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STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

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www.puc.nh.gov

September 20, 2012

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

Re: Puc 500 – Rules for Gas Service
PUC Docket No. DRM 11-077

Dear Mr. Eaton:

Enclosed please find the following documents to be filed with your office regarding the above-referenced docket:

- 1) Appendix II-C, Rulemaking Notice Form;
- 2) Fiscal Impact Statement – FIS 11;
- 3) Puc 500 - Initial Proposal – Annotated Text (Showing changes from current Rules);
- 4) Cross Reference Table of Applicable Statutes; and
- 5) Cross Reference Table of Materials Incorporated by Reference.

Please include the Rulemaking Notice Form in the next available Rulemaking Register.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Amy Ignatius".

Amy L. Ignatius
Chairman

Enclosures

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Puc 500

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301</p>	<p>2. RSA Authority: <u> RSA 365:8, V, VII & XII </u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
<p>5. Short Title Puc 500 – RULES FOR GAS SERVICE</p>	

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Puc 500 applies to gas utilities and operators in the State and governs gas service, gas quality, meter accuracy and testing, equipment and facilities, record retention, reporting and accounting, safety, accident and leak reporting, utility advertising, enforcement procedures and applicable forms.

Since gas pipelines have a considerable safety hazard associated with them the rules tend to focus on financial reporting, gas procurement and supply reporting, and customer metering and safety standards.

The proposed revisions to Puc 500 are intended to clarify and standardize certain safety-related regulations applicable to gas utilities, as well as liquid propane (LP) and liquefied natural gas (LNG) operators in the State. Since the last rules were enacted in January 2005, flammable gas originating in state from landfills are now being transported through pipelines. The revised rules are intended to subject such pipelines to certain safety-related regulatory requirements in a manner consistent with those applied to LP operators, where the PUC doesn't apply metering, financial reporting or consumer protection rules. The rule changes are intended to increase the level of information and protection provided to both customers and gas utilities and operators and to ensure, as far as is possible, the equal application of these rules by all gas utilities and operators.

There is one amendment regarding customer bill adjustments and three amendments updating and making gas accounting and reporting consistent with parallel rules used among other sectors, such as the electric industry.

The proposed amendments clarify and update definitions of incidents and accidents, describe leak classifications so that uniform terminology is used among all utilities, adds provisions for identification of certain above ground facilities to aid contractors, inspectors and emergency response personnel. Construction, operation and maintenance rules are clarified, with respect to odorization requirements, welding qualification, clearance requirements, and integrity management considerations, and language is strengthened in certain provisions to enhance safety requirements.

All updates are based on field inspections that have occurred since 2005, review of regional and national pipeline incidents and explosions to assess applicability, with an emphasis on prevention, reviewing national best practices regarding pipeline safety as well as federal alert notices, advisory bulletins, rulemakings and enforcement actions.

6. (b) Brief description of the groups affected:

The Puc 500 rules generally apply to any public utility providing gas service to the public in the state of New Hampshire and their customers. Puc 511 and 512 apply to LP and LNG and landfill operators in the state.

APPENDIX II-C (Continued)

RULEMAKING NOTICE FORM - Page 2

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute (RSA) and Federal Statute/Regulation
Puc 501.01	RSA 362:4-b; 365:8, XII
Puc 502	RSA 365:8, XII
Puc 503.01	RSA 365:8, V, XII; 378:1
Puc 503.02 - 503.04	RSA 365:8, V, XII; 370:1-5
Puc 504.01 - 504.07	RSA 365:8, V, VII, XII; 374-4; 374:54; 49 CFR Parts 191 and 192
Puc 505.01 - 505.07	RSA 365:8, XII; 370:1-11
Puc 506.01 - 506.04	RSA 365:8, XII; 49 CFR. Parts 191, 192, 193, 198 and 199, 40 USC 5121, 60102, 60103, 60104, 60117, 60118 & 60126; 49 CFR 192.615
Puc 507.01 - 507.07	RSA 365:8, V, XII; 374:8, 13; 374:15; 369:7
Puc 508.01 - 508.05	RSA 365:8, V, XII; 370:1-5; 374:48-58
Puc 509.01 - 509.20	RSA 365:8, V, XII; 369:3; 370:1-5; 374:5
Puc 510.01 - 510.06	RSA 365:8, V, XII; 378
Puc 511.01 - 511.08	RSA 362:4-b; 365:8, XII; 370:2; 374:7-a; 49 USC. § 60101
Puc 512.01 - 512.17	RSA 91-A:5; 365:8, V, XII; 370:2; 374:4; 49 CFR Parts 191 and 192; 49 CFR Part 191.9; 49 CFR Part 192; 49 CFR Part 192.605
Puc 513.01 - 513.10	RSA 362:4-b; 365:8, XII; 370:2; 374:7-a; 49 USC. § 60101

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Lynn Fabrizio, Esq.** Title: **Staff Attorney**
 Address: **NH Public Utilities Commission** Phone #: **603-271-2431**
21 South Fruit Street Fax#: **603-271-4033**
Suite 10 E-mail: **lynn.fabrizio@puc.nh.gov**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 26, 2012**

Fax

E-mail

Other format (specify): diskette

9. Public hearing scheduled for:

Date and Time: **October 19, 2012 at 1:30 p.m.**

Place: **Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # FIS 12:126 dated September 19, 2012

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision of the State of New Hampshire. They therefore do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.**

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: September 19, 2012

FROM:  Pamela Ellis
Office of Legislative Budget Assistant
State House, Room 102
Concord, New Hampshire 03301

RE: FIS 12:126

TO: Lynn Fabrizio
N.H. Public Utilities Commission
21 South Fruit St, Suite 10
Concord, NH 03301

Attached is the fiscal impact statement listed above. It should be reviewed and then submitted to the Division of Administrative Rules, Office of Legislative Services, in accordance with the N.H. Rulemaking Manual dated September 2001.

Attachment

LBAO
 FIS 12:126
 09/19/12

Fiscal Impact Statement for Public Utilities Commission rules governing Gas Service. [Puc 500]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs to state citizens and independently owned businesses by an indeterminable amount, and to the extent a civil penalty is levied revenue to the state general fund may increase by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:

Puc 504.05(c) is being amended to require emergency response notifications in one hour rather than two to be consistent with federal requirements contained in P.L. 112-90 (the pipeline safety, regulation certainty, and job creation act of 2011). Puc 511.03 and Puc 513.03 are being amended to incorporate a certain type of inspection of utilities as a result of 49 USC 60108, 60109, and 60116. There are no other revisions contained in the proposed rules that are precipitated by federal mandates.

3. Cost and benefits of the proposed rule(s):

The proposed rules may increase administrative costs associated with reporting, increase costs associated with renting or leasing an odorometer to test for the presence of gas, and increase costs associated with conducting leakage surveys and reports for those state citizens and independently owned businesses that are owners or operators of gas utilities. To the extent a state citizen or independently owned business is a landfill gas operator they may be subject to civil penalties. Any civil penalties levied and paid are deposited into the state general fund. There is no impact on political subdivisions.

A. To State general or State special funds:

See 3 above.

B. To State citizens and political subdivisions:

See 3 above.

C. To independently owned businesses:

See 3 above.

CHAPTER Puc 500 RULES FOR GAS SERVICE**PART Puc 501 APPLICATION OF RULES****Section Puc 501.01 Application of Rules****PART Puc 502 DEFINITIONS****Section Puc 502.01 Check Flow****Section Puc 502.02 Commission****Section Puc 502.03 Cubic Foot****Section Puc 502.04 Economic Conservation****Section Puc 502.05 Fast****Section Puc 502.06 Gas****Section Puc 502.07 LNG****Section Puc 502.08 LPG****Section Puc 502.09 Master Meter System****Section Puc 502.10~~09~~ Meter****Section Puc 502.11~~0~~ Open Flow****Section Puc 502.12~~1~~ Peak Shaving****Section Puc 502.13~~2~~ Person****Section Puc 502.14~~3~~ Slow****Section Puc 502.15~~4~~ Standard Gravitational Force****Section Puc 502.16~~5~~ Total Heating Valve****Section Puc 502.17~~6~~ Turbine Meter****Section Puc 502.18~~7~~ Utility****PART Puc 503 SERVICE PROVISIONS****Section Puc 503.01 Filing of Tariffs****Section Puc 503.02 Measurement of Services****Section Puc 503.03 Meter Reading****Section Puc 503.04 Change in Character of Service****PART Puc 504 QUALITY OF GAS SERVICE****Section Puc 504.01 Heating Value Requirements****Section Puc 504.02 Purity Requirements****Section Puc 504.03 Pressure Requirements****Section Puc 504.04 Interruptions of Service****Section Puc 504.05 Emergency Notification****Section Puc 504.06 Incident Reporting****Section Puc 504.07 Emergency Response****PART Puc 505 METER ACCURACY AND TESTING****Section Puc 505.01 Meter Installations****Section Puc 505.02 Inspection of Meters****Section Puc 505.03 Test and Calibration of Meters****Section Puc 505.04 Test Schedule for Gas Meters****Section Puc 505.05 Customer Requested Tests****Section Puc 505.06 Customer's Bill Adjustments****Section Puc 505.07 Testing Facilities and Equipment****PART Puc 506 EQUIPMENT AND FACILITIES****Section Puc 506.01 Pipeline Safety Standards****Section Puc 506.02 Construction and Maintenance****Section Puc 506.03 On-site Storage**

Section Puc 506.04 Underground Utility Damage Prevention Program

PART Puc 507 RECORDS, REPORTS AND ACCOUNTING REQUIREMENTS

Section Puc 507.01 Records in GeneralSection Puc 507.02 Station RecordsSection Puc 507.03~~2~~ Gas Supply MeasurementSection Puc 507.04~~3~~ System MapsSection Puc 507.05~~4~~ Meter RecordsSection Puc 507.06~~5~~ Preservation of RecordsSection Puc 507.07~~6~~ Reports to CommissionSection Puc 507.08~~7~~ Uniform System of AccountsSection Puc 507.09~~8~~ Short Term Debt—~~EXPIRED~~

PART Puc 508 SAFETY, ACCIDENT AND LEAKAGE REQUIREMENTS

Section Puc 508.01 Safety Practices

Section Puc 508.02 Resuscitation

Section Puc 508.03 Accidents

Section Puc 508.04 Leakage Surveys and Inspections

Section Puc 508.05 Leakage Record-keeping and Reporting

PART Puc 509 FORMS REQUIRED TO BE FILED BY ALL UTILITIES

Section Puc 509.01 F-1 - Rate of Return

Section Puc 509.02 F-3 Statement of Pro Forma Income Statement at Present and Proposed Rates for Year Ended

Section Puc 509.03 F-4 Petition For Authority to Issue Securities

Section Puc 509.04 F-16 Annual Report for Gas Utilities

Section Puc 509.05 F-8G Monthly Operating and Income Statements

Section Puc 509.06 F-22 Information Sheet

Section Puc 509.07 E-5 Utility Accident Report

Section Puc 509.08 E-6 Heating Value and Purity Report

Section Puc 509.09 E-7 Annual Report of Gas Meter Tests

Section Puc 509.10 E-8 Report of Pressure Complaints

Section Puc 509.11 E-22 Report of Proposed Expenditures for Additions, Extensions and Capital Improvements to Fixed Capital

Section Puc 509.12 E-23 Report of Interruptions of Service

Section Puc 509.13 E-24 Report of Gas Meter Complaint Test

Section Puc 509.14 E-25 Report of Proposed Changes in Depreciation Rates

Section Puc 509.15 Status of Leaks

Section Puc 509.16 Annual Peak Shaving Fuel Storage Capability Report

Section Puc 509.17 Weekly Gas Storage Report

Section Puc 509.18 Weekly Portable LNG Vaporizer Activity Report

Section Puc 509.19 Summary of Peak Day Report

Section Puc 509.20 Forecast of Upcoming Winter Period Design Day Report

Section Puc 509.21 Federal Reports Filed with Commission

Section Puc 509.22 Monthly Customer Migration Report

PART Puc 510 UTILITY ADVERTISING

Section Puc 510.01 Definitions

Section Puc 510.02 Recovery of Certain Expenses Prohibited

Section Puc 510.03 Exempted Expenditures

Section Puc 510.04 Continuing Jurisdiction

Section Puc 510.05 Reports Required

Section Puc 510.06 Accounting

PART Puc 511 ENFORCEMENT PROCEDURES FOR GAS PIPELINE UTILITIES

- Section Puc 511.01 Jurisdiction Scope and Application of Authority
- Section Puc 511.02 Intervals of Inspection
- Section Puc 511.03 Inspection of Utilities
- Section Puc 511.04 Verbal Notice to Utility of Probable Violation
- Section Puc 511.05 Written Formal Notice of Probable Violation
- Section Puc 511.06 Responses to Notice of Probable Violation
- Section Puc 511.07 Informal Conferences
- Section Puc 511.08 Notice of Violation
- Section Puc 511.09 Response to Notice of Violation
- Section Puc 511.10 Commission Action

PART Puc 512 LP AND LANDFILL GAS PIPELINE SAFETY STANDARDS

- Section Puc 512.01 ~~Application of Rules~~ Definitions for the Purposes of Parts 512 and 513
- Section Puc 512.02 Compliance with Federal Standards Required
- Section Puc 512.03 Compliance with ~~More Stringent~~ Other Standards
- Section Puc 512.04 E-27-A Report of Jurisdictional System Facility
- Section Puc 512.05 Confidential Records
- Section Puc 512.06 Emergency Notification
- Section Puc 512.07 Incident Reporting
- Section Puc 512.08 Accidents
- Section Puc 512.09 Construction and Maintenance
- Section Puc 512.10 Underground Utility Damage Prevention Program
- Section Puc 512.11 Marking of Containers
- Section Puc 512.12 System Maps
- Section Puc 512.13 Procedure for Reporting Emergencies
- Section Puc 512.14 Preservation of Records
- Section Puc 512.15 Leakage Surveys and Inspections
- Section Puc 512.16 Leakage Record-keeping and Reporting
- Section Puc 512.17 E-5 LPG Operator and Landfill Gas Operator Accident Reports

PART Puc 513 ENFORCEMENT PROCEDURES FOR LP AND LANDFILL GAS OPERATORS

- Section Puc 513.01 Jurisdiction Scope and Application of Authority
- Section Puc 513.02 Intervals of Inspection
- Section Puc 513.03 Inspection of LPG Operators
- Section Puc 513.04 Verbal Notice to LPG Operator of Probable Violation
- Section Puc 513.05 Written Formal Notice of Probable Violation
- Section Puc 513.06 Responses to Notice of Probable Violation
- Section Puc 513.067 Informal Conferences
- Section Puc 513.08 Notice of Violation
- Section Puc 513.09 Response to Notice of Violation
- Section Puc 513.10 Commission Action

CHAPTER Puc 500 RULES FOR GAS SERVICE

REVISION NOTE:

Document #6445, effective 1-28-97, made extensive changes to the wording and numbering of rules in Chapter Puc 500. Document #6445 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Puc 500 include the following documents:

#2011, eff 5-4-82
 #2283, eff 1-18-83
 #2338, eff 4-11-83
 #2418, eff 7-10-83
 #2549, eff 12-26-83
 #2912, eff 11-26-84
 #3131, eff 10-3-85
 #5001, eff 11-26-90
 #5717, eff 10-7-93
 #6381, INTERIM, eff 11-27-96, EXPIRES: 3-27-97

PART Puc 501 APPLICATION OF RULES

Puc 501.01 Application of Rules.

(a) Puc 502 – Puc 511 shall apply to all utilities engaged in the business of manufacturing, distributing, selling, transmitting or transporting gas in the state of New Hampshire.

(b) Puc 512 and 513 shall apply to LPG operators and landfill gas operators as defined in 512.01(a).

Source. (See Revision Note at Chapter heading for Puc 500)
 #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 501.02 Purpose.

(a) The purpose of these rules is to implement the Commission's responsibility under the Natural Gas Act, 15 USC § 717 et sequentia, the Natural Gas Pipeline Safety Act 49 USC § 60101 et sequentia, and New Hampshire law regulating gas utilities and gas utility service.

Source. #8259, eff 1-19-05

PART Puc 502 DEFINITIONS

Puc 502.01 "Check flow" means a flow rate of 15% to 25% of the rated capacity of a meter.

Source. (See Revision Note at Chapter heading for Puc 500)
 #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 502.02 "Commission" means the New Hampshire public utilities commission.

Source. (See Revision Note at Chapter heading for Puc 500)
 #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.01)

Puc 502.03 "Cubic foot" means, for the purpose of measurement of gas to a customer, the amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and

where installed, provided such meter is not subject to abnormal temperature conditions unless the meter is designed with temperature compensation.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.02)

Puc 502.04 "Economic conservation" means conservation activities that cost less to implement than the value of the resources saved.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.03)

Puc 502.05 "Fast" means greater than plus 2% accuracy.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.04)

Puc 502.06 "Gas" means any manufactured or natural gas or any combination thereof.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.05)

Puc 502.07 "LNG" means liquefied natural gas.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.06)

Puc 502.08 "LPG" means liquefied petroleum gas.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.07)

Puc 502.09 "Master meter system" means any underground gas pipeline system operated by a residential or commercial customer of a New Hampshire gas utility and utilized for the distribution of gas to ultimate consumers within, but not limited to, a definable area, such as a manufactured housing park, a housing project or an apartment complex, where the operator purchases metered gas from a public utility for resale through the operator's distribution system, which is beyond the control of the utility, and where the ultimate consumers served by the operator's distribution system purchase the gas directly through a meter or by other means, such as through rents.

Puc 502.1009 "Meter" means a device which measures gas flow and which may include a gas diaphragm type, a rotary positive displacement type, an inferential turbine type or an ultrasonic type.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.09)

Puc 502.110 "Open Flow" means a flow rate of 80% to 120% of the rated capacity of a meter.

Source. #8259, eff 1-19-05

Puc 502.142 "Peak Shaving" means the use of fuels and equipment to generate or manufacture gas to supplement the normal supply of pipeline gas during periods of extremely high demand.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.08)

Puc 502.123 "Person" means an individual, firm, joint venture, partnership, corporation, association, state, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof but shall not include a municipality operating a gas system pursuant to RSA 38.

Source. #8259, eff 1-19-05

Puc 502.134 "Slow" means greater than minus 2% accuracy.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.10)

Puc 502.145 "Standard gravitational force" means acceleration at ~~980.665 centimeters per second~~ 32.17 feet per second squared.

Source. #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.11)

Puc 502.156 "Total heating value" means the number of British thermal units (Btu) produced by the combustion, at constant pressure, of the amount of gas which would occupy a volume of one cubic foot at a temperature of 60 degrees Fahrenheit and under standard gravitational force with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air, and when the water formed by combustion is condensed to the liquid state.

Source. #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.12)

Puc 502.167 "Turbine Meter" means an inferential type meter.

Source. #8259, eff 1-19-05

Puc 502.178 "Utility" means any "public utility" as defined in RSA 362:2 engaged in the manufacture, distribution, sale, transmission or transportation of gas in the state.

Source. #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 502.13)

PART Puc 503 SERVICE PROVISIONS

Puc 503.01 Filing of Tariffs. No utility shall render service until a complete tariff, containing terms and conditions and rate schedules, shall have been published and filed with the commission in accordance with Puc 1600.

Source. (See Revision Note at Chapter heading Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 503.02 Measurement of Services. A utility shall charge for all gas sold or transported on a metered basis.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 503.03 Meter Reading.

- (a) Each service meter of the displacement type shall indicate clearly the cubic feet of gas registered.
- (b) When gas is measured under high pressure or when the quantity is determined by calculation from recording devices, the utility shall supply the customer with the information needed to make clear the method by which the quantity is determined.
- (c) All meter constants shall be plainly marked on the face of the meter.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 503.04 Change in Character of Service.

- (a) A utility shall provide certain services to its customers when service conditions such as change in pressure or composition of the gas affect or would affect efficiency of operation or adjustment of appliances.
- (b) When any change occurs as described in (a) above, a utility shall, without undue delay and without charge, inspect the appliances of its customers and, if necessary, readjust those appliances for the new conditions.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

PART Puc 504 QUALITY OF GAS SERVICE

Puc 504.01 Heating Value Requirements.

- (a) Each utility shall establish its own standard heating value for the gas it furnishes the public. At no time shall the daily average heating value be less than the established standard. The standard adopted by the utility shall be stated in its tariff.
- (b) Each utility shall, unless it only takes gas from interstate pipelines or obtains a waiver pursuant to Puc 201.05, maintain equipment for measuring thermal content as follows:
 - (1) Each utility shall maintain a standard calorimeter outfit or gas chromatograph for the regular determination of the heating value of gas sold; and
 - (2) Each utility shall use the manufacturer's recommended procedures as a basis for:
 - a. Maintaining the accuracy of all calorimeters and gas chromatographs; and
 - b. The method of measuring heating value tests.
- (c) The total heating value of the gas shall be determined at least once daily and more often as is necessary to obtain an accurate record of the average heating value and of the fluctuation in heating value.

(d) Each utility shall provide a definition in its tariff of the methodology used to determine the thermal heating value.

(ed) To obtain the monthly average heating value the results of all tests of heating value made on any day during the calendar month shall be averaged, and the average of all daily averages shall be taken as a monthly average.

(fe) If a utility's calorimeter or gas chromatograph is of the recording type, its record shall be used in determining the average heating value provided that the recording calorimeter or gas chromatograph is checked at least annually.

(gf) Heating value reports shall be made to the commission on Form E-6 once a month pursuant to Puc 509.08.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.02 Purity Requirements. All gas distributed in New Hampshire shall contain not more than 20 grains of total sulphur per 100 cubic feet nor more than one fourth of one grain of hydrogen sulphide per 100 cubic feet. Upon customer request, the utility shall provide annually the monthly sulphur content for the volume billed.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.03 Pressure Requirements.

(a) Pipeline systems containing cast iron segments shall be limited to a maximum pressure of 13.8 inches of water column.

(ba) Consistent with system design, the pressure at the outlet of any customer's service meter shall never be:

- (1) Less than 4 inches of water column; or
- (2) Greater than 13.8 inches of water column, except by written agreement with the customer.

(cb) In order to maintain records of pressure, each utility shall maintain in continuous operation a sufficient number of pressure recording devices in each area where the utility maintains a distribution system.

(de) All pressure records obtained under paragraphs (ba) or (cb) above shall be retained by the utility for at least 5 2 years and shall be available for inspection by the commission or its agents.

(ed) For pressures at the outlet of any customer's service meter that exceed (b) (2) above, a permanent identification that includes the maximum delivery pressure shall be installed and maintained at the service meter.

(f) All written agreements with the customer that include delivering pressures greater than 13.8 inches of water column -shall be retained by the utility for the service life of the service meter.

(ge) Each utility shall make reports of pressure complaints monthly to the commission on Form E-8 pursuant to Puc 509.10.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.04 Interruptions of Service.

(a) Each utility shall use all practicable means to avoid interruptions to service, including maintaining appropriate levels of maintenance and planning for unexpected events.

(b) Should interruptions occur, a utility shall reestablish service within the shortest time practicable consistent with safety.

(c) Each utility shall keep a record of all interruptions to service.

(d) Each utility shall include in its record of service interruptions the following:

(1) The date and time of interruption;

(2) The approximate number of customers affected;

(3) The date and time of service restoration;

(4) The cause of such interruption when known; and

(5) A description of steps taken to prevent its recurrence.

(e) Each utility shall provide emergency notification to the commission of service interruptions as provided in Puc 504.05(a).

(f) Each utility shall report to the commission all service interruptions on Form E-23, pursuant to Puc 509.12, once a month, if any interruption occurs.

(g) When service is interrupted to perform work on lines or equipment, such work shall be done at a time causing minimum inconvenience to customers consistent with the circumstances.

(h) Customers seriously affected by interruption to service to perform work on lines or equipment shall be notified in advance, if practicable.

(i) A utility shall provide actual notice of a planned service interruption to any customer of which it has notice whose service will be interrupted and who would encounter a potentially life-threatening situation as a result of a service interruption of the type planned.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.05 Emergency Notification.

(a) The utility shall notify the safety division of the commission by telephone when any of the following occur:

(1) A release of gas from a pipeline, release of LNG or LPG, or release of gas from a LNG or LPG facility that results in:

a. A death;

b. Personal injury necessitating ~~in-patient hospitalization~~ same day professional medical treatment; or

c. Estimated property damage of \$5,000 or more;

(2) A fire or an explosion at, or emergency shutdown of, a liquefied natural gas facility, or propane-air facility;

(3) An evacuation of a building conducted by a fire department, utility or other emergency personnel because of the presence of gas in the atmosphere or in, or in the immediate vicinity of, the building;

(4) An unplanned service interruption or gas outage that is expected to result in 50 or more customer outage hours;

(5) A single outage occurring at a state, federal, or municipal facility, hospital, school or other facility in which the public could be affected;

(6) A breach of security or other threat that jeopardizes the operation of a utility's major facilities; ~~or~~

(7) Any exceedance of maximum allowable operating pressure of any duration, including accidental overpressurizations, consistent with Puc 506.01(a);

(8) A gas facility-related incident that the utility is aware of, including any incident that is likely to be, or has been, reported in the news media;

(9) Any indication of insufficient levels of odorant that do not meet the requirements of 506.02(1), regardless of how the operator becomes aware of such indication; or;

~~(10)~~ (7) An event which is significant in the judgment of the utility, even though it is not described above.

(b) A utility shall not be required to determine or document the presence or involvement of gas in any incident or event before notifying the commission.

(c) The telephone notification shall be made promptly, but no more than one ~~two~~ hours following confirmed discovery of the incident by the utility.

(d) The utility shall provide to the commission representative who responds to the call the following information:

(1) Identity of reporting utility;

(2) Name, title, and location of the person reporting the incident and contact information;

(3) Location of the incident including street address and city or town;

(4) Number of known or estimated fatalities and personal injuries, if any;

(5) Type and extent of known or estimated property damage;

(6) Description of the incident or event including any significant facts known by the utility that relate to the cause and resolution of the problem;

- (7) Date and hour the incident occurred and was discovered by the utility and, to the extent known, by any other party;
- (8) For a service interruption, gas outage, or evacuation of a building, the estimated or known number of people and/or customers affected and the estimated or actual duration of the outage; and
- (9) When the Office of Pipeline Safety of the United States Department of Transportation was, or will be, notified of the incident, if applicable.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.06 Incident Reporting.

(a) In addition to the emergency notification required in Puc 504.05, a utility shall also report in writing to the commission any incident occurring in connection with its facilities and services, as follows:

(1) A utility shall report to the commission, within 20 days following discovery, any incident which the utility shall be required to report to the federal Office of Pipeline Safety pursuant to 49 C.F.R. 191.9, which report shall be made to the commission on federal Department of Transportation form RSPA F 7100.1, which is entitled, "Incident Report-Gas Distribution System"; and

(2) A utility shall report each month, pursuant to Puc 509.15, the status of any leaks occurring in its gas distribution system.

~~(3) A utility shall report to the commission any accident involving injury to a person or damage to property as provided in Puc 508.03.~~

(b) A utility shall file any report required pursuant to (a)(1) above in addition to any report required pursuant to ~~(a)(2) or (a)(3) above.~~

(c) When additional relevant information is obtained after a report under this section is submitted, the utility shall make a supplementary report to the commission conveying this information.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 504.07 Emergency Response.

(a) For any utility that serves a single municipality or serves fewer than 2,500 customers, emergency response shall be limited to within 30 minutes.

(1) For any response time in excess of 30 minutes, the utility shall report the amount of time it took to arrive at the location of the report of gas odor, the location of the report of gas odor, and a detailed explanation for its failure to respond to the location within 30 minutes and preventive measures taken to limit potential future exceedances.

(2) On a monthly basis the utility shall report the number of gas odors responded to, leaks and other unplanned releases of gas responded to, and any other emergency responses. The report should include the date, time and location of emergency response and reason for emergency response.

~~(a) Beginning March 1, 2005 and on a quarterly basis thereafter, each utility shall report to the Commission the amount of time taken to arrive at locations of reports of gas odors.~~

~~(b) The utility shall report the number of reports of gas odors to which it responded:~~

~~(1) Within 30 minutes;~~

~~(2) Within 45 minutes;~~

~~(3) Within 60 minutes;~~

~~(4) Within 75 minutes; and~~

~~(5) Greater than 75 minutes.~~

~~(e) For any response time in excess of 60 minutes, the utility shall report the amount of time it took to arrive at the location of the report of gas odor, the location of the report of gas odor, and a detailed explanation for its failure to respond to the location within 60 minutes or less.~~

Source. #8259, eff 1-19-05

PART Puc 505 METER INSTALLATION, ACCURACY AND TESTING

Puc 505.01 Meter Installations.

(a) ~~(a)~~ Unless it obtains a waiver from the commission pursuant to Puc 201.05, each utility shall provide and install at its own expense and shall continue to own, maintain and operate, all equipment necessary for the regulation and measurement of gas to its customers.

(b) ~~(b)~~ When additional meters or increased pressures at the meter outlet, exceeding those required by Puc 504.03, are furnished by the utility at the request of a customer, a charge for such meters, equipment and the labor to install them may be made to the customer consistent with existing retail rates.

(c) Meter installations shall be protected from anticipated or potential dangers including but not limited to vehicles, ice, snow, flooding, or corrosion.

(d) No gas utility in this State shall provide gas service to any master meter system constructed after January 1, 2013, without written approval from the Commission. The Commission shall approve such service only if found to be just and reasonable and consistent with safe and reliable service requirements set forth in these rules.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 505.02 Inspection of Meters.

(a) Each utility shall take all necessary steps to have each of its meters accurately measure the flow of gas.

(b) All new meters shall be inspected for measurement accuracy before being installed on a customer's premise.

(c) All meters removed from service which are to be reinstalled shall be:

- (1) Inspected for measurement accuracy; and
- (2) Repaired by replacing worn or damaged parts.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 505.03 Test and Calibration of Meters.

(a) Each utility shall test all meters for accuracy at both check flow and open flow, as found, prior to adjustment or repair, except for meters removed from service specifically for known leakage, damage, tampering, or non-registration, and meters that have been selected for retirement.

(b) Each utility shall monitor those meters which have been removed from service specifically for known leakage, damage or non-registration on an annual basis to identify problems with certain meter types or manufacturer.

(c) Each utility shall calculate meter accuracy by adding open flow accuracy and check flow accuracy, and dividing the sum by two.

(d) Each utility shall maintain records for each group of meters and shall include in such records the meter accuracy rates for each group for the previous calendar year.

(e) The established meter groups shall be tested under this part is identified in Table 5-05-1 as follows:

Table 505-1 Established Meter Groups

<u>GROUP</u>	<u>TYPE</u>	<u>CAPACITY</u>
A	Diaphragm	0 to 500 cubic feet per hour (CFH)
B	Diaphragm	Greater than 500 CFH
C	Rotary	All
D	Turbine	All
E	Ultrasonic	All

(f) Utilities shall divide the meter accuracy data into 3 accuracy categories, each expressed as a percentage of the total number of meters in a group, as follows:

- (1) Slow meters;
- (2) Those meters with an accuracy rate of plus or minus 2 percent; and
- (3) Fast meters.

(g) When calculating the accuracy categories for (f) (1) through (3) above, the utility shall round the result up to the next whole number.

(h) When a remote meter read device is utilized, the utility shall verify the accuracy of the remote read device whenever the meter is removed from service.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 505.04 Test Schedule for Gas Meters.

(a) Utilities shall not be required to test meters with a purchase year which indicates an age of 10 years or less provided that the meters belong to a group identified in Puc 505.03(e) demonstrating an accuracy rate of 96 percent or better, and the utility has the manufacturer’s proof test on file.

(b) Each utility shall, on an annual basis, calculate an accuracy rate for each group of meters identified in Table 5.05-1 of Puc 505.03(e) by calculating the percentage of slow, fast and accurate meters in the group for purposes of determining the number of meters to be brought in for testing in the subsequent year.

(c) Each utility shall, on an annual basis beginning March 1, 2005, examine the previous year’s tested meter accuracy data for each group of meters identified in Table 5.05-1 of Puc 505.03(e) to determine the sampling plan for the current year.

(d) Each utility shall use accuracy data derived in the previous years' testing for the establishment of the minimum quantity of meters to be tested per group for the current year.

(e) The applicable accuracy rate shall determine the minimum number of meters to be tested according to Table 5.05-2.

Table 5.05-2 Minimum Number of Meters to be Tested at Accuracy Rates per Group Identified in Puc 505.04(d)

Number of Meters Active in Meter Group	Accuracy Rates				
	96 to 100%	93 to 95%	90 to 92%	87 to 89%	less than 87%
2 to 8	5	5	5	5	Testing as provided in Puc 505.04 (g)
9 to 15	5	5	5	8	
16 to 25	5	5	8	13	
26 to 50	5	8	13	20	
51 to 90	8	13	20	32	
91 to 150	13	20	32	50	
151 to 280	20	32	50	80	
280 to 500	32	50	80	125	
501 to 1,200	50	80	125	200	
1,201 to 3,200	80	125	200	500	
3,201 to 10,000	125	200	500	1,000	
10,001 to 35,000	200	500	1,000	2,000	
35,001 to 100,000	500	1,000	2,000	3,000	
Greater than 100,000	1,000	2,000	3,000	4,000	

(f) For any group of meters with accuracy rates of 95% or less, the utility shall randomly select the meters to test as follows:

(1) The utility shall select 80% of those meters for testing from the group of meters that have operated for the longest period of time without being tested; and

(2) The utility shall select 20% of those meters for testing from the group of meters removed from service for non-use or load change.

(g) For any group of meters with accuracy rates of 87% or less, the utility shall attempt to determine the defect responsible for failure and, if the utility can not identify the defect, or, if the defect is due to the manufacturer, the entire group of meters shall be removed from service.

(h) Utilities shall conduct tests of rotary and turbine meters either in the field or at an approved meter shop.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 505.05 Customer Requested Tests.

(a) When a customer requests a meter test, a utility shall follow the following procedures:

(1) The utility shall test the accuracy of the customer's meter within 15 days from the time the request is made;

(2) If the meter has been tested at no charge during the preceding 6 months, a utility may require the deposit of a fee in an amount as specified in the utility's current tariff for such a test;

(3) If on testing the meter is found to be in error by more than 2%, the deposit shall be promptly refunded;

(4) If the meter is not found to be in error by as much as 2%, the utility may retain the amount deposited for the test;

(5) A customer may be represented in person or by an agent when the utility conducts the test of the customer's meter; and

(6) The utility shall provide to the customer within 30 days after completion of the test a report giving:

a. The name of the customer requesting the test;

b. The date of the request;

c. The location, the type, make, size, the serial number of the meter;

d. The date tested; and

e. The result of the test.

(b) When a customer makes written application to the commission for testing of a meter, the following shall occur:

(1) The commission staff shall arrange to have the meter tested in staff's presence, as soon as practicable; and

(2) The utility, when notified of a customer application for a meter test as herein provided, shall not knowingly remove, interfere with, or adjust the meter to be tested without the written consent of the customer and approval of the commission pursuant to Puc 201.05.

(c) Reports of periodic tests of meters shall be submitted to the commission on a Form E-7, pursuant to Puc 509.09, once a year. Reports of requests for tests shall be submitted to the commission on Form E-24, pursuant to Puc 509.13, once a month.

(d) The utility shall retain a complete record of the last test made on a meter.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 505.06 Customer Bill Adjustments.

(a) When a customer's meter or remote read device has been found to be fast or slow, as a result of a meter test made by or on behalf of the utility and at the request of the customer, an adjustment shall be made to the customer's bill.

(b) If the meter or remote read device is found to be a fast meter, the utility shall refund to the customer an amount equal to no less than the charges billed for the excess gas over the previous ~~24~~2 months of billing.

(c) If the meter or remote read device is found to be a slow meter, the utility shall bill the customer for no more than the unbilled gas supplied during the previous 6 months.

(d) If the meter or remote read device is found to not be registering usage, the utility shall bill the customer for no more than the gas it determines the customer used during the previous 6 months. Determination of gas used shall be based upon information recorded by the meter prior or subsequent to the period of non-registration and on any other pertinent information supplied by the customer or known to the utility.

(e) If a meter is determined to have been assigned to the wrong customer and the customer has been billed based on usage recorded on a meter connected to residential or commercial space not occupied by the customer, the utility shall correct the billing to the affected customers as follows:

(1) for customers who have been underbilled, invoices for the billing difference shall cover the customer's period of occupancy or 6 months, whichever is shorter; and

(2) for customers who have been overbilled, refunds of the billing difference shall cover the period of occupancy or 24 months, whichever is shorter.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 505.05)

Puc 505.07 Testing Facilities and Equipment.

(a) Each utility shall maintain the equipment and facilities necessary for accurately testing all types and sizes of meters employed for the measurement of gas to its customers, unless arrangements approved by the commission, pursuant to Puc 201.05, have been made to have such testing done elsewhere.

(b) Meter provers used by the utility or its agent for the testing of meters shall be of an approved type and of a capacity of not less than 5 cubic feet.

(c) Each meter prover shall be supplied with accessories needed for accurate meter testing and shall be located in a room suitable for the work to be done.

(d) The utility shall maintain, or cause to have maintained on its behalf, the meter prover in good condition and correct adjustment so that it can determine the accuracy of any gas meter to within 1/2 of one percent.

Source. #8259, eff 1-19-05 (from Puc 505.06)

PART Puc 506 EQUIPMENT AND FACILITIES

Puc 506.01 Pipeline Safety Standards.

(a) All utilities including those with propane storage facilities shall comply with those pipeline safety regulations established by the United States Department of Transportation which are set forth in 49 C.F.R. Parts 191, 192, 193, 198 and 199, including future amendments thereto and applicable propane storage requirements of American National Standards Institute/National Fire Protection Association (ANSI/NFPA) standards 58 or 59.

(b) Where Puc 500 or Puc 800 establishes more stringent requirements than those pipeline safety regulations adopted pursuant to (a) above, the more stringent requirement set forth in Puc 500 or Puc 800 shall apply.

(c) After January 1, 2007, only an individual who meets operator qualifications in accordance with 49 CFR Part 192, Subpart N shall perform an activity which:

- (1) Is performed on a pipeline facility, whether new or existing;
- (2) Is an activity involving operations, maintenance or new construction;
- (3) Is performed as a requirement of this part; and
- (4) Affects the operation or integrity of the pipeline.

(d) Utilities shall ensure that welders performing welding work on utility pipeline facilities are qualified, as follows:

(1) No utility shall permit a welder to make any pipeline weld unless the welder has qualified by destructive testing within the preceding 27 months, but at least once every 2 calendar years in accordance with 49 C.F.R. §192.7 and; Appendix C to Part 192.

(2) Utilities shall verify that any welder originally qualified under an earlier edition of Section 6 of American Petroleum Institute Standard 1104, Welding of Pipelines and Related Facilities as referenced in 49 CFR §192.7, shall be certified by the referenced edition.

(3) Puc 506.01(d)(1) and (2) shall not apply to those portions of LNG facilities or propane storage facilities that are not subject to 49 CFR Part 192.

(4) No utility shall permit a welder to weld with a particular welding process unless the welder has engaged in welding with that process within the preceding 6 calendar months. Utilities shall verify that a welder who has not engaged in welding with that process within the preceding 6 calendar months is requalified for that process as set forth in subsections (1) and (2) above.

(e) Inspection of Materials as required by 49 C.F.R §192.307 and Repair of Pipe as required by 49 C.F.R §192.311 shall be applicable to all plastic pipelines including services.

(f) A utility shall ensure the periodic inspection and calibration of all equipment, including, but not limited to, equipment used for cathodic protection, pipe jacking, leak detection, plastic fusion, and pressure testing, which is used in construction, operations, and maintenance activities, in accordance with the frequencies defined in the manufacturers' procedures and specifications.

(g) Utilities shall attach inspection stickers to all such equipment covered under (g) above, indicating the date of the most recent inspection and/or calibration. In the event, an inspection sticker is not legible or has become detached, the operator shall make available upon request records of all periodic inspections and calibrations in the field that will adequately enable the safety division to determine appropriate calibration of equipment.

(h) Whenever conditions permit, gas service lines installed after January 1, 2013 shall be installed with a cover of not less than 18 inches above the top of the pipe, except where interference with other sub-surface structures or the insertion of previously installed service lines makes it impracticable to maintain this depth of cover. In such cases, applicable protective devices such as steel plating or concrete padding shall be installed. Installation of protective devices shall be documented and records kept for the life of the pipeline.

(i) Utilities shall not install or operate a gas regulator that could release gas closer than 3 feet to a source of ignition, an opening into a building, an air intake into a building or any electrical source not intrinsically safe, as follows:

(1) The 3-foot clearance from a source of ignition will be measured from the vent or source of release (discharge port), not from the physical location of the meter set assembly.

(2) For encroachment within the required 3-foot clearance caused by an action of the property owner or occupant after the initial installation the encroachment shall be resolved by extending the regulator vent to meet this requirement within 90 days of discovery.

(j) Pipelines shall be laid on continuous bedding consisting of suitable rock free materials or well compacted soil as follows:

(1) If piping is to be laid in soils which may damage the piping, the piping shall be protected before back-filling is completed;

(2) Plastic piping shall not be supported by blocking; and

(3) Well tamped earth or other continuous support shall be used.

(k) Gate stations and district regulating stations that utilize regulator(s) to provide the primary means of overpressure protection shall be designed and installed to incorporate equipment that indicates the station outlet pressure and confirms the proper operation of the regulator(s) as follows:

(1) Such equipment may include telemetering equipment that communicates with central SCADA systems, local chart or digital pressure recorders or other local indicator;

(2) When the operator chooses to use a pressure gauge as the separate device to comply with this section, the pressure gauge must have the capability to record the high pressure, such as a

recording chart or "tattle-tale" needle, but a standard sight gauge is not adequate for this purpose; and

(3) Utilities shall inspect pressure regulating stations monthly to ensure proper operation and to confirm the proper operation of the regulating equipment.

(l) Gas service line valves at multi-service installations shall be plainly marked by permanent means designating the building or part of the building being served, in accordance with the following:

(1) If marking of the meter will readily identify its service line valve, the meter may be marked in lieu of the service line valve;

(2) Each customer meter, gas regulating station, or any aboveground gas transporting facility shall be permanently marked to identify the operator's name and phone number; and:

(3) Marking of facilities shall be accomplished by metal signs, line markers, plastic decals, or other appropriate means.:

(m) Each single fed distribution system shall be equipped with telemetering or recording pressure gauge or gauges as may be required to properly indicate the gas pressure in the system at all times, in accordance with the following:

(1) At least once each year the pressure variation shall be determined throughout each system; and

(2) By January 2016, telemetering shall be the sole method used to properly indicate the gas pressure at all times for each single fed distribution system.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 506.02 Construction, Operations and Maintenance.

(a) Except as established herein or by municipal regulations **that** are more stringent than the state or federal requirement, each utility shall construct, install, operate and maintain its plant, structures, equipment and gas pipelines:

(1) In accordance with all applicable federal and state requirements, including but not limited to the requirements of the "Utilities Accommodation Manual" of the New Hampshire state department of transportation pursuant to RSA 228:21, which establishes uniform practice regarding the accommodation of utilities within state highway rights-of-way;

(2) After weighing all factors, including potential delay, cost and safety issues in such a manner to best accommodate the public, giving particular weight to safety issues that affect the public; and

(3) To prevent potential interference with service furnished by other utilities including electric, telephone, water, sewer, steam and other underground or above ground facilities.

~~(b) Gas pipelines which are to be operated at a pressure of 200 pounds or more per square inch gauge shall not, except with approval of the commission pursuant to Puc 201.05, be installed within 40 feet of buildings intended for human occupancy which were in existence prior to, or were actually under construction at:~~

- ~~(1) The date of acquisition of title to the right of way or property held by such pipeline company;~~
- ~~(2) The date of filing of route maps under RSA 371:15; and~~
- ~~(3) The date of filing of route maps with the commission, with legal notice to any affected landowner.~~

~~_____ (e) Gas pipelines which are to be operated at a pressure of 200 pounds or more per square inch gauge shall not, except with approval of the commission pursuant to Puc 201.05, be installed under roads or railroad crossings.~~

(b~~d~~) Pipelines shall be laid at least 12 inches away from any other underground structure unless such clearance cannot be achieved in which case they shall be laid in proximity with other underground structures as is consistent with approved engineering practice. Clearances less than 12 inches shall be documented and records kept for the life of the pipeline.

_____ (c) No pipeline shall be installed under any buildings without approval of the commission's safety division.

_____ (d) Written construction procedures must include specific provisions for directional drilling and other trenchless technology installation methods that minimize the potential damage to gas pipelines and other underground facilities as listed in 506.02(a)(3).

_____ (e) Gas pipelines (new proposed construction or replacement) that are to be operated at a pressure greater than 60 pounds per square inch gauge shall not, be installed under roads, public waters or railroad crossings without notification to safety division at least 10 days prior to construction of the crossing and vicinity.

(f) The utility shall avoid any interfering structure which provides a space in which a substantial accumulation of explosive mixture might accumulate in the event of a leak and preference shall be given to crossing over rather than under such structure but minimum cover requirements must be maintained. In those situations where minimum cover cannot be maintained, applicable protective devices such as steel plating or concrete padding shall be installed. Installation of protective devices shall be documented and records kept for the life of the pipeline wherever possible. ~~after weighing all factors, including potential cost, delay and safety issues.~~

(g) Each utility shall design and install all electrical wire fixtures and devices in accordance with the National Electric Code as adopted by RSA 155-A:1, IV.

(h) All meter and regulator station buildings shall be provided with permanent natural draft ventilating devices sufficient to accomplish an average of 5 changes of air per hour.

(i) Each utility shall comply with the requirements for purging pipelines established by the Purging Principles and Practice, 19902001 edition, of the American Gas Association.

(j) Within 2 years of a meter being continuously locked or removed, the utility shall disconnect from the main and abandon all gas service lines with the exception of cathodically protected or plastic gas service

lines which shall be disconnected from the main and abandoned within 10 years of the meter being continuously locked or removed.

(k) All utilities shall map in their mapping system any main that is abandoned after February 1, 2005.

(l) All utilities shall maintain records of any service line that has been abandoned after February 1, 2005.

(m) All combustible gases transported or distributed by a pipeline shall have a distinctive odor of sufficient intensity so that ~~a concentration of~~ at a concentration of one-fifth of the applicable lower explosive limit, in accordance with Table 508-1, the odor ~~one percent of gas in the air~~ is readily perceptible to the normal or average olfactory sense of a person coming from fresh, uncontaminated air into a closed room. ~~containing one part of gas in 99 parts of air.~~

(n) Whenever necessary to maintain the level of odorization intensity described in (l) above, a suitable odorant shall be added in accordance with the following specifications:

(1) The odorant shall be harmless to humans, non-toxic, and shall be non-corrosive to steel, iron, brass, and plastic or any other material used by the utility in handling gas;

(2) The odorant shall not be soluble in water to an extent greater than 2.5 parts by weight of the odorant to 100 parts by weight of water;

(3) The products of combustion from the odorant shall be non-toxic to a person breathing air containing these products of combustion and shall not be corrosive or harmful to material which normally would be exposed to such products;

(4) Equipment for introduction of the odorant into the gas shall be so designed and so built as to avoid wide variation in the level of odor in the gas; ~~and~~

(5) The equipment and facilities for handling the odorant shall be located where the escape of odorant would not be a nuisance; ~~and~~

(6) At least 12 times per calendar year, at intervals not exceeding 45 days, each utility shall sample gas distributed at places downstream of all injection points to assure the presence of odorant in a concentration that is in accordance with 506.02 (l). This testing of samples must be conducted using equipment manufactured specifically for odorant testing, calibrated per manufacturer's instructions and at locations equivalent to the further points from the source or system extremities of each pressure system. Each utility shall have the capability of promptly injecting odorant if the odorant levels are detected below those of 506.02(l).

(n) The utility shall provide, upon the request of the commission, written verification that the pipeline has been constructed and tested in accordance with all applicable federal and state requirements. Verification documentation shall be maintained for the life of the pipeline segment constructed and tested. A recordable device shall be used for documentation.

(o) The verification required in (n) above shall include, at a minimum, the following information:

(1) Test pressure;

(2) Duration of test;

- (3) Test date;
- (4) Type of test, such as hydrostatic/air;
- (5) Normal and maximum operating pressure to which the pipeline will be subjected;
- (6) Material type and fitting type (including specification) tested;
- (7) Individual company performing test; and
- (8) Location of beginning of segment tested and location of end of segment tested.

(p) The utility shall submit to the commission a supplemental verification, including figures and maps, as appropriate, whenever:

- (1) Significant change is made in the operating pressure; or
- (2) Any change in location is made to the pipeline because of road relocations.

(q) Operating and maintenance procedures and emergency plans shall be documented according to a plan as follows:

- (1) Each utility shall establish a written operating and maintenance plan pursuant to 49 C.F.R. §192.603 including the criteria set forth in 49 C.F.R. §192.605;
- (2) Each utility shall establish a written emergency plan pursuant to 49 CFR 192.615;
- (3) Each utility shall file with the commission its plans together with any subsequent amendments;
- (4) Each utility shall operate, inspect and maintain its system in accordance with its plans; and
- (5) Each utility shall inspect any new construction by outside contractors that is or will be incorporated into the utility's system to verify that the resulting installation meets company specifications.

(r) Each utility shall develop and maintain a written security plan outlining actions necessary to protect the utility's facilities from breaches of security or sabotage, and outlining actions to be taken as required by Homeland Security Presidential Directive-3 and any subsequent modifications, pursuant to Public Law 107-56, October 26, 2001.

- (1) The written security plan shall include preventive measures that address SCADA systems, control centers and systems, and critical supply locations, as well as cyber security considerations.

~~(2+s)~~ Upon request of the commission's safety division, the utility shall permit the commission's safety division to review the written security plan on utility premises. The commission may request a confidential copy be provided upon notification to each utility.

(s) Integrity management plans for transmission and distribution systems, public awareness plans, and operator qualification plans, shall be documented as follows:

(1) Each utility shall establish a written operating and maintenance plan pursuant to 49 C.F.R. §§192.901, 192.1003, 192.616, 192.801 and Puc 506.01 (c);-

(2) Each utility shall establish a written plan pursuant to (s)-(1) above;

(3) Each utility shall file with the commission its plans together with any subsequent amendments or revisions;

(4) Each utility shall design, construct, test, operate, inspect and maintain its system in accordance with its plans; and

(5) Integrity management plans shall address any applicable Federal Advisory Bulletins issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and any results of failure investigations as required by 49 C.F.R. §192.617.

~~(5t)~~ Operator qualification plans shall list all covered tasks and include specific abnormal operating conditions for each task. All operator qualifications covered tasks shall be cross referenced with applicable construction standards or specifications or applicable operation and maintenance activities including emergency response.

(u) Construction quality assurance plans shall be written, followed and documented as follows:

(1) Each utility shall inspect any new construction by outside contractors that is or will be incorporated into the utility's system to verify that the resulting installation meets company specifications;

(2) A representative number of field verification audits shall be conducted after field work is completed for specific tasks;

(3) Performance audits shall be conducted to evaluate a representative sample of various tasks are evaluated during the actual time that the work is being performed by the employee or contractor;

(4) Construction inspections shall be conducted frequently enough to encompass most of the new facility installation and repairs that are done on the utility system;

(5) Detailed forms shall incorporate activity checklists prepared to cover normal work activities for evaluation or inspection of specified field work and construction;

(6) Audits of employees and crews shall be conducted by management personnel (for example, supervisors, engineers) to ensure that all personnel have reviewed the quality assurance plan and that all construction work is inspected on a regular basis; and

(7) Utilities shall take remedial action within 3 months to correct or make substantial progress toward correction of any deficiencies indicated by construction quality assurance audit and inspection findings.

(v) Each utility must take remedial action within 3 months to correct or make substantial progress toward correction of any deficiencies indicated by monitoring of cathodically protected pipelines.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 506.03 On-site Storage.

(a) Unless separately addressed in a utility's integrated resource plan as defined in Puc 510.01(e), and approved by the commission pursuant to an adjudicatory proceeding governed by Puc 200, each utility shall determine its maximum projected design week demand based on the coldest historical consecutive seven day period ("7-day design demand") and determine the amount of firm gas supply to be furnished by natural gas pipeline deliveries and on-site storage inventory, if any, necessary to satisfy the 7-day design demand.

(b) In connection with the operation of its peak shaving facilities, each utility shall retain a minimum on-site storage inventory volume for peak-shaving between December 1 and February 14 of each year that is equivalent to the volume of on-site storage inventory deemed necessary to satisfy the 7-day design demand as determined in (a) above.

(c) Railway tank cars on the utility's rail sites shall be considered as on-site storage.

(d) A utility may count as on-site storage 70% of the guaranteed daily delivery capability over a 5 day period from a firm bulk fuel supply point or off-site storage facility for any situation in which the utility:

(1) Owns or leases tank trucks;

(2) Has a firm fuel supply purchase contract; or

(3) Has a dedicated supply and delivery service contract.

(e) As of February 15 of each year, the above minimum on-site storage inventory volume may be reduced to 75% of the December 1 requirement above.

(f) As of March 1 of each year, the above minimum on-site storage inventory volume may be reduced to 50% of the December 1 requirement above.

(g) Each utility shall notify the commission's safety division each week during the period from December 1 through April 1 of its on-site storage inventory levels.

(h) The information required by (e and d) above shall be reported electronically on each Tuesday, or the next day following a state holiday.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

~~(a) Unless separately addressed in a utility's integrated resource plan as defined in Puc 510.01(e), and approved by the commission pursuant to an adjudicatory proceeding governed by Puc 200, each utility, shall maintain an on-site storage capability in connection with the operation of its gas distribution system between December 1 and February 14 of each year and which shall provide peak-shaving supplies for an estimated maximum design cold period of 7 consecutive days.~~

~~(b) Railway tank cars on gas company rail sites and firm delivered gas supply shall be considered as on-site storage.~~

~~(c) A utility may count as on-site storage 70% of the guaranteed daily delivery capability over a 5-day period from a dependable bulk fuel supply point for any situation in which the utility:~~

~~(1) Owns or leases tank trucks;~~

~~(2) Has a fuel supply purchase contract; or~~

~~(3) Has a dedicated service contract.~~

~~(d) Between February 15 and February 28, the above minimum on-site storage capacity may be reduced to 75% of the total requirement of each utility.~~

~~(e) Between March 1 and March 31, the minimum on-site storage capacity may be reduced to 50% of the original total requirement.~~

~~(f) Each utility shall notify the commission's safety division each week during the period from December 1 through April 1 of its on-site supply of supplemental fuel.~~

~~(g) The information required by (e and d) above shall be reported on each Tuesday, or the next day following a state holiday, no later than 4 p.m. and may be made by telephone.~~

~~Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05~~

~~Puc 506.04 Underground Utility Damage Prevention Program. All utilities shall comply with Puc 800.~~

~~Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05~~

PART Puc 507 RECORDS, REPORTS AND ACCOUNTING REQUIREMENTS

Puc 507.01 Records in General. All records shall be organized, arranged or prepared to ensure that sufficient data is available to determine the status of compliance with these rules. Records pertaining to the system design or that are necessary for future evaluation of the system's safety shall be retained for the life of the facility involved.

Puc 507.042 Station Records. Each utility shall keep records of the operation of its plant to show the characteristics and performance of each unit.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.032 Gas Supply Measurement.

(a) Each utility shall install a suitable measuring device at each source of supply in order that a record may be maintained of the quantity produced.

(b) Unless sufficient information is furnished by the utility supplying the gas, each utility purchasing gas shall maintain adequate instruments and meters to obtain complete information as to such purchases.

(c) The utility shall:

(1) Determine on a daily basis the quantity of gas supply produced or purchased and received from each source of supply; and

(2) Summarize those quantities each month.

(d) The utility shall record and transmit to the commission its 12 month totals of gas supply purchased, produced, and received as part of its annual report to the commission.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.043 System Maps. Each utility shall have on file at its principal office located within the state a map, maps or drawings showing the following:

(a) Size, character and location of its active mains, and its abandoned mains if abandoned after February 1, 2005, including valves;

(b) Size and location of each of its active service lines, and its abandoned service lines if abandoned after February 1, 2005, where practicable, provided that in lieu of showing service locations on maps, a card record or other suitable means may be used; and

(c) Layout of all principal metering and regulator stations and production plants to show size, location and character of all major equipment, pipe lines, connections, valves and other equipment used.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.054 Meter Records.

(a) Each utility shall keep numerically arranged and classified records providing the following information for each meter owned and used by the utility for any purpose:

- (1) Identification number;
- (2) Date of purchase;
- (3) Name of manufacturer, serial number, type and rating; and
- (4) Information on each customer on whose premises the meter has been in service, including:
 - a. Name and address; and
 - b. Date of installation and removal.

(b) The records required by (a) above shall be maintained in a manner such that the date of the last test is readily ascertainable.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.065 Preservation of Records.

(a) Each utility shall preserve all records pursuant to the requirements set forth in the "Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act," as referred to in Puc 507.08 and adopted by the commission pursuant to RSA 374:8, except as provided in (b) and (c) below. All records required by these rules shall be preserved by the utility for a period of 5 years unless otherwise designated by the commission's rules governing the preservation of records, including but not limited to Puc 507.07(b).

(b) Where the "Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act" does not specify a requirement for preservation of a record required to be kept pursuant to Puc 500, the utility shall preserve such records for a period of not less than 2 years, except as provided in (c). The utility shall make such records available to the commission or its staff upon request at the utility's New Hampshire office.

(c) If any section of this chapter requires a utility to preserve any such record for more than 2 years, utilities shall comply with the longer term requirement.

(d) A utility shall:

(1) Keep or make available within New Hampshire at the office or offices of the utility any records required under this rule; and

(2) Provide access to such records to the commission or its representative during normal business hours for examination.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.076 Reports to Commission.

(a) The utility shall furnish to the commission the results of any required tests and summaries of any required records pursuant to RSA 374:15.

(b) The utility shall also furnish the commission with any information concerning the utility's facilities or operations relating to determining rates or judging the practices of the utility pursuant to RSA 378:1.

(c) Each utility shall file periodic reports with the commission as provided in Puc 509 on forms described in Puc 509 which shall be furnished by the commission upon request.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.087 Uniform System of Accounts. Pursuant to RSA 374:8, each utility shall maintain its accounts in conformity with the "Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act" promulgated by the United States Federal Energy Regulatory Commission at 18 CFR Part 201.

~~(a) Each utility shall maintain its accounts and records in conformity with the "Uniform Classification of Accounts for Gas Utilities" established and issued by the commission as a uniform system of accounts pursuant to RSA 374:8.~~

~~(b) Each utility shall keep and preserve all accounts and records as provided in the National Association of Regulatory Utility Commissioners' "Regulation to Govern the Preservation of Records of Electric, Gas and Water Utilities Regulation", governing the preservation of records of gas utilities, which is established by the commission as part of its uniform system of accounts pursuant to RSA 374:8.~~

Source. (See Revision Notes at Chapter heading for Puc 500 and below) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 507.098 Short Term Debt. No utility shall issue or renew any notes, bonds or other evidences of indebtedness payable less than 12 months after the date thereof without prior commission approval pursuant to Puc 201.05 if such short term debt exceeds 10 percent of the utility's net fixed plant.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97, EXPIRED: 1-28-05

REVISION NOTE:

Pursuant to RSA 374:8, II and RSA 541-A:21, I(q), as amended effective 7-23-94 by 1994, 193:3 and 193:4, the uniform system of accounts (USOA) for regulated utilities as referenced in Puc 507.07 is exempt from the rulemaking requirements of RSA 541-A. The text of the USOA is not included in Puc 507.07 above because the publication requirement for rules in RSA 541-A:15, I does not apply.

By Order No. 21,310 dated August 8, 1994, the New Hampshire Public Utilities Commission (Commission) ordered, because of 1994, 193, that the USOAs, including the USOA for gas utilities, "shall remain in effect until such time as the Commission shall prescribe, amend, rescind or otherwise affect the USOAs currently prescribed for regulated utilities".

The Commission must still file in the Office of Legislative Services a copy of all USOA rules adopted, amended or repealed under RSA 374:8. The text of the USOA for gas utilities subject to Order No. 21,310 was last filed in Document #6623.

A copy of the USOA as referenced in Puc 507.07 may be obtained at the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301.

PART Puc 508 SAFETY, ACCIDENT AND LEAKAGE REQUIREMENTS

Puc 508.01 Safety Practices.

- (a) Each utility shall adopt comprehensive instructions for the safety of employees in the operation, construction or maintenance of its plant and facilities.
- (b) Each utility shall institute practices and programs to ensure that its employees have been properly trained in safe practices and are cognizant of all hazards involved.
- (c) The instructions, practices and programs referred to in (a) and (b) above shall comply with the requirements of 49 CFR 192.605.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 508.02 Resuscitation.

- (a) Each utility periodically shall instruct its employees engaged in electrical work, including but not limited to those employees who work on all live electric conductors and equipment, in accepted safety procedures for resuscitation from electrical shock.
- (b) The utility shall instruct all employees engaged in work on gas mains or equipment in the procedure to be followed in cases involving asphyxiation or gas poisoning.
- (c) The utility shall furnish copies of the relevant safety procedures to each such employee.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 508.03 Accidents.

(a) Each utility shall notify the commission of any accident, as described in Puc 504.05(a), pursuant to Puc 504.05.

(b) A utility shall submit a written report to the commission on form E-5, "NHPUC Accident Form", pursuant to Puc 509.076, within 10 working days following the occurrence of any accident involving a release of gas from a pipeline, a release of LNG or LPG or a release of gas from a LNG or LPG facility in which:

- (1) Any person has been killed;
- (2) Any person has received an injury which requires ~~in-patient hospitalization~~ same day professional medical treatment;
- (3) Any person has received an injury which incapacitates that person from active work for a total of 6 days or more during the 10 days immediately following the accident; or
- (4) Any property damage over \$5,000 in amount has been caused.

(c) If any event later occurs in connection with an accident which renders an accident reportable under this section or significantly changes the circumstances of a report previously submitted, the utility shall submit a new or updated report, as appropriate.

(d) A utility shall submit to the commission a copy of any written accident or incident report submitted to the federal government.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97 ; ss by #8259, eff 1-19-05

Puc 508.04 Leakage Surveys and Inspections.

- (a) For purposes of this section, "business districts" means the principle business areas in the urban portion of a community.
- (b) The presence of certain factors shall indicate the presence of a business district, as follows:
- (1) The general public regularly congregates in this area for economic, industrial, religious, educational, health or recreational purposes;
 - (2) The majority of the buildings on either side of the street are utilized for commercial, industrial, religious, educational, health or recreational purposes;
 - (3) Gas facilities are under continuous paving that extends either from the center line of the thoroughfare to the building wall or from the gas main to the building wall; and
 - (4) Other locations or sites in the urban portion of a community which contain a similar density and/or mix of buildings and services as provided in (1) through (3) above.
- (c) Each utility shall survey distribution mains in business districts on an annual basis.
- (d) Each utility shall conduct a leakage survey of cast iron main lines in business districts on a repeated basis during the months when frost is in the ground, but not in conjunction with the survey referred to in (c) above.
- (e) Each utility shall conduct a leakage survey of all unprotected steel services at least once during each 3 year period and of all protected steel and plastic pipe at least once during each 5 year period.
- (f) Each utility shall inspect gas mains once each calendar year in locations or on structures where known physical movement or external loading could cause failure or leakage and patrol such locations at least 3 times each calendar year.
- (g) A gas detector survey of buildings used for public assembly, including schools, churches, hospitals, theaters, municipal buildings and downtown areas shall be conducted each year during the period March 1 to December 1.
- (h) In completing a gas detector survey of buildings used for public assembly, as referred to in (g) above, a utility shall:
- (1) Test areas around service entrances, inside the foundation wall, at conduit or cable entrances below grade and at cracks or breaks in the foundation wall where gas seepage might enter the basement; and
 - (2) Test exposed piping from the service entrance to the outlet side of the meter.
- (i) If, when investigating a leak, it is determined that the perimeter of a leak area extends to a building wall, the investigation shall continue into the building unless public safety or identifiable exigent circumstances prohibit entry.
- (j) Once public safety or identifiable exigent circumstances no longer prohibit entry, the investigation, as provided in (i) above, shall continue into the building, if the leak has not yet been resolved.

(k) The utility shall establish a leak repair priority based on its evaluation of the location and the magnitude of a leak.

(l) The applicable lower explosive limits shall be determined according to Table 508-1 below:

<u>TABLE 508-1</u>		
<u>Utility Lower Explosive Limits & Equivalent Percent Gas/Air Ratios</u>		
<u>% LEL</u>	<u>Natural Gas % gas/air (1)</u>	<u>Propane % gas/air (2)</u>
<u>10</u>	<u>0.5%</u>	<u>0.2%</u>
<u>20</u>	<u>1.0%</u>	<u>0.4%</u>
<u>30</u>	<u>1.5%</u>	<u>0.6%</u>
<u>40</u>	<u>2%</u>	<u>0.8%</u>
<u>60</u>	<u>3%</u>	<u>1.2%</u>
<u>80</u>	<u>4%</u>	<u>1.6%</u>
<u>100</u>	<u>5%</u>	<u>2%</u>
<u>1) Assume LEL is 5% and UEL is 15% for Natural Gas</u>		
<u>2) Assume LEL is 2% and UEL is 9.5% for Propane</u>		

(m) A utility shall assign a classification of leaks as follows:

(1) (1)—Class I shall be a leak that represents an existing or probable hazard to persons or property, and requires immediate repair within 24 hours or continuous action until the conditions are no longer hazardous.

a. A Class I leak includes but is not limited to:

1) Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard;

2) Escaping gas that has ignited unintentionally;

3) Any indication of gas, which has migrated into or under a building, or into a tunnel;

4) Any reading within five feet of the outside wall of a building, or where gas would likely migrate to an outside wall of a building;

5) Any reading of 40% lower explosive limit (LEL) or greater in accordance with Table 508-1, in a confined space including but not limited to manholes, vaults, catch basins;:

6) Any leak that can be seen, heard, or felt, and which is in a location that may endanger the general public or property; and

7) A leak shall be considered Class I when a sustained combustible gas indicator reading of 70% LEL or greater in accordance with Table 508-1 is measured, in small substructures. A small substructure shall include but not be limited to conduits, pipes, pedestals and other small enclosures.

b. A Class I Leak requires the utility to take action immediately to eliminate the hazard and make repairs. The action may require one or more of the following:

1) Implementation of an emergency plan;

2) Evacuation of premises;

3) Blocking off an area;

4) Rerouting traffic;

5) Elimination of sources of ignition;

6) Venting the area by removing manhole covers, barholing, installing vent holes, or other means;

7) Stopping the flow of gas by closing valves or other means; or

8) Notification to emergency responders.

(2) Class II shall be a leak that is recognized as being non-hazardous at the time of detection, but requires scheduled repair within 6 months or before the end of the calendar year based on probable future hazard. Class II leaks can vary greatly in degree of potential hazard.

a. When evaluating Class II leaks, each operator shall consider criteria such as the following:

1) The amount and migration of gas;

2) The proximity of gas to buildings and subsurface structures;

3) The extent of pavement, including wall-to-wall paving that includes areas covered in gravel or grass; and

4) Soil type and conditions, such as frost cap, moisture, and natural venting.

b. A leak shall be considered Class II when a sustained combustible gas indicator reading of 40% LEL or greater in accordance with Table 508-1, is measured under a sidewalk in a wall-to-wall paved area that does not qualify as a Class I leak;

c. 100% LEL or greater in accordance with Table 508-1, is measured under a street in a wall-to-wall paved area that has significant gas migration and does not qualify as a Class I Leak;

d. A leak shall be considered Class II when a sustained combustible gas indicator reading of less than 70% LEL in accordance with Table 508-1 is measured, in small substructures. A small substructure shall include but not be limited to conduits, pipes, pedestals and other small enclosures;

e. A leak shall be considered Class II when a sustained combustible gas indicator reading less than 40% LEL in accordance with Table 508-1 is measured in a confined space including but not limited to manholes, vaults, catch basins;

f. A leak shall be considered Class II when a sustained combustible gas indicator reading is measured on a pipeline operating at 30 percent specified minimum yield strength (SMYS), or greater, in a class 3 or 4 location, as defined in 49 CFR §192.5, which does not qualify as a Class I leak;

g. A leak shall be considered Class II when in the judgment of operating personnel at the scene, is of sufficient magnitude to justify scheduled repair;

h. All active Class II leaks shall be re-evaluated at a minimum of every 30 days until the leak is repaired and cleared; and

i. Each utility shall take action ahead of ground freezing or other adverse changes in venting conditions with respect to any leak which, under frozen or other adverse soil conditions, would likely allow gas to migrate to the outside wall of a building.

(3) Class III shall be a leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.

a. Each utility shall survey and re-evaluate each Class III leak at least once every 6 months from the date of discovery until the leak is repaired.

b. A leak shall be considered Class III when a sustained combustible gas indicator reading less than 40% LEL in accordance with Table 508-1 is measured under a street or sidewalk in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building. Wall-to-wall paving shall include areas covered in gravel or grass, in accordance with Puc 508.04(m)(2);

c. A leak shall be considered Class III when a sustained combustible gas indicator reading of less than 100% LEL in accordance with Table 508-1, is measured under a street in a wall-to-wall paved area that does not have significant gas migration and does not qualify as a Class II leak. Wall-to-wall paving shall include areas covered in gravel or grass, in accordance with Puc 508.04(m)(2); and

d. Any leak that does not classify as Class I or Class II.

~~(m) In making a determination as to whether to classify a leak as Class I, II or III, a utility shall comply with the guidelines and examples for leak classification and leakage control as described in the utility's operation and maintenance plan as required by 49 CFR 192.605.~~

(n) A utility shall conduct a follow-up inspection as follows:

- (1) The adequacy of leak repairs shall be checked before backfilling;
- (2) The perimeter of the leak area shall be checked with a combustible gas indicator (CGI) or equivalent gas detection equipment; and
- (3) Where there is residual gas in the ground after the repair of a Class I leak, the utility shall conduct a follow-up inspection as soon as practical after allowing the soil atmosphere to vent and stabilize, but in no case later than one month following the repair.

(o) In the case of leak repairs other than Class I, the need for a follow-up inspection shall be determined by qualified personnel of the utility.

(p) When a leak is re-evaluated, the utility shall classify it using the same criteria as when the leak was first discovered. A utility shall not reclassify a leak to a lower risk classification unless it is repaired.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 508.05 Leakage Record-keeping and Reporting.

(a) Each utility shall maintain records and follow self-audit procedures regarding gas leaks and leakage surveys as follows:

- (1) A utility shall preserve historical gas leak records in accordance with Puc 507.05(a) and Puc 507.07(b);
 - (2) In order to demonstrate the adequacy of company maintenance programs, a utility shall maintain sufficient data to provide the information needed to complete the federal Department of Transportation leak report forms as follows:
 - a. Form RSPA F 7100.1, "Incident Report-Gas Distribution System";
 - b. Form RSPA F 7100.1-1, "Annual Report For Calendar Year 20__ Gas Distribution System";
 - c. Form RSPA F 7100.2, "Incident Report-Gas Transmission and Gathering Systems"; and
 - d. Form RSPA F 7100.2-1, "Annual Report For Calendar year 20__ Gas Transmission & Gathering Systems"; and
 - (3) The utility shall maintain records for leaks which are reported by an outside source or require reporting to a regulatory agency.
- (b) The leak records as required in (a) above shall not be required to be maintained in any specific format or retained at one location.
- (c) The leak records as required in (a) above shall include the following:
- (1) Date discovered, time reported, time dispatched, time investigated and by whom;
 - (2) Date(s) re-evaluated before repair and by whom;
 - (3) Date repaired, time repaired and by whom;

- (4) Date(s) rechecked after repair and by whom;
 - (5) If a reportable leak, date and time of telephone report to regulatory authority and by whom;
 - (6) Location of leak;
 - (7) Leak classification;
 - (8) Line use, including distribution and transmission;
 - (9) Method of leak detection including name and address if reported by an outside party; and
 - (10) A description of any environmental impact, if applicable.
- (d) A utility shall report to the commission leaks occurring in its gas distribution system as follows:
- (1) Emergency notification, pursuant to Puc 504.05(a); and
 - (2) Report on status of leaks, pursuant to Puc 509.15.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

PART Puc 509 FORMS REQUIRED TO BE FILED

Puc 509.01 F-1 – Rate of Return.

(a) Natural gas utilities shall file with the commission Form F-1 on a quarterly basis reporting the historical weather normalized rate of return for the preceding 12 months. For purposes of this part, "natural gas utility" means any utility that receives direct deliveries through a natural gas interstate pipeline.

(b) Natural gas utilities shall include on Form F-1 the following components:

- (1) A caption identifying the report as "F-1, Rate of Return";
- (2) The name of the utility filing the report;
- (3) Operating revenues for 12 months~~Actual revenues~~;
- (4) Weather adjustment;
- (5) Operating expenses for 12 months, including:
 - a. Gas costs;
 - b. Other production;
 - c. Distribution;
 - d. Customer accounting;
 - e. Sales and new business;
 - f. General and administrative;
 - g. Federal and state income taxes;

- h. Property taxes;
- i. Other taxes;
- j. Depreciation;
- k. Amortization;
- l. Operating rent; and
- m. Interest on customer deposits;

(6) Rate base components for:

- a. New Hampshire plant;
- b. Material and supplies;
- c. Cash working capital requirement;
- d. Prepayments;
- e. Customer deposits;
- f. Accrued interest customer deposits;
- g. Depreciation reserve;
- h. Deferred income taxes;
- i. Reimbursable contributions; and
- j. Any other item properly includible in the utility's rate base ~~Pension and benefit reserves.~~

(7) Weighted cost of capital components for:

- a. Current capital structure;
- b. Cost of debt; and
- c. Last commission approved cost of equity.

(8) Operating utility income for 12 months;

(9) Allowed operating utility income using weighted cost of capital;

(10) Actual return on rate base;

(11) Allowed return on rate base; and

(12) The signature, full name and title of the utility employee who supervised the preparation of the report.

(c) The rate of return calculation will exclude merger push-down accounting unless such accounting treatment has explicit commission approval.

(d) Utilities shall file Form F-1 no later than 45 days from the end of each fiscal quarter.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 509.02 F-3 Statement of Pro Forma Income Statement at Present and Proposed Rates for Year Ended.

- (a) Each utility which requests a rate increase shall file form F-3 with the commission.
- (b) The report shall include a caption identifying the report as "F-3, Statement of Pro Forma Income State at Present and Proposed Rates for the Year Ended" and the name of the utility filing the report.
- (c) Utilities shall include on form F-3 a breakdown of operating revenues and expenses for:
 - (1) Actual year ended;
 - (2) Adjustments and pro forma at present rates;
 - (3) Adjustments and pro forma at proposed rates with additional requirements; and
 - (4) Total requirements.
- (d) Utilities shall include on form F-3 a calculation of rate base and calculation of rate of return.
- (e) Each utility requesting a rate increase shall also comply with the requirements of Puc 1600, tariffs and special contracts.
- (f) The report shall include the signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.03)

Puc 509.03 F-4 Petition For Authority To Issue Securities.

- (a) Each utility shall file form F-4 with the commission when it seeks authority to issue securities;
- (b) Each utility shall include on form F-4 the following:
 - (1) A petition which shall include:
 - a. A caption identifying the report as "F-4 Petition for Authority to Issue Securities;
 - b. The name of the utility filing the report;
 - c. Description of authorized and outstanding long term debt and capital stock;
 - d. Amount of short term notes outstanding;
 - e. Description of new securities;
 - f. Description of what proceeds will be used for;
 - g. List of exhibits attached;
 - h. Certification statement as contained in (d) below; and

i. Petitioner's prayer asking for the relief requested.;

- (2) Application for leave to issue securities pursuant to RSA 369:3 including a statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;
- (3) Exhibit 2, showing the estimated cost of financing including, for example, legal costs, printing, documentary tax, trustee services, financial services;
- (4) Exhibit 3, current balance sheet adjusted for financing with journal entries and explanations for actual, adjustments and as adjusted;
- (5) Exhibit 4, current income statement adjusted for financing including new interest, depreciation and taxes with entries for actual, adjustments and as adjusted;
- (6) Exhibit 5, statement of capitalization ratios after giving effect to the proposed financing;
- (7) Exhibit 6, copy of the purchase and sale agreement for long term financing including any letter of commitment from a lender stating details of financing;
- (8) Exhibit 7, copy of the mortgage indenture;
- (9) Exhibit 8, copy of terms of new common or preferred stock;
- (10) Resolution of petitioner's stockholders, board of directors or other governing body of petitioner, as appropriate, authorizing the proposed financing; and
- (11) An original and 7 copies of the petition and exhibits.

(c) By submitting or signing a Form F-4 petition, the persons submitting the form shall agree to comply with the certification requirement as set forth in (d) below.

(d) Each utility shall provide in connection with a petition for authority to issue securities a certification which shall provide as follows:

"The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition."

(e) The form shall include the signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500 #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.04)

Puc 509.04 F-16 Annual Report for Gas Utilities.

(a) Each utility which maintains its books on a calendar year basis shall ~~file a complete the~~ "Annual Report for Gas Utilities" form available on the commission website at www.puc.nh.gov, and file one signed original and one electronic copy with the commission annually on or before March 31st.

(b) Each utility which maintains its books on a fiscal year which does not coincide with a calendar year shall ~~file a complete the~~ "Annual Report for Gas Utilities" form available on the commission website at

www.puc.nh.gov, and file one signed original and one electronic copy -with the commission no later than 90 days following the close of each fiscal year.

~~(c) Each utility shall include on form F-16 Annual Report the following:~~

- ~~(1) A caption identifying the report as "F-16 Annual Report" and the name of the utility filing the report;~~
- ~~(2) List of officers, their compensation, address, and a list of directors with address, length of term, term expiration, and fees;~~
- ~~(3) Shareholders names and addresses and voting powers including number of votes, number of shares owned and a schedule of payments to individuals;~~
- ~~(4) Balance sheet accounts schedule including assets and other debits and liabilities and other credits including comparison to previous year;~~
- ~~(5) Fixed capital gas schedule including comparison to previous year;~~
- ~~(6) Management fees and expenses and distribution of accruals or payments and distribution of total charges;~~
- ~~(7) Non-operating property with beginning of year balance and year end balance, property abandoned schedule and land for future development schedule with beginning and year end balances;~~
- ~~(8) Investments in affiliates and miscellaneous investments showing description of investment stock descriptions, cost to respondent, and book value;~~
- ~~(9) Funds schedule showing sinking, miscellaneous, and depreciation funds with notation of additions and withdrawals;~~
- ~~(10) Prepayment schedule with beginning and year end balance and required securities with date acquired, cost and par value;~~
- ~~(11) Schedule of materials and supplies, accounts receivable and receivables from affiliated companies;~~
- ~~(12) Schedule of unamortized debt discount and expenses showing debits and credits during year and a schedule of dividends declared during year;~~
- ~~(13) Capital stock account with stock breakdown and long term debt schedule with the proper breakdown;~~
- ~~(14) Notes payable schedule showing beginning and end of year balance and a schedule of payables to affiliated companies;~~
- ~~(15) Depreciation reserve schedule showing debits and credits and an annual depreciation charge schedule;~~
- ~~(16) Miscellaneous reserves with charges during the year, a miscellaneous unadjusted credits schedule and a tax schedule;~~
- ~~(17) Income statement including increase or decrease over previous year;~~

- ~~(18) Capital surplus account showing debits and credits during year, earned surplus account and miscellaneous suspense schedule;~~
- ~~(19) Operating revenues, gas, composed of gas service revenue and other gas revenues which includes a schedule or summary of operating gas expenses with the increase or decrease over the previous year;~~
- ~~(20) Operation and maintenance accounts which include amounts by classification and increase or decrease over previous year;~~
- ~~(21) Analysis of sales and new business expenses with a breakdown into appliance sales, job work sales, and new business;~~
- ~~(22) Schedule of donations and gifts and accounts charged to;~~
- ~~(23) Detail of fuel account broken into liquid petroleum propane and liquid natural gas and a schedule of materials and supplies with beginning and end of year balances;~~
- ~~(24) Summary of gas plant operation monthly in terms, type of gas used and a breakdown of said gas and a schedule of revenue by rates; and~~
- ~~(25) Certification statement as contained in (d) below:~~

~~(d) Each utility shall complete and properly execute under oath a certification form as part of its "Annual Report", which provides as follows:~~

~~"We, on our oath do severally say that the foregoing return has been prepared under our direction, from the original books, papers and records of said utility, that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said utility, in respect to each and every matter and thing therein set forth to the best of our knowledge, information and belief; and that the accounts and figures contained in the foregoing report embrace all of the financial operations of said utility during the period for which said report is made."~~

~~(e) The certification set forth in (d) above shall be subscribed and sworn to under oath by the utility by its president or other chief officer and treasurer or other officer in charge of accounts whose signatures shall be notarized by a notary official in conformance with New Hampshire law.~~

~~(f) By submitting or signing the "Annual Report", the person submitting the form, on behalf of themselves and the utility, thereby agree to comply with the certification statement set forth in (d) above.~~

~~Source. (See Revision Note at Chapter heading for Puc 500 #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.05)~~

Puc 509.05 F-8G Monthly Operating and Income Statements.

(a) Each utility shall twice a year file form F-8G, which shall include an analysis of gas operating statistics of usage, sales and revenue data, with the commission within 90 days of the 6 month periods ending April 30th and October 31st and shall file revised F-8G monthly reports when previously submitted reports have been updated, edited or corrected.

(b) Utilities shall include on form F-8G the following:

- (1) A caption identifying the report as "Form F-8G, Monthly Operating and Income Statements along with the name of the utility filing the report;
- (2) Monthly income statement showing current month, cumulative this year, same month last year and cumulative last year;
- (3) A gas purchased, produced and transported report showing all natural gas purchases distinguishing gross received or net delivered, storage gas injections, storage gas withdrawals, pipeline fuel retention, if gross received purchases are used, propane air produced, vaporized LNG produced, gas received and transported for other parties or other gas supply and totals for each category;
- (4) A statement of the disposition of all gas purchased, produced and transported including total gas sold, gas used by the company, accounted for losses, unaccounted for losses, gas transported by third parties for unbundled customers and total disposition;
- (5) Degree day summary, identifying data source and geographic location including actual and normal, base 65 degrees Fahrenheit, effective or actual;
- (6) The actual average number of customer bills generated, by rate class, for the current month and for the same month for the previous year;
- (7) Analysis of operating revenues which requires a breakdown of revenue earned showing this month, cumulative this month, same month last year and cumulative last year;
- (8) Gas sold with a breakdown and comparisons to previous years for all firm and non-firm bundled sales and unbundled transportation rate classes;
- (9) The date of the original report, or, if applicable, the revised report; and
- (10) The signature, full name and title of the individual signing the report.

Source. (See Revision Note at Chapter heading for Puc 500 #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.06)

Puc 509.06 Form 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 the Form F-22 filing.
- (b) Each utility shall include the following on form Form F-22:
 - (1) A caption identifying the report as "Form F-22 Information Sheet" along with the name of the utility filing the report;
 - (2) Person's name and address to receive annual report form;
 - (3) Person's name and address to receive the utility assessment tax;
 - (4) The names and titles of the principal officers of the company; and

(5) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.07)

Puc 509.07 E-5 Utility Accident Report.

(a) Each utility shall file a "NHPUC Accident Form" within 10 working days of when a utility accident, as described in Puc 508.03(b), occurs.

(b) Each utility shall include the following on **F** form E-5:

(1) A caption identifying the report as "Form E-5 Utility Accident report";

(2) The current, date and name and address of utility;

(3) Date, time of discovery, and location of accident;

(4) Description of any person injured including:

a. Name;

b. Age;

c. Residence;

d. Employer; and

e. Status of any injured person, whether employee, person under contract, invitee, licensee, trespasser or other;

(5) Description of injury, current condition, duration of disability and, if applicable, anticipated return to work date;

(6) Description of cause and manner of accident;

(7) If applicable, cause of death, previous accident report number;

(8) Designation of federal or state statute violated, if applicable;

(9) Estimated amount of property damage and breakdown of property damage amounts;

(10) Method of discovery of the accident;

(11) Estimated amount of gas released (mcf) and value of gas released, including calculations;

(12) Time operator or contractor acting on behalf of operator arrived on scene;

(13) Time operator made pipeline safe;

(14) Date and time final restoration and return to gas service was completed;-

(15) Quantity of people evacuated and quantity of meters shut off or service interrupted;

(16) Description of the pipeline facility involved (age, material type, diameter, location, classification, above ground, below ground, depth, pressure at time of accident, map of pipeline; and

(17) Date and time of notification to the National Response Center, if required.

(189) Recommendation for and steps taken to guard against repetition of accident; and

(1910) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.08)

Puc 509.08 E-6 Heating Value and Purity Report.

(a) Each utility shall file with the commission a completed Form E-6 monthly.

(b) Utilities shall include on Fform E-6:

(1) A caption identifying the report as "E-6 Heating Value and Purity Report" along with the name of the utility filing the report;

(2) The month average in British thermal units (BTUs) with a breakdown for each day of the month of the time, showing derivation based on location of each measurement, BTU measurement and associated volume, and, where applicable, days when peak shaving equipment is used;

(3) BTUs per cubic foot;

(4) General remarks; and

(5) The signature, full name and title of the employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.09)

Puc 509.09 ~~Form E-7~~ Annual Report of Gas Meter Tests.

(a) Each utility shall file Form E-7, Annual Report of Gas Meter Tests, annually by March 15 with the commission.

(b) Utilities shall include the following on Fform E-7:

(1) A caption identifying the report as "Annual Report of Gas Meter Tests" along with the name of company and year represented by the report;

(2) The number of meters tested categorized according to Table 5.1;

(3) The total meters in service per category at end of year and total meters per category tested during year;

-and

(4) Accuracy rate per group tested, required accuracy in accordance with Table 505.2 and quantity of meters to be tested per category for the following year;

(5) The total meters in service at end of year and total meters tested during year; and

(64) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.10)

Puc 509.10 E-8 Report of Pressure Complaints.

(a) Each utility shall file a monthly report of pressure complaints on Form E-8 with the commission.

(b) Utilities shall include the following on Fform E-8:

- (1) A caption identifying the report as "E-8 Report of Pressure Complaints" along with the name of the utility filing the report;
- (2) The name of each complainant and location which gave rise to the complaint;
- (3) The date the utility conducted a meter test;
- (4) The average pressure of the tested meter;
- (5) The pressure recorded in inches of water column showing minimum with time of day and maximum with time of day;
- (6) The total minutes pressure was below allowable minimum and above allowable maximum; and
- (7) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.11)

Puc 509.11 E-22 - Report of Proposed Expenditures for Additions, Extensions and Capital Improvements to Fixed Capital.

(a) Each utility shall file an annual report of proposed expenditures for addition, extensions and capital improvements to fixed capital on or before May 15 of each year.

(b) The report shall include a caption identifying the report as "E-22 Report of Proposed Expenditures for Additions, Extensions and Capital Improvements to Fixed Capital" along with the name of the utility filing the report.

(c) With respect to any proposed, main, or service capital addition, extension or improvement, utilities shall report on Form E-22 the following:

- (1) A description of size and length of the main or service;
- (2) The location of the proposed capital addition, extension or improvement;
- (3) The total estimated cost of the proposed capital addition, extension or improvement by work category; and
- (4) The signature, full name and title of the utility employee who supervised the preparation of the report.

(d) Investigation of or comment on a construction budget or E-22 by the commission or failure of the staff to identify prudence review issues as described in paragraph (f) below, shall not constitute a final prudence review and the commission shall not be precluded from analyzing the merit of any expenditure in a future rate case.

(e) The commission shall notify a utility when it identifies prudence review issues, which it would raise as part of a rate case, in connection with notice of a proposed expenditure under this section.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.13)

Puc 509.12 E-23 Report of Interruptions of Service.

(a) Each utility shall file a monthly report of interruptions of service on a monthly basis with the commission.

(b) Each utility shall use Form E-23 in reporting service interruptions and shall include the following information on the report:

- (1) A caption identifying the report as "Form E-23, Report of Interruptions of Service" along with the name of the utility filing the report;
- (2) The dates of service interruption;
- (3) The time of service interruption including start, end and total elapsed time;
- (4) The location of service interruption;
- (5) The number of customers affected by service interruption;
- (6) The cause of interruption; and
- (7) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.14)

Puc 509.13 E-24 Report of Gas Meter Complaint Tests.

(a) Each utility shall file monthly with the commission "Form E-24 Report of Gas Meter Complaint Tests".

(b) Form E-24 shall include the following:

- (1) A caption identifying the report as "E-24 Report of Gas Meter Complaint Tests" along with the name of the utility filing the report;
- (2) The name and address of the customer making the complaint;
- (3) The meter manufacturer; manufacturer's number; company number; type and size;
- (4) The percent registration which are fast or slow;
- (5) The period of refund or collect; and
- (6) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500 #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.15)

Puc 509.14 E-25 Report of Proposed Changes in Depreciation Rates.

(a) Each utility shall file Form E-25 when it proposes any change in depreciation rates.

(b) A utility shall include on Form E-25:

- (1) A caption identifying the report as "E-25 Report of Proposed Changes in Depreciation Rates" along with the name of the utility filing the report;
- (2) The date;
- (3) The account number and title;
- (4) The estimated whole life, reported as the number of years from initial installation to final retirement, both present and proposed, in years;
- (5) The net salvage, both present and proposed, by percentage;
- (6) The depreciation rate, both present and proposed, by percentage;
- (7) The net annual change in dollars;
- (8) The theoretical reserve calculated as the difference between the calculated accumulated depreciation determined using the proposed depreciation rates and the accumulated depreciation;
- (9) The proposed amortization of the theoretical reserve;
- (10) The reasons for changes in depreciation rates and length of the proposed amortization of the theoretical reserve; and
- (11) The signature, full name and title of the utility employee who supervised the preparation of the report.

(c) A utility shall not implement any change in depreciation rates until the proposed change has been approved by the commission.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.16)

Puc 509.15 Status of Leaks.

- (a) Each utility shall submit to the commission a monthly leak report.
- (b) Each utility shall provide on the monthly leak report a description of the status of any leak in its system classified by type of leak, as Class I, II or III.
- (c) The report shall include a caption identifying the report as "Monthly Leak Report" along with the name of the company filing the report.
- (d) A utility shall identify and describe the status of leaks as follows:
- (1) As of the beginning of each month;
 - (2) Those reported during the month;
 - (3) Those repaired during the month; and
 - (4) Those reported and awaiting repair at the end of the month.

(e) Additionally, for those leaks reported during the month, the utility shall provide:

- (1) The leak address;
- (2) The date leak was reported;
- (3) The identification number of the leak;
- (4) The leak area (rural, residential, urban);
- (5) The classification of the leak;
- (6) Method of how the company became aware of leak (for example, public, employee, winter patrol);
- (7) Type of cover over leak (for example, asphalt, concrete);
- (8) The pipeline facility (for example, main, service);
- (9) The operating pressure (for example, low, intermediate, high); and
- (10) The most likely material(s) involved in any suspected Class III leaks.

(f) For those leaks repaired pursuant to Puc 509.15(d)(3), the cause of the leak shall be reported in a consistent classification as identified according to 49 CFR §191.11 and leaks classified as "other" shall be clearly explained.

- (ge) The report shall include the signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.17)

Puc 509.16 Annual Peak Shaving Fuel Storage Capability Report.

(a) Each utility with either LNG vaporization, propane air vaporization and mixing, or both, used as primary or supplemental on-system gas supply and fuel storage in its New Hampshire gas distribution operations shall file electronically with the commission once annually a peak shaving fuel storage capability report. ~~Each utility shall file with the commission once annually a peak shaving fuel storage capability report.~~

(b) This report shall be submitted by October 1st of each year and shall include projected design-week sendout, production capabilities and storage requirements of utility gas operations, including the following:

- (1) A caption identifying the report as the "Annual Peak Shaving Fuel Storage Capability Report" along with the name of the utility filing the report;
- (2) Projected design week demand determined using verifiable total degree day data collected from an identified New Hampshire location for the seven coldest consecutive days in the past 30 years of historical degree day data. ~~Maximum projected design-week demand;~~
- (3) Amount to be furnished by natural gas pipeline;
- (4) Balance from peak shaving;
- (5) Equivalent gallons LNG or LPG needed to satisfy requirements of (4) above;
- (6) Total storage facilities committed, in gallons, to service on December 1 of the current year to LPG and LNG, which shall be categorized as follows:
 - a. Permanent;
 - b. Railroad tank cars;
 - c. Truck tankers;
 - d. Other storage, specifying type; and
 - e. Total storage;
- (7) Whether the facility meets storage requirements;
- (8) Comments relative to suppliers' delivery capabilities during the upcoming winter period;
- (9) A statement that the utility shall immediately advise the commission of any unexpected circumstances which may arise surrounding its peak shaving capabilities; and
- (10) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.18)

Puc 509.17 Weekly Gas Storage Report.

(a) Each utility shall submit to the commission safety division weekly reports on gas storage level during the period December 1 through April 1 on Tuesday of each week, or the day following if Tuesday is a state holiday, before 4:00 p.m.

(b) The utility may by telephonic facsimile or e-mail report information on storage levels.

(c) The report shall include a caption identifying the report as "Weekly Gas Storage Report" along with the name of the utility filing the report and the full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss and moved by #8259, eff 1-19-05 (from Puc 509.19)

Puc 509.18 Weekly Portable LNG Vaporizer Activity Report.

(a) Each utility shall submit to the commission's safety division weekly reports on portable LNG vaporizer utilization when a portable LNG vaporizer is connected to the gas utility distribution system.

(b) The report shall be filed on Tuesday of each week before 4:00 p.m., or the day after if Tuesday is a state or federal holiday.

(c) The report shall contain the following information:

- (1) A caption identifying the report as "Weekly Portable LNG Vaporizer Activity Report" along with the name of the utility filing the report;
- (2) The date of the report;
- (3) The location and maximum rated output of the portable vaporizer;
- (4) The reason for connecting the portable vaporizer;
- (5) The daily volume injected from the portable vaporizer; and
- (6) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 509.19 Summary of Peak Day Report.

(a) Each utility shall file a report annually on April 1st summarizing the previous winter period peak day operating statistics.

(b) Quantities of gas shall be reported as measured in therms.

(c) The report shall contain the following information:

- (1) A caption identifying the report as "Summary of Peak Day Report" along with the name of the utility filing the report;

- (2) The gas demand for firm sales, interruptible sales, firm transportation, interruptible transportation and any other sendout;
- (3) The gas demand for non-daily metered interruptible transportation rate classes based on an estimate of the daily supply nomination requirements, or best estimate;
- (4) The gas supply of purchased pipeline natural gas, underground storage gas, propane air production gas, LNG produced gas, third party gas transported for unbundled transportation customers, and any other gas supply used to meet peak day demand;
- (5) The actual or effective base 65 degrees Fahrenheit degree day total measured on that day including the source, geographic location;
- (6) The date and day of the week of the peak day occurrence;
- (7) A statement as to whether the peak day sendout was a new record for the utility; and
- (8) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 509.20 Forecast of Upcoming Winter Period Design Day Report.

- (a) Each utility shall file annually with the commission on September 15 an electronic copy of ~~with the winter east of gas-~~ a report summarizing the upcoming winter period design day forecast of operating statistics.
- (b) Quantities of gas shall be reported as measured in therms.
- (c) The report shall include the following information:
 - (1) A caption identifying the report as "Forecast of Upcoming Winter Period" along with the name of the utility filing the report;
 - (2) The demand for firm sales, interruptible sales, firm transportation, interruptible transportation and any other sendout demand;
 - (3) The supply of purchased pipeline natural gas, underground storage gas, propane air production gas, LNG produced gas, third party gas transported for unbundled transportation customers, and any other gas supply available to meet design day demand;
 - (4) The base 65 degrees Fahrenheit degree day estimate total used in the forecast design day;
 - (5) A brief explanation of forecast tools, models and assumptions used in determining design day sendout requirements; and
 - (6) The signature, full name and title of the utility employee who supervised the preparation of the report.

Source. #8259, eff 1-19-05

Puc 509.21 Federal Reports Filed with Commission. The owner or operator of a natural gas pipeline facility regulated by the Federal Energy Regulatory Commission pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., shall, with respect to any such pipeline facility located or to be located in New Hampshire, file with the commission:

(a) Annually, on or before April 30 of each year, a signed original of the Federal Energy Regulatory Commission annual report form, form number 2, pertaining to such facility; and

(b) 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.

Source. #8259, eff 1-19-05

Puc 509.22 Monthly Customer Migration Report.

(a) Each utility offering unbundled transportation service shall file electronically with the commission a monthly report after the final accounting is available that provides in a PDF file format a rolling twelve months of the most recent available transportation customer data and include the following:

(1) A caption identifying the report as "Monthly Customer Migration Report" along with the name of the utility filing the report;

(2) The month and year of the report, which will coincide with the most recent month of actual data included in the report;

(3) The actual number of customer bills per month sorted by rate class, for capacity assigned and also for capacity exempt customer subgroups;

(4) The actual number of therms billed per month, sorted by rate class, for capacity assigned and also for capacity exempt customer subgroups; and

(6) A table identifying each competitive natural gas supplier and the number of customers served by each.

(b) The master file for this report shall retain all months of historical customer migration data, be maintained in an EXCEL file format, and be made available to commission staff upon request.

PART Puc 510 UTILITY ADVERTISING

Puc 510.01 Definitions.

(a) "Advertising" means the use by a utility of any media in order to transmit a message to the general public, or to such utility's consumers.

(b) "Controversial issue of public importance" means a case or controversy in which a utility is involved before a court, legislative body, or government agency, including the commission.

(c) "Institutional activity" means any act or practice conducted for the purpose of promoting the corporate image or goodwill of a particular utility or the utility industry in general.

(d) "Institutional advertising" means any advertising conducted for the purpose of promoting the corporate image or goodwill of a particular utility or the utility industry in general.

(e) "Integrated resource plan (IRP)" means, in the case of a utility, planning by the use of any standard, regulation, practice or policy to undertake a systematic comparison between demand-side management measures and the supply of gas by a utility to minimize life-cycle costs of adequate and reliable utility services to gas customers.

(f) "Political activity" means any act or practice conducted for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters or with respect to any controversial issue of public importance.

(g) "Political advertising" means any advertising conducted for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(h) "Promotional activity" means any act or practice conducted for the purpose of encouraging any person to select or use a service or increase usage of the service of a utility, to select, purchase, install or use any appliance or equipment designed to use such utility's service, or to use any other particular service of the utility.

(i) "Promotional advertising" means any advertising conducted for the purpose of encouraging any person to select or use a service or increase usage of the service of a utility, to select, purchase, install, or use any appliance or equipment designed to use such utility's service or to use any other particular service of the utility.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 510.02 Recovery of Certain Expenses Prohibited. No utility shall recover, in any manner, from any person other than the shareholders or other owners of such utility any direct or indirect expenditure by such utility for promotional, political or institutional advertising, or promotional, political or institutional activities except as provided in Puc 510.03.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 510.03 Exempted Expenditures.

(a) For the purpose of Puc 510 the terms political advertising, promotional advertising, institutional advertising, political activity, promotional activity, and institutional activity shall not include advertising or activities which:

- (1) Inform gas consumers of or provide gas consumers with information or materials intended to result in economic conservation;
- (2) Are required by law or regulation, including advertising required under part 1 of title II of the National Energy Conservation Policy Act;
- (3) Inform natural gas customers how they can improve efficiency in utilizing the utility's service;
- (4) Involve or relate to service interruptions, safety measures or emergency conditions;
- (5) Concern employment opportunities with such utility;
- (6) Provide any explanation of existing or proposed rate schedules or notifications of hearings thereon;

- (7) Are consistent with the utility's approved integrated resource plan; and
- (8) Inform customers of the availability and sources of financial assistance.
- (b) Expenditures referred to in subparagraph (a)(1) above shall be subject to review and potential recovery as part of the utility's conservation and load management program.
- (c) Expenses contained in a utility's IRP shall take into account necessary features for system operation such as diversity, reliability, ability to be readily dispatched, and other factors of risk and shall treat demand and supply to gas consumers on a consistent and integrated basis.
- (d) No more than 50% of costs provided for in a utility's IRP shall be borne by ratepayers.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97 ; ss by #8259, eff 1-19-05

Puc 510.04 Continuing Jurisdiction. Puc 510 shall not restrict or limit the commission's power to disallow any expense as a charge to ratepayers which the commission finds to be unjust, unreasonable, excessive, unwarranted or imprudent pursuant to RSA 378.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 510.05 Reports Required.

- (a) Each utility shall file an annual report with the commission regarding the advertising or activities described in Puc 510.02.
- (b) This report shall itemize the expenses incurred by type of advertising and activity and shall specifically delineate those expenditures for which cost recovery is sought.
- (c) The report shall be included with the utility's annual report to the commission filed in accordance with Puc 509.04.
- (d) Each utility shall keep copies of all its advertising on file for inspection by the commission.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 510.06 Accounting.

(a) If a utility combines an expense prohibited from recovery with an expense eligible for recovery, and ancillary costs are associated with the combined expense, the utility shall allocate a portion of the ancillary cost to the expense prohibited from recovery and shall be prohibited from recovering costs ancillary to the prohibited expense. Each utility shall keep a record of all expenditures incurred and any allocation methodology utilized with respect to any advertising or activity, incurred directly or indirectly, referred to in Puc 510.02.

(b) Each utility shall keep a record with respect to any advertising or activity, incurred directly or indirectly, prohibited from recovery pursuant to Puc 510.02, of:

(1) Any expenditure incurred; and

(2) Any allocation methodology.

~~Any advertising or activity referred to in Puc 510.02 shall bear its allocative portion of all expenses incurred. For example, the cost of a bill insert might not increase total postage expenses; however, if the nature of the material is such that it is promotional, institutional or political, a portion of the postage expense shall be allocated to that advertising activity.~~

~~Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05~~

PART Puc 511 ENFORCEMENT PROCEDURES FOR GAS PIPELINE UTILITIES

Puc 511.01 Jurisdiction Scope and Application of Authority.

(a) Pursuant to RSA 370:2 the commission shall enforce safety standards and practices for utilities, referred to in Puc 506.01, consistent with the Natural Gas Pipeline Safety Act which is set forth at 49 U.S.C. § 60101, et seq.

(b) In enforcing safety standards and practices the commission shall consider:

- (1) Pipeline safety data;
- (2) The appropriateness and reasonableness of a safety standard applied to a particular incident or circumstances; and
- (3) Other relevant information regarding the particular circumstances of an incident.

(c) The commission in exercising and implementing its inspection and enforcement authority pursuant to Puc 511 shall act by and through the commission's safety division.

(d) Pursuant to RSA 365:8 and 370:2, and consistent with the Natural Gas Pipeline Safety Act, the commission shall:

- (1) Investigate all methods and practices of utilities relating to pipeline safety;
- (2) Require the maintenance and filing of reports, records and other information relating to pipeline safety in such form and detail as the commission shall prescribe;
- (3) Enter at all reasonable times to inspect the property, building, plants and offices of utilities to investigate and determine compliance with pipeline safety requirements; and
- (4) Inspect all books, records, papers and documents relevant to the pipeline safety.

(e) Each utility shall cooperate fully with the commission and its staff in its investigations and inspections pursuant to Puc 511, including maintaining and providing all relevant information and data and providing such access as the commission shall require.

~~Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97 ; ss by #8259, eff 1-19-05~~

Puc 511.02 Intervals of Inspection.

(a) Each utility shall allow the commission staff, upon presentation of identifying credentials, to enter upon, inspect, and examine the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with commission rules or orders.

(b) Each utility shall permit the commission to conduct inspections in response to or related to any of the following:

- (1) Routine scheduling;
- (2) A complaint received from a member of the public or any party;
- (3) Information obtained from a previous inspection;
- (4) Pipeline accident or incident; and :

(5) Ensure compliance with Puc 500 and Puc 800.

~~(e) The commission shall conduct inspections on differing classifications of utility pipeline facilities according to the following schedule:~~

- ~~(1) On intrastate utilities, comprehensive inspections every 2 1/2 to 3 years on each gas distribution inspection unit;~~
- ~~(2) On LNG utility facilities, an inspection every year and a comprehensive inspection every 3 years;~~
- ~~(3) On master meter systems, an inspection every year and a comprehensive inspection every 3 years; and~~
- ~~(4) On LPG facilities, an inspection every 5 years.~~

~~(ed) In addition to the specialized inspection schedule referred to in (b) above, t~~**(e)** The commission shall schedule and conduct additional inspections if:

- (1) Results obtained in an initial inspection show a defect, irregularity or non-compliance which establishes the need for a subsequent or follow-up inspection; or
- (2) The commission determines that additional inspections are required to provide sufficient information to allow it to determine utility compliance with commission rules and orders.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.03 Inspection of Utilities.

~~(a) The commission shall inspect every utility, with priority given to inspecting systems with greater risk potential.~~

~~(b) In determining the potential risk of a pipeline system, the following factors shall be considered:~~

- ~~(1) The ratio of total steel pipe to coated steel pipe;~~
- ~~(2) The ratio of total steel pipe to cathodically protected steel pipe;~~
- ~~(3) Leaks per mile of line;~~
- ~~(4) Leaks per number of services;~~
- ~~(5) Unaccounted for gas volumes and percentage; and~~
- ~~(6) Number of accidents or incidents.~~

~~(ae)~~ The inspections conducted pursuant to Puc 511.02 shall include a thorough review of the utility's records concerning inspection, operation, maintenance, and emergency procedures.

~~(bd)~~ Field inspections combined with office inspections shall ~~cover~~ include:

- (1) Operational checks of corrosion control provisions;
- (2) Overpressure and regulating equipment;
- (3) Odorization;
- (4) Repaired leaks;
- (5) Emergency valves;
- (6) New construction;
- (7) Maintenance of facilities; and

(8) Selection of material and design of components;

(9) Qualifications and training of personnel;

(10) Public awareness programs, emergency response programs, quality assurance programs, underground damage prevention programs, and integrity management programs for transmission and distribution pipeline facilities;

(12) Control room management;- and

(13) Any other components of the facility.

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.04 Verbal Notice to Utility of Probable Violation.

(a) When an evaluation of a utility's records and facilities indicates that the utility is apparently not in compliance with a pipeline safety regulation, the commission investigator shall informally discuss the probable violation or noncompliance with the utility before concluding his inspection.

(b) In situations where an inspection is performed without utility personnel on site, probable violations or potential non-compliance of Puc 500 shall be communicated to the utility upon completion of the inspection.

~~(cb)~~ The utility shall provide any documentation or physical evidence related to the alleged non-compliance which the commission representative shall request during the inspection or by letter.

~~(de)~~ The utility may notify the commission staff and undertake on-site corrective action of the facility where the probable violation exists thus correcting any identified deficiency. ~~the violation.~~

Source. (See Revision Note at Chapter heading for Puc 500)
#6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.05 Written Formal Notice of Probable Violation.

(a) After the commission staff receives evidence of a possible violation, the commission shall issue a written notice of probable violation (NOPV) to the party alleged to have committed the violation.

(b) The commission staff shall send information regarding the NOPV by certified mail to the party alleged to have committed the violation.

(c) The NOPV shall include the following:

(1) A description of the probable violation and reference to the rule or statute regarded as violated;

(2) The date and location of the probable violation;

(3) A statement notifying the party or parties involved that civil penalties might be imposed pursuant to RSA 374:7-a, in the event of unfavorable judgment;

(4) The amount of the civil penalty;

(5) A description of factors relied upon by commission staff in making its determination, such as the size of the business of the utility, gravity of the violation, history of prior violations, degree of culpability of the respondent, how quickly the respondent took action to rectify the situation, cooperativeness of respondent, history of prior violations, effect of penalty on the utility, and any other identifiable factors which would tend to either aggravate or mitigate the violation;

(6) Statutory rights of the respondent as enumerated in RSA 374:7-a; and

(7) Procedures for resolving the complaint.

(d) The operator shall respond in writing to the commission within 30 days of its receipt of the violation notice referred to in (a) above.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.06 Responses to Notice of Probable Violation.

(a) Upon receipt of the NOPV the respondent shall either:

(1) Submit to the commission within 30 days, in writing, evidence refuting the probable violation referenced in the NOPV;

(2) Submit to the commission within 30 days, a written plan of action outlining action the respondent will take to correct the violations, including a schedule and the date when compliance is anticipated;

(3) Execute a consent agreement with the commission resolving the probable violation and remit the civil penalty; or

(4) Request in writing within 30 days, an informal conference with the commission staff to examine the basis of the probable violation.

(b) Any utility involved in the NOPV shall provide a representative for any informal conference or hearing scheduled relative to that NOPV.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.07 Informal Conferences.

(a) After receiving the request for the informal conference, the commission staff shall:

- (1) Arrange a date, time, and location for the informal conference; and
- (2) Notify the respondent by certified mail of the date, time, and location of said informal conference.

(b) At the informal conference, the commission staff shall review the basis for the violation(s). The utility may explain its position and may present alternatives for solution of the problem.

(c) If the utility and the commission staff cannot by agreement resolve the violation at this stage, the enforcement procedure shall continue as described in Puc 511.08.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.08 Notice of Violation.

(a) If the commission staff, after reviewing evidence and testimony obtained in writing or in conferences, determines that a violation of RSA 370:2, RSA 362:4-b, or Puc 500 has occurred, the commission staff shall issue a notice of violation (NOV) to the respondent.

(b) The NOV so issued shall include:

- (1) The factual and statutory basis for the unfavorable preliminary determination;
- (2) A description of factors relied upon by commission staff in making its determination, such as the size of the business of the utility, gravity of the violation, history of prior violations, degree of culpability of the respondent, how quickly the respondent took action to rectify the situation, cooperativeness of respondent, history of prior violations, effect of penalty on the utility, and any other identifiable factors which would tend to either aggravate or mitigate the violation;
- (3) The civil penalty, if any, proposed to be imposed;
- (4) Procedures for remitting penalty; and
- (5) Statutory rights of the respondent as enumerated in RSA 374:7-a.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.09 Response to Notice of Violation. Within 10 days from receipt of the NOV, the respondent shall either:

- (a) Sign a consent agreement and remit the civil penalty; or
- (b) File a request in writing for a hearing before the commission.

Source. (See Revision Note at Chapter heading for Puc 500) #6445, eff 1-28-97; ss by #8259, eff 1-19-05

Puc 511.10 Commission Action.

- (a) The commission shall act upon staff's recommendation unless the respondent requests a hearing pursuant to Puc 511.09.
- (b) Hearing requests pursuant to Puc 511.09 shall be treated as a request for an adjudicatory proceeding.
- (c) Upon a hearing request pursuant to Puc 511.09, the commission shall provide the respondent with notice and an opportunity for a hearing, held pursuant to Puc 200.

Source. #8259, eff 1-19-05

PART Puc 512-LP AND LANDFILL GAS PIPELINE SAFETY STANDARDS

Puc 512.01 ~~Application of Rules~~ Definitions for the Purposes of Parts 512 and 513.

(a) ~~For the purposes of this Part,~~ "LPG operator" means a person who engages in the transportation of propane gas. An LPG operator includes but is not limited to an individual or supplier operating a jurisdictional LPG system in a housing project, apartment complex, condominium, manufactured home park, shopping center or other system except those systems operated in support of a utility.

(b) ~~"The rules under this section shall apply to the following j~~ Jurisdictional LPG systems" means:

- (1) A system involving a single source which serves 10 or more customers;
- (2) A system where more than one customer is located in a public place; and
- (3) ~~A single system with any portion off the customer's premises.~~

~~(c) For purposes of this part, "public place" means a place which is generally open to all persons in a community such as churches, schools, and commercial building as well as any publicly owned rights of way or property.~~

(c) "Public place" means a place which is generally open to all persons in a community, such as churches, schools, and commercial buildings, as well as any publicly owned rights-of-way or property.

(d) "Person" means an individual, firm, joint venture, partnership, corporation, association, state, body politic, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof but shall not include a municipality operating a gas system pursuant to RSA 38.

(e) "Landfill gas operator" means a person who engages in the transportation of landfill gas off site from the premises in which it was gathered.

Source. #8259, eff 1-19-05

Puc 512.02 Compliance with Federal Standards Required.

(a) ~~All LPG operators~~ All LPG operators and landfill gas operators shall comply with those pipeline safety regulations established by the United States Department of Transportation as which are set forth in 49 CFR Parts 191 and 192.

(b) ~~All LPG operators~~ All LPG operators shall comply with the ~~2004 edition of the National Fire Protection Association 58 (NFPA 58)~~ -LP Gas Code (NFPA 58) as referenced by 49 CFR §192.7. ~~for materials and equipment used in propane operations provided that:~~

~~(1) To the extent materials and equipment are not in NFPA 58, 49 CFR 192 shall be used; and~~

~~(2) In the event of a conflict between 49 CFR 192 and NFPA 58, NFPA 58 shall prevail.~~

(c) LPG operators shall employ the guidelines contained in the *Training Guide for Operators of Small LP Gas Systems*, written by the United States Department of Transportation and the National Association of Regulatory Utility Commissioners, printed April 2001.

Source. #8259, eff 1-19-05

Puc 512.03 Compliance with ~~Other~~ More Stringent Standards.

(a) LPG operators shall comply with the 1999 edition of the NFPA 54 ~~(the National Fuel Gas Code) that is referenced in New Hampshire Code Administrative Rules Saf-C -6009.01. (NFPA 54) LP Gas Code.~~

(b) ~~Nothing in these rules shall prohibit or limit Where~~ the New Hampshire department of safety ~~adopting s more stringent requirements than the NFPA fire protection codes NFPA 54 National Fuel Gas Code, or a different edition of -NFPA 58, the LP Gas Code., the more stringent department of safety standards shall apply.~~

Source. #8259, eff 1-19-05

Puc 512.04 E-27-A Report of Jurisdictional ~~System~~ Facility.

(a) Each LPG operator shall report to the safety division of the commission within 30 days after notice of all newly installed, acquired, transferred or discontinued jurisdictional ~~system~~ facilities.

(b) The report shall include the following:

- (1) Name of the LPG operator and contact person;
- (2) Date of installation, acquisition or transfer of facilities;
- (3) Location of the facilities, including street name and number, city or town, and locus map; and
- (4) Number of meters and customers.

(c) If a LPG operator is providing LPG to a facility that such operator believes to match the criteria of a jurisdictional ~~system facility~~, such operator shall notify the owner of the facility and the safety division of the existence of said facility.

Source. #8259, eff 1-19-05

Puc 512.05 Confidential Records. Consistent with RSA 91-A:5, the commission shall not release to the public reports filed pursuant to Puc 512.04.

Source. #8259, eff 1-19-05

Puc 512.06 Emergency Notification.

(a) The LPG operator ~~and/or landfill gas operator~~ shall notify the safety division of the commission by telephone when any of the following occur:

- (1) A release of gas from a LPG ~~system, landfill gas system or facility~~ that results in:
 - a. A death;

b. Personal injury necessitating same day professional medical treatment ~~in-patient hospitalization~~; or

c. Estimated property damage of \$5,000 or more;

(2) A fire or an explosion at, or emergency shutdown of, an LPG system, landfill gas system or facility.

(3) An evacuation of a building conducted by a fire department, LPG operator, and/or landfill gas operator or other emergency personnel because of the presence of gas in the atmosphere or in the immediate vicinity of the building;

(4) An unplanned service interruption or gas outage that is expected to result in 50 or more customer outage hours;

(5) A single unplanned outage occurring at a state, federal, or municipal facility, hospital, school or other facility in which the public could be affected;

(6) A breach of security or other threat that jeopardizes the operation of a jurisdictional facility of aggregate capacity greater than 6,000 gallons; or

(7) An event which is significant in the judgment of the LPG operator, and/or landfill gas operator even though it is not described above.

(b) A LPG operator and/or landfill gas operator shall not be required to determine or document the presence or involvement of gas in any incident or event before notifying the commission.

(c) The telephone notification shall be made promptly, but no more than 2 hours following discovery of the incident by the LPG operator and/or landfill gas operator.

(d) The LPG operator and/or landfill gas operator shall provide to the commission representative who responds to the call the following information:

(1) Identity of reporting LPG operator and/or landfill gas operator;

(2) Name, title, and location of the person reporting the incident;

(3) Location of the incident including street, address and city or town;

(4) Number of known or estimated fatalities and personal injuries, if any;

(5) Type and extent of known or estimated property damage;

(6) Description of the incident or event including any significant facts known by the LPG operator and/or landfill gas operator that relate to the cause and resolution of the problem;

(7) Date and hour the incident occurred and was discovered by the LPG operator and/or landfill gas operator and, to the extent known, by any other party;

(8) For a service interruption, gas outage, or evacuation of a building, the estimated or known number of people and/or customers affected and the estimated or actual duration of the outage; and

(9) When the Office of Pipeline Safety of the United States Department of Transportation was, or will be, notified of the incident, if applicable.

Source. #8259, eff 1-19-05

Puc 512.07 Incident Reporting.

(a) In addition to the emergency notification required in Puc 512.06, a LPG operator and/or landfill gas operator shall also report in writing to the commission any event occurring in connection with its facilities and services, as follows:

(1) A LPG operator and/or landfill gas operator shall report to the commission within 20 business days following discovery any incident which the LPG operator and/or landfill gas operator shall be required to report to the federal Office of Pipeline Safety pursuant to 49 CFR. §191.9 on federal Department of Transportation form RSPA F 7100:1, "Incident Report-Gas Distribution System";

(2) A LPG operator and/or landfill gas operator shall report twice annually on the status of any ongoing leaks occurring in its gas distribution systems; and

(3) A LPG operator and/or landfill gas operator shall report to the commission any accident involving injury to a person or damage to property as provided in Puc 512.08 (b).

(b) A LPG operator and/or landfill gas operator shall file any report required pursuant to (a)(1) above in addition to any report required pursuant to (a)(2) or (a)(3) above.

(c) When additional relevant information is obtained after a report under this section is submitted, the LPG operator and/or landfill gas operator shall make a supplementary report to the commission conveying this information.

Source. #8259, eff 1-19-05

Puc 512.08 Accidents.

(a) Each LPG operator and/or landfill gas operator shall notify the commission of any accident, as described in Puc 512.06(a)(1), pursuant to Puc 512.05.

(b) A LPG operator and/or landfill gas operator shall submit a written report to the commission on form E-5, "NHPUC Accident Form", within 10 working days following the occurrence of any accident involving a release of LP gas or landfill gas from a pipeline or LPG facility in which:

(1) A death has occurred;

(2) Any personal injury which requires same day professional medical treatment ~~in-patient hospitalization~~;

(3) Any person receiving an injury which incapacitates that person from active work for a total of 6 days or more during the 10 days immediately following the accident; or

(4) Any property damage over \$5,000.

(c) If any event later occurs in connection with an accident which renders an accident reportable under this section or significantly changes the circumstances of a report previously submitted, such operator shall submit a new or updated report, as appropriate.

Source. #8259, eff 1-19-05

Puc 512.09 Construction and Maintenance.

(a) Except as established herein or by municipal regulations within their jurisdiction which are more stringent than the state or federal requirement, each LPG operator shall construct, inspect, install, operate and maintain its systems, equipment and gas pipe lines in accordance with all applicable federal and state requirements, including but not limited to the requirements of the 49 CFR Parts 192, and NFPA 58 LP-Gas Code, subject to Puc 512.02-(b).

(b) Except as established herein or by applicable municipal regulations that are more stringent than the state or federal requirement, each landfill gas operator shall construct, inspect, install, operate and maintain its systems, equipment and gas pipe lines in accordance with all applicable federal and state requirements, including but not limited to the requirements of the 49 CFR Part 192.

(c) Pipelines shall be laid at least 12 inches away from any other underground structure, or, if this clearance cannot be attained, the pipeline shall be protected from damage that might result from the proximity of the other structure.

(d) For LPG operators, operating pressures within a building will be limited to the requirements in NFPA 54 National Fuel Gas Code incorporated by Puc 512.03(a).

(e) Operating and maintenance procedures shall be documented according to a plan as follows:

(1) Each LPG operator and/or landfill gas operator shall establish a written operating and maintenance plan pursuant to 49 CFR.192.603 which shall include the criteria set forth in 49 CFR. 192.605;

(2) Each LPG operator and/or landfill gas operator shall file with the commission its plan together with any subsequent amendments to the plan;

(3) Each LPG operator and/or landfill gas operator shall operate, inspect, maintain and construct its system in accordance with its plan; and

(4) Each LPG operator and/or landfill gas operator shall inspect new construction.

(f) All combustible gases transported or distributed by a pipeline shall have a distinctive odor of sufficient intensity so that at a concentration in air of one-fifth of the lower explosive limit, the odor is readily perceptible to the normal or average olfactory sense of a person coming from fresh, uncontaminated air into a closed room.

(g) Each LPG operator shall test for odorant levels in accordance with (f) above at least quarterly each calendar year, with intervals not exceeding three and a half months at the operator bulk plants that supply LPG to a LPG jurisdictional systems. These tests will be performed with an odorometer or equivalent device capable of determining the percentage of gas in air at which the odor becomes readily detectable by the tester in accordance with 49 CFR §192.625. Records shall be preserved documenting each delivery from the operator bulk plant to a LPG jurisdictional system for a period of not less than 2 years.

(h) Sniff tests to determine that odorant is present will be performed at each LPG jurisdictional system at least once annually and whenever maintenance is performed on the system.

(i) Each landfill gas operator shall test for odorant levels in accordance with (f) above at least quarterly each calendar year, with intervals not exceeding three and a half months at end point of the system. These tests will be performed with an odorometer or equivalent device capable of determining the percentage of gas in air at which the odor becomes readily detectable by the tester.

Source. #8259, eff 1-19-05

Puc 512.10 Underground Utility Damage Prevention Program. ~~All LPG operators~~ All LPG operators and landfill gas operators shall comply with Puc 800.

Source. #8259, eff 1-19-05

Puc 512.11 Marking of Containers.

(a) All LPG operator owned containers, above ground or underground, installed at consumer locations shall be marked in a legible manner with the name and telephone number of the owner by decal, tag, stencil, or similar marking.

(b) Containers gained through acquisition shall be marked as soon as possible, but no later than 30 days after acquisition.

Source. #8259, eff 1-19-05

Puc 512.12 System Maps. Each LPG operator and/or landfill gas operator shall have on file at its principal office a map(s) or drawings showing:

(a) The size, character, and location of pipeline facilities, ~~main~~, including valves, installed after February 1, 2005; and

(b) The size and location of each service line provided that, in lieu of showing service locations on maps, a card record or other suitable means may be used.

Source. #8259, eff 1-19-05

Puc 512.13 Procedure for Reporting Emergencies.

(a) As used in this section, "regular working hours" means Monday through Friday, 8 a.m. to 5 p.m. except holidays.

(b) A LPG operator and/or landfill gas operator of a system shall furnish to each customer of a system a written explanation of the procedure to be used to report gas leaks and other related emergencies including:

(1) A telephone number at which the operator can be contacted during regular working hours;

(2) A telephone number for reporting emergencies during nonworking hours; and

(3) The telephone numbers of emergency response agencies, including, without limitation, the local police and fire departments.

(c) The procedure shall be updated and reissued as often as is necessary, but at least once each calendar year.

Source. #8259, eff 1-19-05

Puc 512.14 Preservation of Records.

(a) All records required by these rules shall be preserved by the LPG operator and/or landfill gas operator.

(b) The LPG operator and/or landfill gas operator shall make such records available to the commission or its staff upon request at the LPG operator's office.

(c) All system records required by these rules shall be transferred to the new LPG operator upon the change in the gas supplier.

(d) Upon acquisition of, termination of service by, or conveyance of records to any new LPG operator or person, the relinquishing operator shall, prior to any conveyance or records, copy and retain in a legible paper format, in addition to any electronic format or formats the operator chooses to utilize, any and all records pertaining to the location for a 7 year period from the date of transfer.

Source. #8259, eff 1-19-05

Puc 512.15 Leakage Surveys and Inspections.

(a) For purposes of this section, "business districts" means the principle business areas in the urban portion of a community.

(b) The presence of certain factors shall indicate the presence of a business district, as follows:

(1) The general public regularly congregates in this area for economic, industrial, religious, educational, health or recreational purposes;

(2) The majority of the buildings on either side of the street are utilized for commercial, industrial, religious, educational, health or recreational purposes;

(3) Gas facilities are under continuous paving that extends either from the center line of the thoroughfare to the building wall or from the ~~gas-main~~ storage tank to the building wall; ~~and~~

(4) Other locations or sites in the urban portion of a community which contain a similar density and/or mix of buildings and services as provided in (1) through (3) above.

(c) Each LPG operator and/or landfill gas operator shall conduct periodic leakage surveys in accordance with this section.

(d) Each LPG operator and/or landfill gas operator shall include a plan for periodic leakage surveys in its operating and maintenance plan.

(e) Each LPG operator shall conduct a leakage survey upon a change in gas supplier.

(f) Each LPG operator and/or landfill gas operator shall conduct periodic leakage surveys in business districts and outside business districts in intervals as required by 49 CFR §192.706 or §192.723.

(g) Each LPG operator shall conduct periodic leakage surveys by:

(1) Performing a pressure drop test according to Appendix D of NFPA 54, adopted by Puc 512.03(a); or

(2) Utilizing a combustible gas indicator meter or equivalent testing procedures.

(h) Each land-fill gas operator shall conduct periodic leakage surveys by utilizing a combustible gas indicator meter or equivalent testing procedures.

(ih) The type and scope of the leakage control program shall be determined by the nature of the operations, such as liquid petroleum distribution systems and the local conditions, but it shall meet the minimum requirements set forth in this section.

(ji) Each LPG operator and/or landfill gas operator shall follow procedures for classification and control of flammable gas leaks approved by the safety division.

(kj) When investigating a leak, if it is determined that the perimeter of a leak area extends to a building wall, the investigation shall continue into the building unless public safety or identifiable exigent circumstances prohibit entry.

(lk) The LPG operator and/or landfill gas operator shall establish a leak repair priority based on its evaluation of the location and the magnitude of a leak.

(m+) A LPG operator and/or landfill gas operator shall assign a classification of leaks as follows:

(1) Class I shall be a leak that represents an existing or probable hazard to persons or property, and requires immediate repair within 24 hours or continuous action until the conditions are no longer hazardous;

(2) Class II shall be a leak that is recognized as being non-hazardous at the time of detection, but requires scheduled repair within 6 months or before the end of the calendar year based on probable future hazard; and

(3) Class III shall be a leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.

(nm) In making a determination as to whether to classify a leak as Class I, II or III, a LPG operator and landfill gas operator shall comply with ~~the guidelines and examples for~~ leak classification and leakage control procedures approved by the safety division.

(on) A LPG operator and/or landfill gas operator shall conduct a follow-up inspection as follows:

(1) The perimeter of the leak area shall be checked with a combustible gas indicator (CGI); and

(2) Where there is residual gas in the ground after the repair of a Class I leak, the LPG operator shall conduct a follow-up inspection as soon as practical after allowing the soil atmosphere to vent and stabilize, but in no case later than one+ month following the repair.

(pe) In the case of leak repairs other than Class I, the need for a follow-up inspection shall be determined by qualified personnel of the LPG operator and/or landfill gas operator.

Source. #8259, eff 1-19-05

Puc 512.16 Leakage Record-keeping and Reporting.

(a) Each LPG operator and/or landfill gas operator shall maintain records and follow self-audit procedures regarding gas leaks and leakage surveys as follows:

(1) A LPG operator and/or landfill gas operator shall preserve historical gas leak records for no less than 7 years; and

(2) The LPG operator and/or landfill gas operator shall maintain permanent records for leaks which are reported by an outside source or require reporting to a regulatory agency.

(b) The leak records as required in (a) above shall not be required to be maintained in any specific format or retained at one location.

(c) The leak records as required in (a) above shall include the following:

- (1) Date discovered, time reported, time dispatched, time investigated and by whom;
- (2) Date repaired, time repaired and by whom;
- (3) If a reportable leak, date and time of telephone report to regulatory authority and by whom;
- (4) Location of leak; and
- (5) Method of leak detection including name and address if reported by an outside party.

(d) A LPG operator and/or landfill gas operator shall report to the commission leaks occurring in its gas distribution or transmission system pursuant to Puc 512.06(a)(1).

Source. #8259, eff 1-19-05

Puc 512.17 E-5 LPG Operator and/or Landfill Gas Operator Accident Report.

(a) Each LPG operator and/or landfill gas operator shall file a "NHPUC Accident Form E-5" within 10 working days of when a LPG operator and/or landfill gas operator accident, as described in Puc 512.08(b), occurs.

(b) Each LPG operator and/or landfill gas operator shall include the following on form E-5:

- (1) Report number, date and name and address of LPG operator and/or landfill gas operator;
- (2) Date and location of accident;
- (3) Description of person injured including:
 - a. Name;
 - b. Age;
 - c. Residence;
 - d. Employer; and
 - e. Status of injured person, whether employee, person under contract, invitee, licensee, trespasser or other;
- (4) Description of injury, current condition, duration of disability and, if applicable, anticipated return to work date;
- (5) Description of cause and manner of accident;
- (6) If applicable, cause of death, previous accident report number;
- (7) Designation of federal or state statute violated, if applicable;
- (8) Recommendation for and steps taken to guard against repetition of accident; and
- (9) Signature and title of signatory.

Source. #8259, eff 1-19-05

PART Puc 513 ENFORCEMENT PROCEDURES FOR LP GAS OPERATORS AND/OR LANDFILL GAS OPERATORS

Puc 513.01 Jurisdiction Scope and Application of Authority.

(a) Pursuant to RSA 362:4-b, RSA 370:2, and RSA 374:7-a, the commission shall enforce safety standards and practices for LPG operators, referred to Puc 512, consistent with the Natural Gas Pipeline Safety Act which is set forth at 49 U.S.C. § 60101, et seq.

~~(b) For the purposes of this Part “LPG operator” means a person who engages in the transportation of propane gas. An LPG operator includes but is not limited to an individual or supplier operating an LPG system in a housing project, apartment complex, condominium, mobile home park, shopping center or other system except those systems operated in support of a utility.~~

(be) In enforcing safety standards and practices the commission shall consider:

- (1) Pipeline safety data;
- (2) The appropriateness and reasonableness of a safety standard applied to a particular incident or circumstances; and
- (3) Other relevant information regarding the particular circumstances of an incident.

(cd) The commission in exercising and implementing its inspection and enforcement authority shall act by and through the safety division.

(de) Pursuant to RSA 362:4-b and consistent with the Natural Gas Pipeline Safety Act, the commission shall:

- (1) Investigate all methods and practices of LPG operators relating to pipeline safety;
- (2) Require the maintenance and filing of reports, records and other information relating to pipeline safety;
- (3) Enter at all reasonable times to inspect the property, building, plants and offices of LPG operators to investigate and determine compliance with pipeline safety requirements; and
- (4) Inspect all books, records, papers and documents relevant to the pipeline safety.

(ef) Each LPG operator and/or landfill gas operator shall cooperate fully with the commission and its staff in its investigations and inspections, including maintaining and providing all relevant information and data and providing such access as the commission shall require.

Source. #8259, eff 1-19-05

Puc 513.02 Intervals of Inspection.

(a) Each LPG operator and/or landfill gas operator shall allow the commission staff, upon presentation of identifying credentials, to enter upon, inspect and examine the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with commission rules or orders.

(b) Each LPG operator and/or landfill gas operator shall permit the commission to conduct inspections in response to or related to any of the following:

- (1) Routine scheduling;
- (2) A complaint received from a member of the public or any party;
- (3) Information obtained from a previous inspection; ~~and~~
- (4) Pipeline accident or incident;
- (5) Ensure compliance with Puc 500 and Puc 800.

~~(c) The commission shall conduct inspections on differing classifications of LPG gas operator's pipeline facilities according to the following schedule:~~

- ~~(1) On master meter systems, an inspection every year and a comprehensive inspection every 3 years.~~
- ~~(2) On jurisdictional LPG facilities, an inspection at a minimum of once every 5 years.~~

~~(d)~~ In addition to the specialized inspection schedule referred to in (b) above, the commission shall schedule and conduct additional inspections if:

- (1) Results obtained in an initial inspection show a defect, irregularity or non-compliance which establishes the need for a subsequent or follow-up inspection; or
- (2) The commission determines that additional inspections are required to provide sufficient information to allow it to determine the LPG operator's and/or landfill gas operators' compliance with commission rules and orders.

Source. #8259, eff 1-19-05

Puc 513.03 Inspection of LPG Operators and/or Landfill Gas Operators.

(a) The commission shall inspect every LPG operator and/or landfill gas operator.

(b) The inspection shall include a thorough review of the ~~LPG~~ operator's records concerning inspection, operation, maintenance, construction and emergency procedures.

(c) Field inspections shall include:

- (1) Operational checks of corrosion control provisions;
- (2) Overpressure and regulating equipment;
- (3) Odorization;
- (4) Repaired leaks;
- (5) Emergency valves;
- (6) Maintenance of systems;
- (7) Qualification of personnel;

(8) Public awareness programs, emergency response programs, underground damage prevention programs, and integrity management programs for transmission and distribution systems;

(69) Any other components of the facility; and

(710) Compliance with NFPA 58, the LP-Gas Code, as required by Puc 512.02.

Source. #8259, eff 1-19-05

Puc 513.04 Verbal Notice to LPG Operator and/or Landfill Gas Operator of Probable Violation.

(a) When an evaluation of a LPG operator's and/or landfill gas operator's records and facilities indicates that the LPG operator and/or landfill gas operator is apparently not in compliance with a pipeline safety regulation~~rule~~, the commission investigator will informally discuss the probable violation or noncompliance with the LPG operator and/or landfill gas operators within 102 business days unless immediate corrective action is necessary following the inspection.

(b) The LPG operator and/or landfill gas operator shall provide any documentation or physical evidence related to the alleged non-compliance which the commission representative shall request during the inspection or by letter.

(c) The LPG operator and/or landfill gas operator may notify the commission staff and undertake on-site corrective action of the facility where the probable violation exists thus correcting ~~the violation~~ identified deficiency.

Source. #8259, eff 1-19-05

Puc 513.05- Written Formal Notice of Probable Violation.

(a) After the commission staff receives evidence of a possible violation, the commission shall issue a written notice of probable violation (NOPV) to the party alleged to have committed the violation.

(b) The commission staff shall send information regarding the NOPV by certified mail to the party alleged to have committed the violation.

(c) The NOPV shall include the following:

(1) A description of the probable violation and reference to the rule or statute regarded as violated;

(2) The date and location of the probable violation;

(3) A statement notifying the party or parties involved that civil penalties might be imposed pursuant to RSA 362:4-b and RSA 374:7-a, in the event of unfavorable judgment;

(4) The amount of the civil penalty;

(5) A description of factors relied upon by commission staff in making its determination, such as the size of the business of the utility, gravity of the violation, history of prior violations, degree of culpability of the respondent, how quickly the respondent took action to rectify the situation, cooperativeness of respondent, history of prior violations, effect of penalty on the LPG operator, and any other identifiable factors which would tend to either aggravate or mitigate the violation;

(6) Statutory rights of the respondent as enumerated in RSA 374:7-a; and

(7) Procedures for resolving the complaint.

(d) The LPG operator and/or landfill gas operator shall respond in writing to the commission within 30 days of its receipt of the violation notice referred to in (a) above.

Source. #8259, eff 1-19-05

Puc 513.06 Responses to Notice of Probable Violation.

(a) Upon receipt of the NOPV the respondent shall either:

- (1) Submit to the commission within 30 days, in writing, evidence refuting the probable violation referenced in the NOPV;
- (2) Submit to the commission within 30 days, a written plan of action outlining action the respondent will take to correct the violations, including a schedule and the date when compliance is anticipated;
- (3) Execute a consent agreement with the commission resolving the probable violation and remit the civil penalty; or
- (4) Request in writing within 30 days, an informal conference with the commission staff to examine the basis of the probable violation.

(b) Any LPG operator and/or landfill gas operator involved in the NOPV shall provide a representative for any informal conference or hearing scheduled relative to that NOPV.

Source. #8259, eff 1-19-05

Puc 513.07 Informal Conferences.

(a) After receiving the request for the informal conference, the commission staff shall:

- (1) Arrange a date, time, and location for the informal conference; and
- (2) Notify the respondent by certified mail of the date, time, and location of said informal conference.

(b) At the informal conference, the commission staff shall review the basis for the violation(s). The LPG operator and/or landfill gas operator may explain its position and may present alternatives for solution of the problem.

(c) If the LPG operator and/or landfill gas operator and the commission staff cannot by agreement resolve the violation at this stage, the enforcement procedure will continue as described in Puc 513.078.

Source. #8259, eff 1-19-05

Puc 513.08 Notice of Violation

(a) If the commission staff, after reviewing evidence and testimony obtained in writing or in conferences, determines that a violation of RSA 370:2, RSA 362:4-b, or Puc 500 has occurred, the commission staff shall issue a notice of violation (NOV) to the respondent.

(b) The NOV so issued shall include:

- (1) The factual and statutory basis for the unfavorable preliminary determination;

(2) A description of factors relied upon by commission staff in making its determination, such as the size of the business of the utility LPG operator and/or landfill gas operator, gravity of the violation, history of prior violations, degree of culpability of the respondent, how quickly the respondent took action to rectify the situation, cooperativeness of respondent, history of prior violations, effect of penalty on the LPG ~~gas~~ operator and/or landfill gas operator, and any other identifiable factors which would tend to either aggravate or mitigate the violation;

(3) The civil penalty, if any, proposed to be imposed;

(4) Procedures for remitting penalty; and

(5) Statutory rights of the respondent as enumerated in RSA 374:7-a.

Source. #8259, eff 1-19-05

Puc 513.09 Response to Notice of Violation. Within 10 days from receipt of the NOV, the respondent shall either:

(a) Sign a consent agreement and remit the civil penalty; or

(b) File a request in writing for a hearing before the commission.

Source. #8259, eff 1-19-05

Puc 513.10 Commission Action. The commission shall act upon staff's recommendation unless the respondent requests a hearing pursuant to Puc 513.09. Hearing requests pursuant to Puc 513.09 shall be treated as a request for an adjudicatory proceeding. Upon such hearing request, the commission shall provide the respondent with notice and an opportunity for a hearing, held pursuant to Puc 200.

Source. #8259, eff 1-19-05

Appendix

Rule	Specific State Statute the Rule Implements
Puc 501.01	RSA 362:4-b; 365:8, XII
Puc 502	RSA 365:8, XII
Puc 503.01	RSA 365:8, <u>V</u> , XII; 378:1
Puc 503.02 - 503.04	RSA 365:8, <u>V</u> , XII; 370:1-5
Puc 504.01 - 504.07	RSA 365:8, <u>V</u> , <u>VII</u> , XII; 374-4; 374:54; 49 CFR <u>Parts 191 and 192</u>
Puc 505.01 - 505.07	RSA 365:8, XII; 370:1-11
Puc 506.01 - 506.04	RSA 365:8, XII; 49 CFR. Parts 191, 192, 193, 198 and 199, 40 USC 5121, 60102, 60103, 60104, 60117, 60118 & 60126; 49 CFR 192.615
Puc 507.01 - 507.07	RSA 365:8, <u>V</u> , XII; 374:8, 13; 374:15; <u>369.7</u>
Puc 508.01 - 508.05	RSA 365:8, <u>V</u> , XII; 370:1-5; 374:48-58
Puc 509.01 - 509.20	RSA 365:8, <u>V</u> , XII; 369:3; 370:1-5; 374:5
Puc 510.01 - 510.06	RSA 365:8, <u>V</u> , XII; 378
Puc 511.01 - 511.08	RSA 362:4-b; 365:8, XII; 370:2; 374:7-a; 49 USC. § 60101
Puc 512.01 - 512.17	RSA 91-A:5; 365:8, <u>V</u> , XII; 370:2; 374:4; 49 CFR Parts 191 and 192; 49 CFR Part 191.9; 49 CFR Part 192; 49 CFR Part 192.605
Puc 513.01 - 513.10	RSA 362:4-b; 365:8, XII; 370:2; 374:7-a; 49 USC. § 60101

PUC 500 – GAS SERVICE RULES

APPENDIX A – DOCUMENTS INCORPORATED BY REFERENCE

PUC FORMS

- E-5 NHPUC Accident Form
- E-6 Heating Value and Purity Report
- E-7 Annual Report of Gas Meters
- E-8 Report of Pressure Complaint
- E-22 Report of Proposed Expenditure for Additions, Extensions and Capital Improvements to Fixed Capital
- E-23 Report of Interruptions of Service
- E-24 Report of Gas Meter Complaint Test
- E-25 Report of Proposed Changes in Depreciation Rates
- E-27-A Report of Jurisdictional System

- F-1 Rate of Return
- F-3 Statement of Pro Forma Income State at Resent and Proposed Rates for Year Ended
- F-4 Petition for Authority to Issue Securities
- F-8G Monthly Operating and Income Statement
- F-22 Information Sheet

- Annual Peak Shaving Fuel Storage Capability Report (509.16)
- Annual Report for Gas Utilities (Use to be F-16)(509.04)
- Forecast of Upcoming Winter Period Design Day Report (509.20)
- Incident Reporting (512.07)
- Monthly Customer Migration Report (509.22)
- Status of Leaks (Monthly Leak Report) (509.15)
- Summary of Peak Day Report (509.19)
- Weekly Gas Storage Report (509.17)
- Weekly Portable LNG Vaporizer Activity Report (509.18)

Available at: www.puc.nh.gov

FEDERAL STANDARDS AND FORMS

- U.S. Department of Transportation Forms:
 - RSPA F 7100.0-1 - Annual Report for Calendar Year 20__ /Gas Distribution System
(Puc 508.05(2)(b))
 - RSPA F 7100.1 - Incident Report-Gas Distribution System
(Puc 504.06); (Puc 508.05(2)(a)); (Puc 512.07(1))
 - RSPA F 7100.2 - Incident Report/Gas Transmission and Gathering Systems
(Puc 508.05(2)(c))
 - RSPA F 7100.2-1 - Annual Report for Calendar year 20__ /Gas Transmission & Gathering Systems (Puc 508.05(2)(d))

Available at: <http://www.phmsa.dot.gov/pipeline/library/forms>

- American National Standards Institute (ANSI)/National Fire Protection Association (NFPA) standards:
 - 54 (National Fuel Gas code) (512.03)(a); (512.09)(d); (512.15)(g)
 - 58 (512.02)(b); (512.09)(a) & (b)
 - 59 (506.01) (a)
- Available at: http://www.nfpa.org/aboutthecodes/list_of_codes_and_standards.asp

- *Training Guide for Operators of LP Gas Systems*, U.S. Department of Transportation & the National Association of Regulatory Utility Commissioners (April 2001)

Available at: <http://phmsa.dot.gov/pipeline/library>