

COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.

STATE OF NEW HAMPSHIRE



DEPARTMENT OF ENERGY
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July 25, 2023

Michael Morrell, Director
Administrative Rules Division
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, NH 03301-6312

**Re: En 1400 – Rules for Pipeline Utilities
Department of Energy Conditional Approval Response
Rulemaking Notice No. 2023-94**

Dear Mr. Morrell:

Please find attached the Department of Energy's Conditional Approval Response regarding the En 1400 Rules for Pipeline Public Utilities, which the Joint Legislative Committee on Administrative Rules conditionally approved at its meeting on July 20, 2023.

Also attached is Commissioner Chicoine's approval of the rule as the Department's conditional approval response.

Once you have verified that the conditional approval response is the same as the conditional approval request, please issue a letter confirming that the rule can be adopted.

Thank you for your attention to this submission. Please let me know if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "AJH", followed by a horizontal line.

Andrew J. Harmon
Hearings Examiner

Enclosure
AJH/hms

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Michael Morrell, Director
Office of Legislative Services
107 North Main Street, Room 109
Concord, NH 03301-4951

**Re: EN 1400 – Rules for Pipeline Utilities
Department of Energy Conditional Approval Response
Rulemaking Notice No. 2023-94**

Dear Mr. Morrell:

Please be advised that I have reviewed and approved the Department of Energy's Conditional Approval Response regarding En 1400 relative to pipeline public utilities.

Thank you for your attention in this regard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared S. Chicoine", with a long horizontal stroke extending to the right.

Jared S. Chicoine
Commissioner

Adopt En 1400 to read as follows:

CHAPTER En 1400 RULES FOR PIPELINE PUBLIC UTILITIES

PART En 1401 DEFINITIONS

En 1401.01 "Pipeline public utility," "pipeline utility" or "utility" means any "public utility" as defined in RSA 362:2.

En 1401.02 "Department" shall mean the New Hampshire department of energy.

PART En 1402 REPORTING REQUIREMENTS

En 1402.01 Reports to Department.

(a) If deemed necessary by the department to evaluate the safe operation of gas pipelines and to fulfill its authority under RSA 374:3, each utility and any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission shall provide the department, upon its request, the results of any tests and summaries of any records required under state or federal law. Such tests and summaries may include but not be limited to operating pressures, welding procedures, construction procedures, incident reporting, and accident reporting, and other practices that relate to the safe operation of pipelines.

(b) Each utility and any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission shall file reports with the department on such forms as the department shall specify as provided in En 1403.

(c) Copies of forms shall be furnished by the department upon request.

PART 1403 FORMS TO BE FILED

En 1403.01 F-22 Information Sheet.

(a) Each utility shall file Department form, "En Form F-22":

(1) Annually; and

(2) Whenever any changes occur to the information included in a utility's current En Form F-22 filing.

(b) Each utility shall include on En Form F-22 the following:

(1) Name of utility;

(2) Officer's or individual's name, address, and e-mail address to receive annual report Department form ("En Form F-16");

(3) Officer's or individual's name, address, and e-mail address to receive the utility assessment invoice;

(4) The names and titles of the principal officers of the company; and

(5) The name, title, and signature of the individual who supervised the completion of the form, with date of signature.

En 1403.02 Annual Reporting.

(a) Any owner or operator of a pipeline facility regulated by the Federal Energy Regulatory Commission shall, with respect to any such pipeline facility located or to be located in New Hampshire, file with the department:

(1) Concurrently upon its filing annually, on or before April 30 of each year, a copy of the signed original of the applicable Federal Energy Regulatory Commission annual report form ~~“Form Number No. 2 or 2A”~~ pertaining to such facility; and

(2) 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 proposed to be located in New Hampshire.