



DG 14-241

NHPUC 30SEP15 11:25

September 29, 2015

**BY OVERNIGHT MAIL AND E-MAIL**

Debra A. Howland, Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

**RE: Docket No. DG 14-241**

Dear Director Howland:

I am writing to advise the New Hampshire Public Utilities Commission ("Commission") of Northern Utilities, Inc.'s ("Northern" or "the Company") non-compliance with the Order *Nisi* notice provisions of Order No. 25,759.

On January 22, 2015, the Commission issued Order No. 25,759 in Docket No. DG 14-241, the Petition of Northern for a license to construct and maintain a natural gas distribution pipeline over the public waters of the Cocheco River in Dover, New Hampshire. The Order was issued on a *nisi* basis, and required, among other things, that Northern provide a copy of the Order *Nisi* to:

- (i) Town Clerk of Dover, New Hampshire;
- (ii) the New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the crossing, pursuant to RSA 371:19;
- (iii) the New Hampshire Department of Environmental Services;
- (iv) the Dover Landfill Work Settling Defendants; and
- (vi) the Commissioners of the Strafford County Rest Home, by first class mail, no later than February 2, 2015, and to be documented by affidavit filed with the Commission on or before February 17, 2015.

In addition, the Order *Nisi* required that a summary of the Order, which was issued concurrently by the Commission, 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 February 2, 2015, and to be documented by affidavit filed with the Commission on or before February 17, 2015.

Unfortunately, due to internal error and administrative oversight, Northern did not timely

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comply with the Notice provisions of the Order, and the service of copies and publication of the Order *Nisi* did not occur no later than February 2, 2015, as directed. Northern was alerted to its non-compliance with the Order by the Commission's clerk's office and through subsequent discussions with Commission Staff counsel. Upon notification, Northern belatedly had the required Notice published in the Union Leader on July 23, 2015, and also provided copies of the Order as directed.

Although the Company has provided actual notice to the parties involved, we understand that the license is not complete until the Commission issues an order that the Company can publish in a manner which affords notice to the public. Therefore, we request that the Commission re-issue the Order *Nisi* to complete the license requirement.

Please note that the owners of the land bordering the public waters of the Cocheco River at the location of the crossing, are as follows:<sup>1</sup>

The property on the west side of the Cocheco River foot bridge:

Property ID C0005-000000  
City of Dover  
286 Central Avenue  
Dover, NH 03820  
Property Address Listed as: County Farm Road

The properties on the east side of the Cocheco River foot bridge:

Property ID C0004-000000  
STRAFFORD COUNTY  
PO BOX 799  
DOVER, NH 03821-0799  
Property Address Listed as: 262 County Farm Road

Property ID B0020-000LS1  
STRAFFORD COUNTY BOARD OF COMMISSIONERS  
250 COUNTY FARM ROAD  
DOVER, NH 03820  
Property Address Listed as: 285 County Farm Road

Both the City of Dover and the Strafford County Board of Commissioners have had actual

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<sup>1</sup> Source: City of Dover website for maps and property record cards  
<http://www.mapgeo.com/dovernh/>  
<http://www.dover.nh.gov/services/online-services/maps-prcs/index.html>

notice of and were involved with the pipeline crossing project from its start, as the project was initiated at the request of the County for gas service to ten County-owned buildings along County Farm Road in Dover. Both the City and the County provided letters in support of the license application (copies are enclosed). The Dover Landfill Work Settling Committee appears to no longer exist, as the Company has been unable to find a current address of the Committee or contact information for a representative member. Similarly, the Company attempted to contact the Cocheco River Local Advisory Committee, which was also involved with the original Dover Landfill settlement, but they too are no longer a functioning organization (please see attached e-mail exchange).

The pipeline was completed and went into service during October 2014.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Epler". The signature is fluid and cursive, with the first name "Gary" and the last name "Epler" clearly distinguishable.

Gary Epler  
Attorney for Northern Utilities, Inc.

Enclosures

cc: Suzanne Amidon, Staff Counsel