

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 16-471

GRANITE STATE GAS TRANSMISSION, INC.

**License to Construct and Maintain a Natural Gas Transmission Pipeline
Under Public Waters in Dover, New Hampshire**

Order *Nisi* Granting License

ORDER NO. 25,927

July 27, 2016

In this order *nisi*, we grant the request of Granite State Gas Transmission, Inc. (“GSGT”), for a license to construct and maintain a natural gas transmission pipeline under the public waters of Pomeroy Cove 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 August 12, 2016.

I. SUMMARY OF PETITION AND STAFF’S RECOMMENDATION

On April 28, 2016, GSGT filed a petition pursuant to RSA 371:17 requesting authority to construct and maintain a natural gas pipeline under Pomeroy Cove in Dover, New Hampshire. GSGT operates and maintains a segment of its gas transmission pipeline in the State of New Hampshire’s right-of-way along the Spaulding Turnpike/NH Route 16 in the City of Dover. The petition states that GSGT intends to relocate a 10” diameter pipeline on the eastern edge of the right-of-way in connection with the widening of the Spaulding Turnpike/NH Route 16 in Dover by the New Hampshire Department of Transportation (“NH DOT”). GSGT intends to relocate a portion of the pipeline, which currently runs within the right-of-way along the edge of Pomeroy Cove, to a location that passes underneath Pomeroy Cove. The proposed relocation of the GSGT

pipeline beneath Pomeroy Cove will allow the NH DOT widening project to be completed in a timely manner and permit the continued, uninterrupted flow of natural gas on the pipeline system.

On June 21, 2016, Commission Staff (“Staff”) filed a memorandum with the Commission recommending that the license be granted, subject to certain conditions.

A. Underwater Location and Construction

The petition states that GSGT currently operates a natural gas transmission line in the State of New Hampshire right-of-way along the Spaulding Turnpike/NH Route 16 in Dover. A portion of the right-of-way abuts Pomeroy Cove. GSGT intends to relocate that portion of the pipeline underwater, using the horizontal directional drilling method. The pipeline will span approximately 1,300 feet under public waters at an approximate depth of 40-45 feet below ground. The underground portion of the proposed pipeline will consist of a 10-inch diameter API 5L X-52 steel pipe with a minimum wall thickness of 0.365 inches and with 60 Mils of Powercrete epoxy coating. GSGT will also use a continuous sheathed solid conductor stainless steel detection wire for locating the underground utility line. Staff recommended that GSGT use above-ground pipe markings to identify the pipeline with appropriate warnings and company contact information at the ingress and egress points on Pomeroy Cove.

B. Regulatory Requirements

According to Staff, although GSGT’s petition does not explicitly state that the pipeline will meet the requirements of 49 Code of Federal Regulations (“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. GSGT has also stated that it has completed

its notification requirements to the NH Department of Environmental Services (“NHDES”) and United States Army Corps of Engineers. *See* Exhibit C to application.

C. Property Rights

GSGT has provided sufficient documentation to demonstrate that the parcels along the shores of Pomeroy Cove, where the horizontal directional bore entry and exit pits are located, are within the NH DOT right-of-way. Standard NH DOT use and occupancy agreements are in place for those parcels. The petition indicates that the relocated gas pipeline will go under Pomeroy Cove, which is part of the Piscataqua River and a New Hampshire tidal estuary. Staff has independently determined that Pomeroy Cove is designated as a public water in New Hampshire. *See* RSA 371:17 and RSA 271:20.

D. Public Interest

According to the petition, the proposed underwater construction of the pipeline will not substantially affect the rights of the public in the public waters of Pomeroy Cove or potential marine traffic. *See* RSA 371:20

E. 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 GSGT be directed to operate and maintain the underwater pipeline in conformance with the applicable sections of 49 CFR Part 192, and New Hampshire Code Admin. Rules Puc 500 (Rules for Gas Service).

The Piscataqua River, of which Pomeroy Cove is a part, in the vicinity of the proposed pipeline has been designated as a public water pursuant to RSA 271:20. 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. As stated above, Staff recommended that the license be granted subject to certain conditions.

II. COMMISSION ANALYSIS

RSA 371:17 Licenses for New Poles, 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 371:17, public waters include all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe. 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, Pomeroy Cove, is a tidal estuary and part of the Piscataqua River included in Section 3 (Tidal Waters) of the official list. See <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>

Based on the information presented in GSGT's petition and Staff's recommendation, we find that the proposed pipeline is necessary for GSGT 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 that relocation of the pipeline under Pomeroy Cove 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 underwater pipeline. We issue our decision on a *nisi* basis to provide any interested person the opportunity to submit comments on GSGT's petition or to request a hearing.

We note that GSGT is responsible for obtaining any and all other permits for the construction and installation of the proposed underwater pipeline 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 GSGT 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 relocation be sent to NHDES.

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://www.puc.nh.gov/Regulatory/Docketbk/2016/16-471.html>.

Based upon the foregoing, it is hereby

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

FURTHER ORDERED, that the construction of the pipeline shall be implemented as depicted in the petition and associated documents, and consistent with Staff's recommendations, including the use of above-ground pipeline markers for identification of the pipeline with appropriate warning and company contact information at the ingress and egress points on Pomeroy Cove; 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 GSGT constructs, operates, maintains and, if applicable, alters the pipeline 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 GSGT shall submit any future proposed alteration(s) to the license granted herein at least 60 days prior to any such alteration(s); and it is

FURTHER ORDERED, that GSGT shall provide a copy of this Order *Nisi* to the (i) Town Clerk of Dover, New Hampshire; (ii) the New Hampshire Attorney General; (iii) the owners (if any) of the land bordering on said public waters at the location of the ingress and egress points, pursuant to RSA 371:19; (iv) the Department of Environmental Services; and (v) the Department of Transportation; by first class mail, no later than August 5, 2016, and to be documented by affidavit filed with this office on or before August 23, 2016; and it is

FURTHER ORDERED, that GSGT 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 August 5, 2016, and to be documented by affidavit filed with this office on or before August 23, 2016; 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 August 12, 2016, for the Commission's consideration; and it is

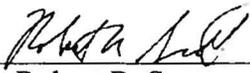
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 19, 2016; and it is

FURTHER ORDERED, that this Order *Nisi* shall be effective August 26, 2016, unless GSGT 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-seventh day of July 2016.



Martin P. Honigberg
Chairman

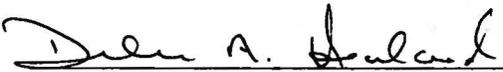


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director