

DG 03-138

ENERGY NORTH NATURAL GAS, INC.
d/b/a KEYSpan ENERGY DELIVERY NEW ENGLAND

Petition for License to Cross Soucook River

Order Nisi Approving Petition

O R D E R N O. 24,195

July 28, 2003

On July 21, 2003, Energy North Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England (Keyspan) filed a petition with the New Hampshire Public Utilities Commission (Commission) pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline under the Soucook River in the City of Concord and the Town of Pembroke. According to Keyspan, the 4.8 mile, 12-inch pipeline would reinforce the Company's existing Tilton high line and increase deliverability and reliability of service to Keyspan's customers. The project would pass under the Soucook River at two locations where the river forms the border between Concord and Pembroke.

Keyspan averred in its petition that it is in the process of finalizing the acquisition of the related land rights, that it wished to undertake construction immediately to make the pipeline available for the coming winter heating season, and that both affected municipalities have approved the project. Keyspan further indicated that all abutters of the project had been notified during the municipal approval proceedings and that no objections had been interposed. Keyspan noted that it is in the

process of obtaining necessary approvals from the New Hampshire Department of Environmental Services, which it received on July 23, 2003, and the U.S. Army Corps of Engineers.

Based on the representations in the Keyspan filing, we determine pursuant to RSA 371:17 that the license sought by Keyspan is necessary in order to meet the reasonable requirements of service to the public. We further determine pursuant to RSA 371:19 that the license is capable of being exercised without substantially affecting the public rights in the public waters proposed to be crossed by the project.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, the license to cross the Soucook River requested by Energy North Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England is GRANTED, and it is

FURTHER ORDERED, pursuant to RSA 371:19 and 541-A:39, that the petitioner shall serve a copy of this Order upon the Attorney General, the owners of any lands bordering on the public waters to be crossed, the Concord City Clerk and the Pembroke Town Clerk, such notice to be served no later than July 31, 2003, and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to 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 be no

later than July 31, 2003 and to be documented by affidavit filed with this office on or before August 8, 2003; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than August 8, 2003; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 12, 2003; and it is

FURTHER ORDERED, that this Order Nisi shall be effective August 12, 2003, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-eighth day of July, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary