

APPENDIX II-C

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number **En 500**

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Energy 21 S. Fruit St., Ste. 10 Concord, NH 03301</b></p>	<p>2. RSA Authority: _____</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <b>X</b> _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **En 500 RULES FOR GAS SERVICE**

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

**The new Chapter En 500 rules regarding gas service, which are proposed by the Department of Energy (the Department), modify the existing Puc 500 rules, such as by replacing the term “Commission” with the term “Department,” in order to effectuate the division of gas service regulatory responsibilities between the Department and the Public Utilities Commission (the PUC), with the division of responsibilities also resulting in the renumbering of the existing Puc rules that are to be included in the En rules. The Department drafted the En 500 rules in coordination with the PUC pursuant to RSA 12-P:3,II. The En 500 rules preserve the hearing process in the existing Puc 500 rules, but reflect that enforcement is the responsibility of the Department and hearings thereon are within the jurisdiction of the PUC.**

**The Department intends to adopt new Chapter En 500 rules in accordance with RSA 12-P:2, which created the Department effective July 1, 2021, and pursuant to RSA 12-P:5, IV regarding rules “necessary to assure continuance or granting of federal funds” (the proposed rules are necessary to retain PHMSA gas pipeline safety funding) and regarding “rules necessary to implement the specific statutes administered by the department.” The PUC formerly regulated pipeline safety, and RSA 12-P:13,I directs the Department to continue such efforts.**

**The Department intends to adopt all applicable, existing Puc 500 rules in adopting the new Chapter En 500 rules pursuant to RSA 362, et seq., and 365:8, VII regarding “safe and reliable utility service.” More specifically, the En 500 rules apply to gas utilities and operators in the State and govern gas service by adopting the existing Puc 500 rules regarding gas quality, meter accuracy and testing, equipment and facilities, record retention, safety standards, accident and leak reporting, utility advertising, other reporting and accounting, and appropriate enforcement procedures and applicable forms.**

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

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

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

<b>Rule(s)</b>	<b>State Statute (RSA) and Federal Statute/Regulation</b>
En 501.01-501.02	RSA 12-P:5, IV; 362:2, 4-b; 40 U.S.C. 60101 et seq.
En 502.01-502.27	RSA 12-P:5, IV; U.S.C. 60101
En 503.01-503.04	RSA 12-P:5, IV; 370:1-5
En 504.01-504.07	RSA 12-P:5, IV; 374:1; 374:54; 49 C.F.R. Parts 191 and 192
En 505.01-505.07	RSA 12-P:5, IV; 370:1-11; 374:3
En 506.01-506.03	RSA 12-P:5, IV; 49 C.F.R. Parts 191, 192, 193, 198 and 199; 40 U.S.C. 5121, 60102, 60103, 60104, 60117, 60118 & 60126; 49 C.F.R. 192.615
En 507.01-507.06	RSA 12-P:5, IV; 374:3, 8; 374:15; 18 C.F.R. Part 201
En 508.01-508.05	RSA 12-P:5, IV; 370:1-5; 374:48-56
En 509.01-509.18	RSA 12-P:5, IV; 369:3; 370:1-5; 374:1, 5, 15; 15 U.S.C. § 717 et seq.
En 510.01-510.10	RSA 12-P:5, IV; 362:4-b; 370:2; 374:3, 7-a; 49 U.S.C. § 60101
En 511.01-511.16	RSA 12-P:5, IV; 91-A:5; 370:2; 374:3-4; 49 C.F.R. Parts 191 and 192; 49 C.F.R. Part 191.9; 49 C.F.R. Part 192; 49 C.F.R. Part 192.615
En 512.01-512.10	RSA 12-P:5, IV; 362:4-b; 370:2; 374:7-a; 49 U.S.C. § 60101

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  
Concord, NH 03301**

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Fax#:

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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: **July 13, 2023**

☐ Fax

☒ E-mail

☐ Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **June 29, 2023 at 1:00 p.m.**

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

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

FIS # 23-096, dated April 19, 2023

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.**