysail Way
Brandson	200 Staysail - own
Pat McEl	12 Staysail Way
Clare Bunkette	43 Staysail way
Ann Marie	41 Spinnaker Way
Charles D. Dru	70 SPINNAKER WAY
GLE MANAGEMENT	
Joyce Caldarola	170 Bennett St #2 Portsmouth
Les Fitch	

Name	Address
Joyce Cibrulli	73 Spinnaker Way, Portsmouth
Victoria Mammone	145 Spinnaker Way, Portsmouth, NH
Elizabeth Maxwell Garner	112 Spinnaker Way, Portsmouth, NH
Mary Ann Leis	61 Spinnaker Way, Portsmouth, NH
Linda Mast	97 Spinnaker Way, Portsmouth, NH
Roberta Staut	88 Spinnaker Way
De Stice	118 Spinnaker Way, Portsmouth, NH
Mary Shaley	118 Spinnaker Way, Portsmouth, NH

Name

Address

Debbie Benedict

29 Spinnaker Way

Robert Hoga, President

29 STAYSAIL WAY