

Notice Number 2023-94Rule Number En 1400

1. Agency Name & Address:

**Department of Energy
21 S. Fruit St., Ste. 10
Concord, NH 03301**

2. RSA Authority: **RSA 12-P:5, V;
RSA 374:15**

3. Federal Authority: _____

4. Type of Action:

Adoption **X**

Repeal _____

Readoption _____

Readoption w/amendment _____

5. Short Title: **Rules for Pipeline Public Utilities**

6. (a) Summary of what the rule says and of any proposed amendments:

The new Chapter En 1400 rules regarding pipeline public utilities reports, which are proposed by the Department of Energy (Department), modify the existing Puc 1400 rules, such as by replacing the term “Commission” with the term “Department,” in order to effectuate the transfer of the entirety of these regulatory responsibilities regarding certain reporting from the Public Utilities Commission (PUC) to the Department. The En 1400 rules also simplify the definitions of utilities by retaining the reference to RSA 362:2, but omitting any paraphrasing of the statute.

The new En 1400 rules otherwise retain the provisions in the existing Puc 1400 rules and apply to reporting by pipeline utilities regarding gas, crude petroleum, refined petroleum products, or combinations of petroleum products in the State.

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

The En 1400 rules generally apply to any public utility that owns or operates any gas pipeline, including pumping stations, storage depots, and other facilities, for the transportation, distribution, or sale of gas, crude petroleum, refined petroleum products, or combinations of petroleum products.

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

RULE	STATUTE(S) IMPLEMENTED
En 1401	RSA 12-P:5, IV
En 1402	RSA 12-P:5, IV; 374:15
En 1403.01	RSA 12-P:5, IV; 374:15
En 1403.02	RSA 12-P:5, IV; 374:15

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

Name: **Andrew J. Harmon, Esq.** Title: **Hearings Examiner**
Address: **21 S. Fruit St., Ste. 10** Phone #: **603-271-2443**
Concord, NH 03301 Fax#:
E-mail: **andrew.j.harmon@energy.nh.gov**
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: **June 16, 2023**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, June 2, 2023 at 9:00 a.m.**

Place: **New Hampshire Public Utilities Commission
Hearing Room B
21 South Street
Concord, NH 03301**

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

FIS # 23:086, dated March 24, 2023

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

There is no difference in cost when comparing the proposed En 1400 rules to the existing Puc 1400 rules.

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

No federal mandate, no impact on state funds.

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

The proposed En 1400 rules will replace the existing Puc 1400 without change as these responsibilities are transferring from the Public Utilities Commission to the Department of Energy.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

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, and therefore do not violate Part I, Article 28-a of the N.H. Constitution by necessitating additional local expenditures by a political subdivision.