

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
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December 21, 2012

Scott F. Eaton, Director
Administrative Rules Office
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, New Hampshire 03301

Re: Puc 1400 – Rules for Pipeline Public Utilities
PUC Docket No. DRM 12-298

Dear Mr. Eaton:

Enclosed please find the following documents to be filed with your office regarding the above-referenced docket:

- 1) Appendix II-C, Rulemaking Notice Form;
- 2) Fiscal Impact Statement – FIS 12:211;
- 3) Puc 1400 - Initial Proposal – Annotated Text (showing changes from current rules);
- 4) Cross Reference Table of Applicable Statutes; and
- 5) Cross Reference Table of Materials Incorporated by Reference.

Please include the Rulemaking Notice Form in the next available Rulemaking Register.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Amy Ignatius".

Amy L. Ignatius
Chairman

Enclosures

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Puc 1400

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 365:8, V and XII</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title **Puc 1400 – RULES FOR PIPELINE PUBLIC UTILITIES**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 1400 applies to gas pipeline public utilities in the State and governs reporting and applicable forms.

The proposed revisions to Puc 1400 are intended to clarify existing requirements regarding the circumstances when tests and any summaries of records shall be provided to the Commission.

6. (b) Brief description of the groups affected:

The Puc 1400 rules generally apply to any public utility that owns or operates any gas pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute (RSA) and Federal Statute/Regulation
Puc 1401	RSA 365:8, XII
Puc 1402	RSA 365:8, V and XII; RSA 374:15
Puc 1403.01	RSA 365:8, V and XII; RSA 374:15
Puc 1403.02	RSA 365:8, V and XII; RSA 374:15

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Lynn Fabrizio, Esq.** Title: **Staff Attorney**
Address: **NH Public Utilities Commission** Phone #: **603-271-2431**
21 South Fruit Street Fax#: **603-271-4033**
Suite 10 E-mail: **lynn.fabrizio@puc.nh.gov**
Concord, NH 03301
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **January 29, 2013**

Fax E-mail Other format (specify): diskette

9. Public hearing scheduled for:

Date and Time: **January 22, 2013 at 10:00 a.m.**

Place: **Public Utilities Commission**
21 South Fruit Street, Suite 10
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # FIS 12:211 dated December 19, 2012

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision of the State of New Hampshire. They therefore do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.**

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: December 19, 2012

FROM:  Pamela Ellis
Office of Legislative Budget Assistant
State House, Room 102
Concord, New Hampshire 03301

RE: FIS 12:211

TO: Lynn Fabrizio
N.H. Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301

Attached is the fiscal impact statement listed above. It should be reviewed and then submitted to the Division of Administrative Rules, Office of Legislative Services, in accordance with the N.H. Rulemaking Manual dated September 2001.

Attachment

LBAO
FIS 12:211
12/19/12

Fiscal Impact Statement for Public Utilities Commission rules governing Puc 1400 – Rules for Pipeline Public Utilities. [Puc 1400]

- 1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in cost when comparing the proposed and existing rules.

- 2. Cite the Federal mandate. Identify the impact on state funds:**
No Federal mandate, no impact on state funds.

- 3. Cost and benefits of the proposed rule(s):**
 - A. To State general or State special funds:**
None.

 - B. To State citizens and political subdivisions:**
None.

 - C. To independently owned businesses:**
None.

Readopt with amendment Puc 1400, effective 12-31-04 (Document No. 8245), to read as follows:

CHAPTER Puc 1400 RULES FOR PIPE-LINE PUBLIC UTILITIES

PART Puc 1401 DEFINITIONS

Puc 1401.01 "Pipeline public utility," "pipeline utility" or "utility" means any "public utility" as defined in RSA 362:2, owning or operating any pipeline, including pumping stations, storage depots and other facilities, for the transportation, distribution or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products.

Puc 1401.02 "Commission" shall mean the New Hampshire public utilities commission.

PART Puc 1402 REPORTING REQUIREMENTS

Puc 1402.01 Reports to Commission.

(a) If deemed necessary by the commission to fulfill its authority under RSA 374:3, eEach utility shall provide the commission, upon its request, the results of any required-tests and summaries of any required-records required under state or federal law.

(b) Each utility shall file reports with the commission on such forms as the commission shall specify as provided in Puc 1403.

(c) Copies of forms shall be furnished by the commission upon request.

PART 1403 FORMS TO BE FILED

Puc 1403.01 F-22 Information Sheet.

(a) Each utility shall file Form F-22:

(1) Annually; and

(2) Whenever any changes occur to the information included in a utility's current Form F-22 filing.

(b) Each utility shall include on form F-22 the following:

(1) Name of utility;

(2) Person's name and address to receive annual report form;

- (3) Person's name and address to receive the utility assessment tax; and
- (4) The names and titles of the principal officers of the company.

Puc 1403.02 Annual Report.

(a) Any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission shall, with respect to any such pipeline facility located or to be located in New Hampshire, file with the commission:

- (1) Annually, on or before April 30 of each year, a signed original of the applicable Federal Energy Regulatory Commission annual report form (Form Number 2 or 2A); pertaining to such facility; and
- (2) Concurrently upon its filing with the Federal Energy Regulatory Commission, a copy of any application for a certification of public convenience and necessity under the Natural Gas Act, 15 U.S.C. § 717f(c), with respect to any pipeline facility of such owner or operator proposed to be located in New Hampshire.

Appendix A

Rule Provision	Specific State Statute the Rule Implements
Puc 1401	RSA 365:8, XII
Puc 1402	RSA 365:8, XII; 374:15
Puc 1403.01	RSA 365:8, XII; 374:15
Puc 1403.02	RSA 365:8, XII; 374:13, 15

Appendix B

DOCUMENTS INCORPORATED BY REFERENCE

FEDERAL STANDARDS AND FORMS

• *Federal Energy Regulatory Commission Forms:*

Form Number 2 – Major Natural Gas Pipeline Annual Report (Puc 1403.02(a)(1))
 Form Number 2A – Non-Major Natural Gas Pipeline Annual Report (Puc 1403.02(a)(1))

Available at: <http://www.ferc.gov/docs-filing/forms.asp>