

STATE OF NEW HAMPSHIRE

Inter-Department Communication

NHPUC 23NOV16PM3:07

DATE: November 23, 2016
AT (OFFICE): NHPUC

FROM: Robert Wyatt, Safety Division 

SUBJECT: DG 16-667 Petition of Northern Utilities, Inc. for a License
To Cross Public Waters

TO: Debra Howland, Executive Director
Steve Frink, Assistant Director of Gas
Alex Speidel, Staff Attorney
Randy Knepper, Director of Safety Division

In its petition filed on June 16, 2016, Northern Utilities, Inc. ("Northern") is requesting the New Hampshire Public Utilities Commission ("NHPUC") grant a License to construct and maintain a distribution gas main across the confluence of the public waters of the Exeter River and Squamscott River in Exeter, NH.

Northern asserts the Town of Exeter is in the process of making repairs and structural improvements to the String Bridge. In coordination with the Town's String Bridge rehabilitation project, Northern will replace the existing main with 4-inch schedule 80 plastic pipe encased in 8-inch schedule 80 steel pipe across the full span of the bridge, to connect with an existing gas main on Water Street in Exeter. The entire portion of main crossing the String Bridge and the Exeter River will be encased in the concrete bridge structure, above the bridge arches and below the bridge road surface.

New utility installations, additions to or alterations of existing installations, adjustments or relocations of utilities within the rights-of-way ("ROW") of highways and railroads fall under the jurisdiction of the Commissioner of the State of New Hampshire Department of Transportation ("NH DOT") or the local selectman. This understanding is described in the NH DOT's published Utility Accommodation Manual ("UAM"), February 2010. Additionally, Appendix D1 of the UAM pertains to Chapter 231:159-231:189, Cities, Towns and Village District Highways. Puc 506.02 (a) requires compliance with UAM. Jurisdiction for permits or licenses concerning town maintained highways shall be addressed to the selectmen of the town in which the highway is located, and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint. Petitions for permits or licenses concerning all class I and class III highways, and state maintained portions of class II highways shall be addressed to the commissioner of transportation, who shall have exclusive jurisdiction of the disposition of such petitions to the same effect as is provided for selectmen in other cases. String Bridge in Exeter, NH is classified as a Class V, Rural Highway.

Based on its understanding of these statutes, Staff believes Northern's petition to the NHPUC in the instant docket, for a License to Cross Public Waters of the Exeter River, is not applicable. Jurisdiction in this case is with the NHDOT and/or the Board of Selectmen for the Town of Exeter. As such, Staff recommends the petition be denied either through a Secretarial Letter or Order Nisi as it is unnecessary to grant a license.

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.

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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
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
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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.

PURSUANT TO N.H. ADMIN RULE PUC 203.09 (d), FILE DISCOVERY

DIRECTLY WITH THE FOLLOWING STAFF

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BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.