

THE STATE OF NEW HAMPSHIRE

Before the

PUBLIC UTILITIES COMMISSION

Docket No.17-XXX

**CITY OF CONCORD'S PETITION FOR THE COMMISSION TO ESTABLISH
OVERSIGHT PROTOCOLS FOR CONCORD STEAM'S ABANDONMENT OF
MANHOLES AND PIPES AND FOR PAYMENT OF DAMAGE COSTS**

The City of Concord ("Concord"), by and through its attorneys, the Office of the City Solicitor, respectfully petitions the Public Utility Commission to require Concord Steam to: (1) identify all of the manholes in its system which it plans to fill with concrete and the process by which it intends to fill those manholes; (2) establish Concord or other third party review of Concord Steam's abandonment process of its pipes and manholes in Concord; (3) establish an escrow account or bond to ensure the abandonment work is timely completed; (4) require Concord Steam to maintain the requisite insurance policy to cover any damage to Concord's property during the abandonment process; and (5) pay damage costs it caused to Concord's property. In support of its Petition, Concord states as follows:

1. In Order No. 25,966, the Commission approved Concord Steam's request to discontinue service to its steam customers on or about May 31, 2017. PUC Order No. 25,966 at 19. As a part of its Order, the Commission approved a Settlement Agreement which requires Concord Steam to "fill the manholes along the system with flowable fill (light concrete) to eliminate the possibility of collapse in the future." *Id.* at 4.

2. Concord requests that Concord Steam identify all of the manholes in its system which it plans to fill with concrete and the process by which it intends to fill those manholes. Concord also requests that the Commission authorize Concord, or a third party, to oversee

Concord Steam's abandonment procedure to ensure that all manholes are filled and that proper manholes filling procedures are followed to eliminate the possibility of collapse in the future.

3. The request to have a party oversee the decommissioning process is supported by the case *Claremont Gas Corporation*, Order No. 21,309 (August 5, 1994), 79 NH PUC 426, 430 (1994) ("CGC"), which involved the voluntary abandonment of a gas utility. In that case, the Commission required the gas utility to "retain a qualified team of personnel to complete the abandonment process." *Id.* The Commission required an unaffiliated third-party monitor to be retained by the abandoning public utility to oversee the abandonment process. *Id.* The Commission made clear that the "monitor will be responsible for informing the Staff and local safety officials of any activity which, in the opinion of the monitor, is unsafe or inappropriate. *Id.*

4. With respect to having sufficient financial safeguards in place relative to the abandonment process, Concord requests that the Commission require Concord Steam to establish an escrow account or secure a bond to ensure the abandonment work is timely completed.

5. Additionally, Concord requests that the Commission require Concord Steam to maintain the requisite insurance policy in place to cover its abandonment activities, which shall cover any damage to Concord's property or any other property during the abandonment process.

6. In *Claremont*, the Commission required the abandoning utility to establish an escrow account which could be accessed in the event the utility failed to complete its responsibilities. *Id.* Further, the Commission required that the abandoning utility maintain a general liability insurance policy associated with the abandonment activities. *Id.*

7. Prior to granting the final closure of Concord Steam, Concord also requests that the Commission require Concord Steam to pay for the damages that Concord Steam has caused to Concord's property. *See* Ex. 1 (City of Concord Memorandum dated September 15, 2016).

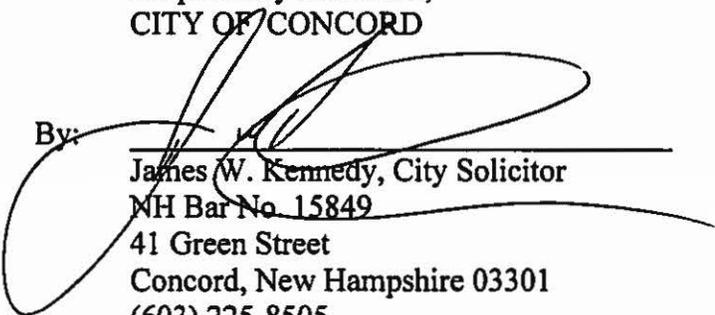
WHEREFORE, the City of Concord respectfully requests that this Commission grant its Petition as follows:

- A. Identify all of the manholes in its system which it plans to fill with concrete and the process by which it intends to fill those manholes;
- B. Establish Concord or other third party oversee Concord Steam's abandonment process of its pipes and manholes in Concord;
- C. Require Concord Steam to establish an escrow account or bond to ensure the abandonment work is timely completed;
- D. Require Concord Steam to maintain the requisite insurance policy to cover any damage to property during the abandonment process;
- E. Require Concord Steam to the pay damage costs it causes to Concord's property; and
- F. Grant such other relief as the Commission finds just and proper.

Respectfully submitted,
CITY OF CONCORD

February 3, 2017

By:



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