

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 14-241

NORTHERN UTILITIES, INC.

Petition for License to Cross the Cocheco River

Order *Nisi* Granting License

ORDER NO. 25,759

January 22, 2015

In this order *nisi*, we grant the request of Northern Utilities, Inc. (Northern), for a license to construct and maintain a natural gas distribution pipeline over the public waters of the Cocheco River in Dover, New Hampshire. This order is being issued on a *nisi* basis to ensure that all interested parties receive notice of the Commission's order and have the opportunity to comment or request a hearing prior to February 20, 2015.

I. SUMMARY OF PETITION

On September 23, 2014, Northern filed a petition pursuant to RSA 371:17 requesting authority to construct and maintain a single natural gas pipeline over and across the Cocheco River in Dover, New Hampshire. The petition states that the pipeline will be constructed on an existing, privately-owned pedestrian footbridge located off Covered Bridge Road in Dover. Northern is constructing the pipeline to provide distribution service to Strafford County municipal buildings. The pipeline will span approximately 140 feet over public waters across the pedestrian bridge. On December 15, 2014, Staff filed a memorandum with the Commission recommending that the license be granted, subject to certain conditions.

A. Crossing Location and Construction

The petition states that Northern currently operates a natural gas distribution main in the vicinity of Rochester Neck Road in Dover, which generally runs along the westerly shore of the Cocheco River. According to the petition, Strafford County asked Northern to provide natural gas distribution service to 10 county buildings, and the proposed pipeline will meet that request for service.

The petition describes the pipeline as an 8-inch nominal diameter pipeline attached to the bottom of the pedestrian footbridge. The exposed portion of the pipeline will consist of ASTM A-53 Grade B coated steel with a wall thickness of 0.25 inch. The underground portion of the proposed pipeline approaching the bridge will consist of 8-inch diameter SDR-11 Driscopex 8300 high density polyethylene pipe with isolation valves located adjacent to each side of the bridge crossing. The maximum allowable operating pressure of the pipeline will be 88 pounds per square inch gage (psig) and the crossing on the footbridge will be approximately 140 feet in length. The steel pipeline coating will consist of Fusion Bonded Epoxy applied as an external layer. The proposed steel pipeline design includes two expansion joints with roller supports to accommodate pipeline movement.

Northern provided attachments to its petition depicting the technical and design information, and proposed construction of the line crossing. Northern stated that the crossing will allow natural gas service to be provided to the County facilities as well as allow for any future extensions of gas service to other potential customers along Country Farm Road in Dover.

B. Regulatory Requirements

According to Commission Staff (Staff), although Northern's petition does not explicitly state that the pipeline will meet the requirements of 49 Code of Federal Regulation (CFR) Part 192 (Transportation of Natural Gas and Other Gas By Pipeline: Minimum Federal Safety Standards), the petition provides engineering details regarding material and selection of applied coatings that are consistent with the requirements of 49 CFR Part 192. Staff concluded that the proposed attachment to the footbridge conforms to the applicable sections of 49 CFR Part 192.

C. Property Rights

The petition indicates that the new gas pipeline will cross a footbridge that is owned and maintained by an unincorporated non-profit association known as the Dover Landfill Work Settling Defendants. According to Staff, Northern provided discovery responses demonstrating that all easements are in place to allow for the gas pipeline to be constructed on the footbridge, as well as on the northern and southern embankments. The parcel on the northern embankment is owned by the City of Dover, and the parcel on the southern embankment is owned by Strafford County. Both the City of Dover and Strafford County filed letters in support of the crossing.

D. Public Interest

According to the petition, the proposed construction and line crossing will not substantially affect the rights of the public in the public waters of the Cocheco River, and will not impede foot traffic on the pedestrian bridge or potential marine traffic on the Cocheco River.

II. SUMMARY OF STAFF REVIEW

Staff reviewed the filing and, as noted above, determined that the proposed construction meets the requirements of 49 CFR Part 192. Staff recommended that Northern be directed to

operate and maintain the crossing in conformance with the applicable sections of 49 CFR Part 192, and New Hampshire Code Admin. Rules Puc 500 (Rules for Gas Service). With respect to Puc 500, Staff noted that the extension is subject to Puc 508.04(f), which requires the pipeline to be leak-surveyed at least three times annually. In addition, Staff said that the crossing is subject to Puc 506.01 (e) and (f), which require visual inspection of welds of the steel pipeline, and nondestructive testing of those welds. Staff also recommended that the approval be limited to a gas pipeline with the specifications proposed by Northern in this docket.

According to Staff, the Cocheco River in the vicinity of the proposed water crossing has been designated as public water, which must be managed in accordance with RSA ch. 483, the New Hampshire Rivers Management and Protection Program. After reviewing the petition, Staff concluded that, if the regulatory requirements of 49 CFR Part 192 and Puc 500 rules are met, the proposed natural gas pipeline will meet all current safety standards. *See* Staff Memorandum dated December 15, 2014.

III. COMMISSION ANALYSIS

RSA 371:17 (Rights in Public Waters and Lands), requires utilities and corporations to petition the Commission for a license to construct and maintain cable, conduit or poles, and associated wires and fixtures over, under, or across any public waters of the state, whenever such facilities are necessary to meet the reasonable requirements of service to the public. As defined in RSA 371:1, public waters include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe. The New Hampshire Department of Environmental Services (NHDES) is assigned responsibility under RSA 271:20 for preparing, maintaining, and publishing an official list of all public waters in the state. The body of water

listed in the instant petition, the Cocheco River, is included in the official list, which is maintained at http://des.nh.gov/organization/divisions/water/dam/public_waters/index.htm.

Based on the information presented in Northern's petition and Staff's recommendation, we find that the proposed crossing is necessary for Northern to meet the reasonable requirements of reliable service to the public, as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the affected public waters, as required for approval under RSA 371:20. We find the crossing is in the public good and therefore approve the petition, subject to the conditions contained in the ordering clauses set out below related to ensuring the safe construction, operation and maintenance of the proposed crossing. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments on Northern's petition or to request a hearing.

We note that Northern is responsible for obtaining any and all other permits for the construction and installation of the proposed crossing from any federal, state, and local authorities having jurisdiction. As recommended by Staff, our approval is only for a pipeline with the specifications proposed by Northern in this docket. Should the company wish to make any changes, it must make an appropriate filing. Finally, because NHDES is responsible by statute for maintaining the official list of public waters, we require that notice of the proposed alterations be sent to NHDES. We also require that notice of the crossing be sent to the Dover Landfill Work Settling Defendants, the Commissioners of the Strafford County Rest Home, the Strafford County Offices, and the Town of Dover.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2014/14-241.html>.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Northern is authorized, pursuant to RSA 371:17, *et seq.*, to construct, install, operate and maintain a natural gas pipeline over and across the public waters described in its petition and depicted in its filings; and it is

FURTHER ORDERED, that the construction of the line shall be implemented as depicted in the petition documents; and it is

FURTHER ORDERED, that this approval is limited to the natural gas pipeline under consideration in this docket, and is conditioned on the requirement that Northern constructs, operates, maintains and, if applicable, alters the piping consistent with the provisions of N.H. Code Admin. Rules Puc 500 and 49 CFR Part 192, as may be applicable, and as amended from time to time, and all other applicable safety standards in existence at that time; and it is

FURTHER ORDERED, that Northern shall submit any future proposed alteration(s) to the crossing license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that Northern shall file copies of all permits or agreements, if any, required by the New Hampshire Department of Environmental Services, any other federal, state, or local authorities, and any of the affected municipalities for the crossing, no later than receiving the permit or entering into the agreement, or 30 days from the date of this Order *Nisi*, whichever occurs first; and it is

FURTHER ORDERED, that Northern shall provide a copy of this Order *Nisi* to the (i) Town Clerk of Dover, New Hampshire; (ii) the New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19; (iii) the New Hampshire Department of Environmental Services; (iv) the Dover Landfill Work Settling Defendants; and (vi) the Commissioners of the Strafford County Rest Home, by first class mail, no later than February 2, 2015, and to be documented by affidavit filed with this office on or before February 17, 2015; and it is


FURTHER ORDERED, that Northern shall cause a summary of this Order *Nisi*, issued concurrently with this Order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to no later than February 2, 2015, and to be documented by affidavit filed with this office on or before February 17, 2015; and it is

FURTHER ORDERED, that all persons interested in responding to this Order *Nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 9, 2015, for the Commission's consideration; and it is


FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than February 17, 2015; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective February 20, 2015, unless Northern fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-second day
of January, 2015.

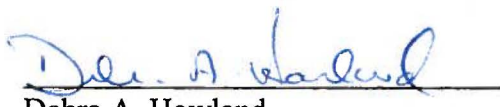


Martin P. Hongberg
Chairman



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director