

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
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COMMISSIONERS
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PUBLIC UTILITIES COMMISSION

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April 24, 2013

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

Re: Notice No. 2012-209 – Final Proposal
Puc 1400 - Rules for Pipeline Public Utilities
Commission Docket No. DRM 12-298

Dear Mr. Eaton:

On December 19, 2012, the Commission voted pursuant to RSA 541-A to initiate a rulemaking to readopt with amendment the Puc 1400 Rules for Pipeline Public Utilities. A rulemaking notice was filed with the Office of Legislative Services on December 21, 2012, as required by RSA 541-A:6. A public hearing was held on January 22, 2013, pursuant to RSA 541-A:11. No comments were received either at the hearing or in writing. On April 24, 2013, the Commission voted to establish the attached Final Proposal for the readoption with amendment of Puc 1400.

The Commission asks that the JLCAR consider this proposal for approval.

As required by the Rulemaking Manual, you will find enclosed one copy of each of the following:

- A completed Appendix II-G Cover Sheet for Final Proposal;
- The established text of the final proposed rule as the "Final Proposal—Fixed Text", including the cross-reference table required by RSA 541-A:3-a, II as an appendix; and
- The established text of the final proposed rule as the "Final Proposal—Annotated".

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Amy Ignatius".

Amy L. Ignatius
Chairman

Attachments

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2012-209

Rule Number Puc 1400

1. Agency Name & Address:

2. RSA Authority: RSA 365:8, V and XII

3. Federal Authority:

4. Type of Action:

- ☐ Adopt
☐ Amendment
☐ Repeal
☐ Readoption
☒ Readoption w/amendment

5. Short Title: **Puc 1400 – RULES FOR PIPELINE PUBLIC UTILITIES**

6. Contact person for copies and questions:

Name: **Lynn Fabrizio, Esq.**

Title: **Director of Administration**

Address: **NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429**

Phone #: **603.271.2431**

7. Yes ☐ No ☒ Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on December 27, 2012

9. Yes ☐ N/A ☒ Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)

10. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

11.- Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(c).

13. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

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

CHAPTER Puc 1400 RULES FOR PIPELINE 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 evaluate the safe operation of gas pipelines and to fulfill its authority under RSA 374:3, each utility and any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission shall provide the commission, upon its request, the results of any tests and summaries of any records required under state or federal law. Such tests and summaries may include but not be limited to operating pressures, welding procedures, construction procedures, incident reporting, and accident reporting, and other practices that relate to the safe operation of pipelines.

(b) Each utility and any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission 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 Fform F-22 the following:

(1) Name of utility;

(2) Officer's or individual's~~Person's name, and address and e-mail address~~ to receive annual report form (PUC Form F-16);

(3) Officer's or individual's~~Person's name, and address and e-mail address~~ to receive the utility assessment invoicetax; and

(4) The names and titles of the principal officers of the company; and

(5) The name, title and signature of the individual who supervised the completion of the former, with date of signature.

Puc 1403.02 Annual Reporting.

(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 copy of the 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; RSA 374:15
Puc 1403.01	RSA 365:8, <u>V and XII</u> ; RSA 374:15
Puc 1403.02	RSA 365:8, <u>V and XII</u> ; RSAs 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 for downloading at no charge at: <http://www.ferc.gov/docs-filing/forms.asp>

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- (1) Name of utility;
- (2) Officer's or individual's name, address and e-mail address to receive annual report form (PUC Form F-16);
- (3) Officer's or individual's name, address and e-mail address to receive the utility assessment invoice;
- (4) The names and titles of the principal officers of the company; and
- (5) The name, title and signature of the individual who supervised the completion of the form, with date of signature.

Puc 1403.02 Annual Reporting.

(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 copy of the signed original of the applicable Federal Energy Regulatory Commission annual report form (Form Number 2 or 2A) pertaining to such facility; and
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