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**STATE OF NEW HAMPSHIRE**

**PUBLIC UTILITIES COMMISSION**

**January 22, 2013** - 10:11 a.m.  
Concord, New Hampshire

NHPUC FEB08'13 PM 3:04

**RE: DRM 12-298**  
**RULEMAKING:**  
*Rules for Pipeline Public*  
*Utilities - Puc 1400 Rules.*

**PRESENT:** Chairman Amy L. Ignatius, Presiding  
Commissioner Robert R. Scott  
Commissioner Michael D. Harrington

Sandy Deno, Clerk

**APPEARANCES:** **Reptg. the PUC Staff:**  
Lynn Fabrizio, Esq.  
Randall Knepper, Director/Safety Division

Court Reporter: Steven E. Patnaude, LCR No. 52

**ORIGINAL**

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STATEMENTS BY:

Ms. Fabrizio

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**P R O C E E D I N G**

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2 CHAIRMAN IGNATIUS: Good morning. I'd  
3 like to open the hearing in docket DRM 12-298, which is a  
4 rulemaking hearing addressing PUC Rules Chapter 1400  
5 regarding pipeline utilities. The Commission voted on  
6 December 19th, 2012 to initiate a rulemaking for the  
7 Chapter 1400 Rules. We have an Initial Proposal that is a  
8 readoption of the existing 1400 rules, with some  
9 amendments that are designed to clarify existing  
10 requirements regarding circumstances when test results and  
11 summary of records shall be provided to the Commission.  
12 And, once approved, those rules would replace the current  
13 version of Puc 1400.

14 By Order of Notice dated January 8th,  
15 2013, we scheduled a public hearing for the purpose of  
16 taking comments on the Initial Proposal for this morning.  
17 And, it appears that we do not have members of the public  
18 who have appeared -- I mean, who have attended to speak to  
19 the rules, but we do have Commission Staff.

20 So, let's begin with taking just  
21 identification of Staff and any description of the most  
22 significant changes between the existing rules and the  
23 future rules. If anyone else arrives while we're in the  
24 hearing, we'll, obviously, take comments from them.

1                   So, Ms. Fabrizio.

2                   MS. FABRIZIO: Thank you, Chairman.

3                   Lynn Fabrizio, on behalf of Staff. And, with me at the  
4                   table today is Randy Knepper, Director of the Safety  
5                   Division at the Commission. In this rulemaking, Staff  
6                   made efforts to clarify one provision that wasn't clear to  
7                   Staff itself, and that is 1402.01(a). And, we have made  
8                   revisions that would require submission of test results or  
9                   a summary of records only upon request by the Commission.  
10                  This is a rather open-ended provision, but we felt that it  
11                  was necessary to be relatively open, to provide, in  
12                  particular, the Safety Division the opportunity to request  
13                  test results. So, rather than limit the circumstances  
14                  explicitly in the rule, we kept it as an open request by  
15                  the Commission for such items.

16                  And, other revisions made were really  
17                  simply typographical, to clean up existing language.

18                  CHAIRMAN IGNATIUS: What's the time  
19                  frame we're looking at as the rules move forward?

20                  MS. FABRIZIO: Well, the next step would  
21                  be to finalize a Final Proposal, that we would then submit  
22                  to the Office of Legislative Services for their comments,  
23                  upon receiving any comments from them and making indicated  
24                  changes. It would then be submitted to JLCAR for a

1 review. These rules expired on I believe it was  
2 December 31st. But they're, we have 100 -- we did file  
3 the Initial Proposal and given 150 days from that date,  
4 plus an additional 30 days, as necessary, under the new  
5 statute.

6 So, I think, given that there have been  
7 no public comments whatsoever, and we did circulate this  
8 to out service list of operators, and the fact that there  
9 is nobody here today, I expect that we could finalize the  
10 Final Proposal within a week and submit it to OLS and keep  
11 the process moving fairly quickly.

12 CHAIRMAN IGNATIUS: All right. And, I  
13 notice also, I should have mentioned, that the proposal  
14 was published December 27, 2012 in the formal rulemaking  
15 notice through the Office of Legislative Services.

16 MS. FABRIZIO: Yes. In fact, I got at  
17 least half a dozen requests from outside counsel and  
18 lobbyists seeking copies of the rules. So, we know that  
19 the word did get out.

20 CHAIRMAN IGNATIUS: We also, in that  
21 notice and in our order, allowed for written submissions  
22 no later than January 29th, 2013. So, we may receive  
23 further comments at that date.

24 Any other questions?

1 CMSR. HARRINGTON: I don't have any.

2 CHAIRMAN IGNATIUS: All right. Then,  
3 why don't we await any further written materials that come  
4 in. It says by writing -- in writing or an e-mail would  
5 both be acceptable. And, once those, anything is received  
6 and digested, probably will inform whether you need more  
7 time, any other sessions with people to discuss any  
8 proposals. If nothing comes in, then I think your idea of  
9 moving forward right away on working towards a final  
10 submission makes sense.

11 Thank you. Then, if nothing further,  
12 we'll see if anything arrives on January 29th and take it  
13 from there. Thank you. We're adjourned.

14 MS. FABRIZIO: Thank you.

15 **(Whereupon the hearing ended at 10:16**  
16 **a.m.)**

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