

**Adopt En 600 to read as follows:**

## CHAPTER En 600 RULES FOR WATER SERVICE

## PART En 601 APPLICATION OF RULES

En 601.01 Application of Rules. En 600 shall apply to any water utility as defined in En 602.15.

## PART En 602 DEFINITIONS

En 602.01 "Class A water utility" means a water utility having annual water operating revenues of \$750,000 or more.

En 602.02 "Class B water utility" means a water utility having annual water operating revenues of \$150,000 or more, but less than \$750,000.

En 602.03 "Class C water utility" means a water utility having annual water operating revenues of less than \$150,000.

En 602.04 "Commission" means the New Hampshire public utilities commission.

En 602.05 "Customer" means any person, firm, corporation, cooperative marketing association, utility, or governmental unit or subdivision of a municipality, state, or nation supplied with water service by a water utility.

En 602.06 "Customer service pipe" means that section of service pipe from the customer's property line or the curbstop to the customer's place of consumption.

En 602.07 "Department" means the New Hampshire department of energy.

En 602.08 "Franchise" means the right to conduct business as a utility pursuant to RSA 374:22 and RSA 374:26.

En 602.09 "Meter" means a device installed by a water utility for the measurement of water quantities to be used as a basis for determining charges for water service.

En 602.10 "Normal operating pressure" means pressure occurring between that when system storage is at the:

- (a) Lowest point of its normal operating range during maximum day demand; and
- (b) Highest point of its normal operating range during minimum day demand.

En 602.11 "Service connection" means the point of connection between the customer's service pipe and the water utility's service line.

En 602.12 "Service entrance" means the point at which the customer service pipe enters the customer's building.

En 602.13 "Service pipe" means the connection between the water utility's main and the customer's place of consumption and includes all of the pipe, fittings, and valves necessary to make the connection.

En 602.14 "Small water system" means any water distribution system serving fewer than 600 customers:

**Note to JLCAR:** The *Manual* requires boards and agencies to use the statutory definition, when there is a statutory definition, for the terms used in the rules and to quote that definition exactly. Here, however the statutory definition of "public utility" also contains other utilities such as gas, sewer, and electric. Therefore, the agency is tailoring the statutory definition here because this chapter only pertains to "water utilities".

(a) Which has received a franchise and established an initial revenue requirement pursuant to Puc 1600;

(b) Which is not interconnected with any other water distribution system owned, operated by, or affiliated with the same individual or entity; and

(c) Whose revenue requirement is established based on the value of the assets used to serve only those customers served by that water distribution system.

En 602.15 "Water utility" means any "public utility" as defined in RSA 362:2 and RSA 362:4 owning, operating, or managing any plant or equipment or any part of the same for supplying of water to the public, or engaged in the transmission or sale of water ultimately sold to the public within New Hampshire except:

(a) Municipal corporations operating within their corporate limits;

(b) Municipal corporations which are exempt pursuant to RSA 362:4, to the extent of any such exemption;

(c) Any landlord supplying water to tenants which service is included in a rental fee; or

(d) Any association of residents supplying water to themselves.

En 602.16 "Water utility service pipe" means that portion of the service pipe not characterized as customer service line or pipe.

En 602.17 "Water service" means the furnishing of water to a customer in this state by a water utility.

## PART En 603 SERVICE PROVISIONS

### En 603.01 Information to Customers.

(a) Each water utility shall, upon request, provide a customer with a copy of the most recent chemical analysis of the water supplied.

(b) Not more than one chemical analysis per customer per year shall be required pursuant to (a) above.

### En 603.02 Measurement of Service.

**Note to JCLAR:** The department represented to OLS staff that these rules were being worked on

(a) All water sold by a water utility shall be billed on the basis of metered volume sales unless a waiver is granted by the department for unmetered service, pursuant to the waiver provisions of En 201.05.

(b) Temporary service may be provided on a flat rate basis when the use of water can be readily estimated if approved by the commission.

(c) Service of a character for which there is no rate of general application may be rendered under a special contract between the water utility and the applicant to become effective only after order of the commission pursuant to RSA 378:18.

### En 603.03 Meter Reading and Bill Forms.

(a) All meters used for metered sales shall have registration devices indicating the volume of water in either cubic feet or United States gallons. Where a constant or multiplier is necessary to convert the meter reading to cubic feet or gallons, the constant shall be plainly marked on the face of the meter.

(b) In instances where the water utility installs a remote meter read device, the meter having actual contact with water shall serve as the primary registrant and shall be the determinant for all billing and billing adjustments.

(c) A water utility shall, except as a result of weather-related emergencies or other extenuating circumstances, read the meter or remote read device of its metered customers every billing period. -In no case shall it do so less than every third billing period, except as provided in (d) below.

(d) If the billing period is 6 months or longer, the water utility shall, except as a result of weather-related emergencies or other extenuating circumstances, obtain a reading of the meter or remote read device of its metered customers each billing period. -In no case shall it do so less than annually.

(e) When a remote meter read device is a pulse or other non-encoder type, the water utility shall obtain a reading from the water meter itself at least every 2 years.

En 603.04 Customer Relations. Each water utility shall comply with the additional rules governing provision of service to customers contained in En 1200, uniform administration of utility customer relations.

#### PART En 604 QUALITY OF WATER SERVICE

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##### En 604.01 Effluent Standards.

(a) Each water utility shall conform to all requirements of the New Hampshire department of environmental services for construction and operation of its water systems regarding sanitation and potability of the water.

(b) When a water utility is notified that its water quality is being investigated by the department of environmental services, the water utility under investigation shall notify the department in writing within 10 business days.

(c) The water utility referred to in (b) above shall submit to the department a final report on any such investigation or review within 10 days after final disposition of the matter.

En 604.02 Cross-Connections. Each water utility shall conform to all requirements of the department of environmental services relative to cross-connections.

##### En 604.03 Pressure.

(a) Each water utility shall maintain normal operating pressures of not less than 20 pounds per square inch (psi) nor more than 125 psi at the service connection, subject to (b) below.

(b) For new services connected after the effective date of these rules, each water utility shall maintain normal operating pressures of not less than 30 psi nor more than 100 psi at the service entrance to each building, measured with no water flow inside the building, unless the requirements of En 604.04(d) and (f), or (g) are met.

(c) Water utilities shall make every reasonable effort to deliver normal system operating pressures within the 30 to 100 psi range to customer service locations connected prior to the effective date of these rules.

##### En 604.04 Pressure Variation.

**Note to JLCAR:** The department represented to OLS staff that this requirement was a preexisting requirement under the PUC and, therefore, is not a retroactive requirement.

(a) Variations in pressure under normal operating conditions shall not exceed by one-third, either above or below, the average operating pressure, but in no case shall exceed 20 psi above or below the

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average operating pressure, unless the water utility obtains a waiver ~~to~~ [pursuant to the waiver provisions of En 201.05.](#)

(b) The average operating pressure shall be determined by computing the arithmetical average of at least 24 consecutive hourly pressure readings.

(c) Pressure variations outside the limits specified shall not be considered a violation of this rule when they:

- (1) Arise from unusual or extraordinary conditions;
- (2) Are infrequent fluctuations not exceeding 5 minutes duration; or
- (3) Arise from the operation of the customer's equipment.

(d) In systems of widely varying elevations, a water utility may undertake to furnish a new service which does not comply with the specifications contained in either (a) and (c) above or the minimum or maximum pressure requirements of En 604.03(b), if:

- (1) The customer is fully advised of the conditions under which average service may be expected; and
- (2) The customer's agreement is secured in writing.

(e) The water utility may require in the agreement referred to in (d) (2) above that its terms shall be binding on future customers served at the same location under similar circumstances.

(f) The water utility shall record the agreement referred to in (d)(2) above at the appropriate registry of deeds.

(g) Except as provided in (d) above, where a water utility is providing new water service where pressures or pressure variations fail to meet the above limits, the water utility shall require installation of booster pumps, if permitted by the department of environmental services, on a case by case basis, or pressure reducing devices, by and at the expense of the customer.

(h) The water utility shall provide the appropriate remediation device as described in (g) above at its own expense for the following:

- (1) A service connected on or after September 10, 2013, which:

a. Fails to meet:

1. The minimum and maximum pressure requirements of 30 psi and 100 psi established by En 604.03(b); or
2. The pressure variation criteria of this section; and

b. Is a location where the water utility has failed to apply the requirements of paragraph (d) or (g) above; or

- (2) A service connected between May 4, 1982 and September 10, 2013 which:

a. Fails to meet either:

1. The older 20 psi minimum or the 125 psi maximum pressure criteria of En 604.03(a); or

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2. The pressure variation criteria of this section.

(i) Services connected as provided in (h)(2) above shall be exempt from the remediation device requirement to the extent that the pressure or pressure variation requirements of (h)(2)a. were waived by an agreement recorded pursuant to (f) above or if the service was previously remediated by the customer.

En 604.05 Pressure Surveys and Records.

(a) Each water utility serving 300 or more customers shall provide itself with one or more recording pressure gauges for the purpose of making pressure surveys as required by these rules.

(b) These gauges shall be suitable to record the pressure experienced on the water utility's system and shall be able to record a continuous 24-hour test.

(c) One of these recording pressure gauges shall be maintained in continuous service at some representative point on the water utility's mains in each individual service area containing 200 or more customers.

(d) At regular intervals, but not less than once in every 5 years, and when substantial changes either in demand or distribution system occur, each water utility shall make a survey of pressures in its distribution system sufficient to determine the pressures maintained at representative points on its system and to indicate compliance with the pressure requirements herein.

(e) Such surveys shall be made at or near the period of maximum usage.

(f) Water utilities serving less than 300 customers may make such tests with an indicating pressure gauge, provided however, that when no recording gauge is maintained on the system such tests shall be made annually.

(g) Each water utility shall retain for at least 2 years and shall make available for inspection by the department or its representative all pressure records obtained under this section.

(h) Reports of pressure complaints shall be made on Form E-14, which is described as En 609.0705, once a month, if any occur.

En 604.06 Interruptions of Service.

(a) Each water utility shall use all reasonable means to avoid interruptions to service, but should interruption occur service shall be re-established within the shortest time practicable, consistent with safety.

(b) When an emergency interruption of service affects any portion of the fire protection system, the water utility shall promptly notify the fire chief or other public official responsible for fire protection of such interruption and of subsequent restoration to normal service.

(c) Each water utility shall keep a record of all interruptions to service of over 30 minutes duration affecting any portion of the distribution system.

(d) A water utility shall include in the record of service interruptions required by (c) above the following:

- (1) Date and time of interruption;
- (2) Approximate number of customers affected;
- (3) The date and time of service restoration;

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

(5) Steps taken to prevent its recurrence.

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

(f) Customers affected by such interruption shall be notified in advance, if practicable.

(g) Where any main supplying public fire protection service is interrupted, the water utility shall promptly notify the fire chief or other official responsible for fire protection, stating the approximate time and anticipated duration.

(h) The fire chief or other official responsible for fire protection shall be notified promptly upon restoration of service.

(i) Reports of service interruptions shall be made to the department on Form E-18, which is described in En 609.09, once a month, if any occur.

En 604.07 Shortage of Supply.

(a) The water utility shall furnish a continuous and adequate supply of water to its customers and avoid any shortage or interruption of delivery thereof except when prevented from doing so by emergencies the effect of which prudent planning would not have avoided.

(b) If a water utility finds that it is necessary to restrict the use of water it shall give the department and its customers written notice, except in emergency conditions, no less than 24 hours in advance, before such restriction becomes effective.

(c) Such notifications shall specify:

(1) The reason for the restriction;

(2) The nature and extent of the restriction, such as restrictions on outdoor use of water or use by certain classes of customers;

(3) The date such restriction is to go into effect; and

(4) The probable date of termination of such restriction.

(d) During times of threatened or actual water shortage each water utility shall equitably apportion its available water supply among its customers with due regard to public health and safety.

En 604.08 Conservation. Each water utility shall comply with water conservation rules promulgated by the department of environmental services pursuant to RSA 485:61.

PART En 605 METER ACCURACY AND TESTING

En 605.01 Inspection of Meters.

(a) All new meters shall be inspected for correctness of register size and multiplier before being installed on a customer's premises.

(b) All meters removed from service which are to be reinstalled shall be inspected for correctness of register size and multiplier.

En 605.02 Meter Installations.

(a) All meters shall be in good mechanical condition and of adequate size and design for the type of service which they measure. -All meters shall be checked to ensure correctness of operation when installed.

(b) Each water utility shall adopt a standard method of meter installation which includes:

(1) Providing a written description and drawings, or both, to the extent necessary to provide a clear understanding of the requirements; and

(2) Making available copies of these methods of installation to prospective customers and contractors or others engaged in the business of placing pipe for water utilization.

(c) The customer shall provide an accessible area protected from temperature variation and weather in which to set the meter which shall be located as nearly as practical to where the service pipe enters the building.

(d) If an adequate space is not provided in which to install a meter, the water utility may:

(1) Refuse service; or

(2) At the option of the customer, install an outside meter pit at the expense of the customer.

En 605.03 Test and Calibration of Meters.

(a) All meters shall be tested and calibrated in accordance with the requirements set forth in this section.

(b) No meter shall be placed in service or permitted to remain in service if the error of registration exceeds specifications in (d) below.

(c) A water utility shall test all meters as specified by size in the left column, at the 3 rates of flow specified in [Table-table 6.5.1](#) below:

Table 6.5.1 Test Flows Required by Size of Meter

Meter Size - Inches	Test Flow - Gallons per Minute		
	Minimum	Medium	Maximum
5/8	1/4	2	15
5/8 x 3/4	1/4	2	15
3/4	1/2	3	25
1	3/4	4	40
1 1/2	1 1/2	8	50
2	2	15	100
3	4	20	150
4	7	40	200
6	12	60	500

(d) A meter shall be determined inaccurate and shall not be placed or returned to service if:

(1) The percent error of registration exceeds 103% or is less than 97%; or

(2) The registration at the minimum flow exceeds 103% or is less than 90%.

(e) The percent error of registration shall be taken as the algebraic sum of the errors at the intermediate and maximum rates of test flow, as set forth in the Table 6.5.1, divided by 2.

(f) Upon completion of an adjustment of any meter under the provisions of these rules, the water utility shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal.

(g) At the option of the water utility, the larger size meters may be tested in place after installation.

En 605.04 Test Schedules for Meters.

(a) All new meters shall be tested and calibrated before being put into service.

(b) A water utility shall not be required to report to the department new meter tests referred to in (a) above nor shall these tests be considered as periodic tests of meters in service.

(c) A water utility shall conduct tests on meters in service, according to the size of the meter in inches, in accordance with the schedule established by [Table-table](#) 6.5.2 below:

Table 6.5.2 Testing Interval Required By Size of Meter

Size of Meter - Inches	Maximum Interval Between Tests
5/8	10 years
3/4	10 years
1	4 years
1 1/2	4 years
2	4 years
3	2 years
4	1 year
6	1 year

(d) All meters removed from service and not due for periodic test shall be tested before being put back into service.

(e) Source meters shall be calibrated at least every 10 years.

(f) When a customer requests that the customer's meter be tested, a water utility:

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

(2) May require a deposit and charge for meter testing in an amount in accordance with the water utility's tariff provisions;

(3) Shall promptly refund the deposit and charge if on testing the meter is found to be over-registering by more than 3% or under-registering as described in En 605.03(d);

(4) May retain the deposit amount if the meter is found to meet the accuracy requirements of En 605.03(d);

(5) Shall permit a customer to be represented in person or by their agent when the water utility conducts the test of the meter; and

(6) Shall provide to the customer within 15 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, type, make, size, and serial number of the meter;
- d. The date tested; and
- e. The result of the test.

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(g) When a customer makes written application to the department for testing of a meter, sometimes called referee testing, the department staff shall arrange to have the meter tested in staff's presence as soon as is practicable.

(h) When notified of an application submitted for a referee test as provided in (g) above, the water utility shall not remove, interfere with, or adjust the meter to be tested without the written consent of the customer, and a waiver from the department ~~is~~, [pursuant to the waiver provisions of En 201.05](#).

(i) A complete record of all tests and adjustments and data sufficient to allow checking of test calculations shall be recorded by the meter tester.

(j) The test record referred to in (i) above shall include:

- (1) The identifying number of the meter;
- (2) The type of the meter;
- (3) The date and kind of tests made;
- (4) The reading of that meter before making any test;
- (5) The error as found at each test; and
- (6) If repaired the accuracy of the meter after the final test.

(k) The complete record of tests of each meter shall be continuous for at least 2 periodic tests, and in no case for less than 2 years.

(l) Each water utility shall report to the department periodic tests of meters on Form E-15, which is described in En 609.06.

(m) Each water utility shall report requests or referee tests, referred to in (f) and (g) above, to the department on Form E-16, which is described in En 609.07, once a month, if any occur.

#### En 605.05 Customer's Bill Adjustments.

(a) In meter tests made by the water utility or monitored by the department as provided by En 605.04, the correctness of registration of the meter and its performance in service shall be judged by its average error, determined in accordance with En 605.03.

(b) Any adjustment of charges which is made in accordance with this section shall be based on the average error thus derived.

(c) Whenever a meter is found to register in excess of 103% of the correct amount, the water utility shall refund to the customer an amount equal to the charge for the excess billed for the shorter of the following:

- (1) The previous 12 months;
- (2) A period equal to 1/2 of the time elapsed since the last test; or
- (3) The period of occupancy by the customer.

(d) If the time when the error, referred to in (c) above, first developed or occurred can be definitely fixed, the amount to be refunded shall be based thereon.

(e) Whenever a meter is found to under-register as outlined in En 605.03(d), the water utility may make a charge to the customer for the unbilled amount supplied for the shorter of:

- (1) The previous 12 months;
- (2) A period equal to 1/2 of the time elapsed since the last test; or
- (3) The period of occupancy by the customer.

(f) If a meter or remote register is found which does not register properly, the bill for the period of improper registration shall be based upon information recorded by a meter or remote register, during a period during which the device is determined to accurately record use, prior or subsequent to the period of improper registration, and any other pertinent information supplied by the customer or known to the water utility.

(g) The period for recovery of the difference between previously billed amounts and estimated actual consumption under (f) above shall not exceed 12 months.

#### En 605.06 Test Facilities and Equipment.

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(a) Each water utility furnishing metered water service shall either:

- (1) Provide the necessary standard facilities, instruments, and other equipment for testing meters in compliance with these rules; or
- (2) Enter into satisfactory arrangements for test of its meters by another water utility or agency equipped to test meters in compliance with these rules, subject to obtaining a waiver from the department ~~-, pursuant to the waiver provisions of En 201.05.~~

(b) Each water utility shall maintain or arrange for the use of a meter test shop which, insofar as practicable, shall simulate the actual service conditions.

(c) The meter test shop required by (b) above shall be provided with:

- (1) The necessary fittings, including a quick-acting valve for controlling the starting and stopping of the test; and
- (2) A device for regulating the flow of water through the meter under test.

(d) The accuracy of the test equipment and test procedures shall be sufficient to enable shop test of displacement meters with an error not to exceed 0.5%.

(e) Each water utility shall maintain or arrange for the use of measuring devices for test of meters.

(f) The measuring devices required by (e) above shall consist of calibrated tanks for volumetric measurements, tanks mounted upon scales for weight measurement, or standard meters.

(g) In using the measuring devices required by (e) above the water utility shall adhere to the following test measurement standards:

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(1) When a volumetric tank is used it shall be certified by the New Hampshire or local sealer of weights and measures;

(2) When a weight standard is used the scales shall be tested and certified at least once every year by the New Hampshire or local sealer of weights and measures, and a record maintained of the results of such test;

(3) Basic standards used for meter tests shall be of sufficient capacity to ensure accuracy of the test; and

(4) Standard meters may be used for the purpose of testing meters in place provided they have been tested and calibrated within the limits of accuracy required by Puc 600, either by the water utility with its volumetric or weight standard equipment or by an approved laboratory, within the previous 60 days; and

(h) The water utility shall keep a record of tests referred to in 605.06(g)(4) above for a period of not less than 5 months.

✓ En 605.07 Underground Utility Damage Prevention Program. All water utilities shall comply with En 800, the underground utility damage prevention program rules.

## PART En 606 EQUIPMENT AND FACILITIES

### En 606.01 Standard Practice.

(a) Each water utility shall construct, install, operate, and maintain its plant, structures, equipment, and mains:

(1) In accordance with applicable “American Water Works Association Standards” copyrighted by the American Water Works Association, as found in Appendix B, pursuant to the applicable standards described in N.H Code Admin. Rule Env-Dw 407.01, Standards of the American Water Works Association; and

(2) In such manner, insofar as practical:

a. To best accommodate the public; and

b. To prevent interference with service furnished by other underground facilities, including gas, electric, telephone, steam, sewer, and other underground and above ground facilities.

### En 606.02 Distribution System and Mains.

(a) Water mains shall be installed below the normal frost line or otherwise protected to prevent freezing. -Mains used exclusively to provide temporary or seasonal service shall be excluded from this requirement.

(b) Insofar as practicable, the water utility shall design its distribution system so as to avoid dead ends on its mains.

(c) Where dead ends are unavoidable the water utility shall provide hydrants or valves for the purpose of flushing the mains.

(d) Where dead ends are unavoidable the water utility shall adhere to the following standards:

- (1) Mains with dead ends shall be flushed as often as necessary to maintain the proper quality of the water;
- (2) Records shall be kept of all flushings of mains, showing the date, place, and duration; and
- (3) Flushing records shall be used as a guide in determining the necessary frequency of flushing of the same mains thereafter.

(e) Valves shall be provided at intervals in the mains sufficient to allow the water utility to facilitate repairs and minimize interruptions of service.

(f) Whenever feasible, the distribution system shall be laid out in a grid segmented so that in case of breaks or repairs the number of customers affected can be minimized.

#### En 606.03 Fire Protection and Hydrants.

(a) A water utility and an applicant may negotiate regarding fire hydrants, public and private fire protection facilities, and connecting mains, as to the following:

- (1) Specifications;
- (2) Location;
- (3) Installation;
- (4) Responsibility for maintenance; and
- (5) Ownership.

(b) Fire hydrants and public and private protection facilities shall be installed in conformity to the requirements of the water utility.

(c) Hydrants maintained by the water utility shall be inspected and flushed at least once each year and shall be checked for freezing as often as necessary to ensure that they are functioning properly.

(d) A record of each hydrant shall be maintained showing the size, type, location, date of inspection, and flushing and the results thereof.

(e) Reports of periodic inspection of flushing of hydrants shall be reported to the department on Form E-17, described at En 609.08 once a year.

#### En 606.04 Valves and Service Connections.

(a) Each water utility shall locate, operate, and inspect each valve on its distribution system at least once every 5 years.

(b) A water utility annually shall locate, operate, and inspect valves which are:

- (1) Larger than 12 inches in diameter;
- (2) Located on major transmission lines; or
- (3) Otherwise critical to system operation.

(c) A water utility shall keep a record of each valve showing the size, type, location, date of inspection, and the results of each inspection.

(d) Each water utility shall require that the size, design, material, and installation of the service pipe shall conform to such requirements of the water utility as may be incorporated in its rules and regulations.

(e) The water utility shall require that the minimum size of the service pipe shall not be less than 3/4 inch nominal size except under unusual circumstances, such as might exist in a residence with very low demand located very close to the main.

(f) All service pipes shall be laid at a depth sufficient to prevent freezing, except where services are not intended for use during freezing weather and are drained during such periods.

(g) Curb stops shall be placed at the customer's property line except in unusual situations such as service to an apartment or to a condominium.

(h) Each water utility shall require that the customer shall not install any tree or branch connection in the service pipe.

(i) A water utility may require the customer to leave the trench open and customer service pipe uncovered until it is inspected by the water utility and shown to be free from any irregularity or defect.

(j) Each water utility shall require the following in relation to individual service connections:

(1) Each service connection shall be provided with an individual shut-off;

(2) No tandem services shall be permitted; and

(3) Where such tandem services exist, the shut-offs necessary to comply with this requirement shall be installed.

En 606.05 Disinfection of Facilities. Disinfection of facilities shall be as approved by the New Hampshire department of environmental services.

## PART En 607 RECORDS AND REPORTS

En 607.01 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.

En 607.02 Station Records. Each water utility shall keep sufficient records of the operation of its pumping, filtering, chlorinating, and other units to show the characteristics and performance of each.

En 607.03 Water Supply Measurement.

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

(b) At least once each month each water utility shall determine the quantity produced from each source of supply.

(c) A water utility shall record and transmit in the water utility's annual report its 12 month totals of water supply by sources.

En 607.04 System Maps.

(a) Each water utility shall have on file at its principal office located within New Hampshire a map, maps, or drawings showing the following:

- (1) The size, character, and location of all mains including hydrants and valves;
- (2) The size and location of each service connection, where practicable; and
- (3) The layout of all principal pumping stations, filter, and chlorinating plants to show size, location, and character of all major equipment, pipelines, connections, valves, and other equipment used.

(b) In lieu of showing service locations on maps, referred to in (a)(2) above, a card record or other suitable means may be used.

~~Pue-En~~ 607.05 Meter Records.

(a) Each water utility shall keep records numerically arranged and classified by meter type presenting, for each meter owned and used by the water utility for any purpose, the following:

- (1) Identification number;
- (2) Date of purchase;
- (3) Name of manufacturer;
- (4) Serial number;
- (5) Type;
- (6) Rating; and
- (7) Information as to each premises where the meter has been in service, as follows:
  - a. The name and address of each customer on whose premises the meter has been in service;
  - b. Date of installation; and
  - c. Date of removal.

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

En 607.06 Reports to Department.

(a) The water utility shall furnish the department with any information concerning the water utility's facilities or operations which the department shall request and need for evaluating rates, the practices of the water utility, including whether the service provided and facilities used are reasonably safe and adequate.

(b) Each water utility shall file periodic reports with the department as required by En 609.

## PART En 608 SAFETY AND INSPECTIONS

En 608.01 Safety Instructions.

(a) Each water utility shall adopt comprehensive instructions for the safety of employees regarding the operation, construction, and maintenance of its plant facilities.

(b) Each water utility shall require that such employees have been properly informed of safe practices and are cognizant of all hazards involved.

En 608.02 Resuscitation.

(a) Each water utility shall institute and maintain a program instructing its employees engaged in electrical work or work in hazardous atmospheres, such as in-ground pump stations or meter vaults, in safety procedures for resuscitation emergencies.

(b) Copies of safety procedures shall be furnished to each such employee.

(c) Electrical work as used herein shall be construed to mean work on all live electric conductors and equipment.

En 608.03 Accidents.

(a) Each water utility shall report to the department as soon as possible after each accident occurring in connection with the operation of its property, facilities, or services, wherein any person shall have been killed or seriously injured or whereby any serious property damage shall have been caused.

(b) The first report of an accident may be preliminary, but if so, shall be followed later by as full a statement as possible of the cause and details of the accident and precautions taken, if any, to prevent recurrence.

(c) Accidents resulting in slight injuries which do not incapacitate the person injured from active work for more than 6 days in the aggregate during the 10 days immediately following injury shall not be required to be reported.

(d) The water utility shall report to the department on Form E-5W, "Utility Accident Report," described in En 609.04, any accident related to its water utility operations which is not a slight accident as described in (c) above.

En 608.04 Department Inspection. The department shall, from time to time, inspect the works and system of each water utility and the manner in which it has conformed and presently conforms to statutes or department or commission rules or orders.

## PART En 609 FORMS TO BE FILED BY ALL WATER UTILITIES

En 609.01 F-1C Quarterly Statement of Operations.

(a) Any water utility which does not file a statement of operations with the department and the commission on a monthly basis shall file commission "Form F-1C, Quarterly Statement of Operations" ~~dated-revised January-February~~ 2024 with the department and the commission, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), on a quarterly basis.

(b) Water utilities shall include in form F-1C:

Edit: "complete and file"

(1) ~~A caption indicating the title of the form as "Form F-1C" along with t~~ The name of the water utility filing the report;

**Unclear/Edit:** Here and subsequently, it is unclear if the agency is incorporating the form by reference or setting out the requirements of the form in the rule text because not all of the requirement on the form are in the rule text and vice versa. If incorporating the form by reference, then OLS would suggest removing the requirements for the rule text to avoid confusion. If the form is not being incorporated by reference, then all the requirements on the rule text need to be on the forms and vice versa.

**See Unclear/Edit comment to the left.** Form also asks for a "date".



See Unclear/Edit comment at the bottom of previous page. Not seeing this requirement on the form.

**Unclear/Legis. Intent:** The certifications on these forms are too extensive to be incorporated by reference. Therefore, the certifications need to be quoted verbatim in the rule text or paraphrased provided the paraphrasing does not change the meaning.

(2) A statement of operation taking operating revenues, subtracting all expenses, leaving the net income;

See Unclear/Edit comment at the bottom of previous page. Form only lists out "assets", "equity", and "liabilities", not retained earnings.

(3) A reconciliation of retained earnings composed of balance at the beginning of the period and balance at end of the period;

(4) A balance sheet listing the assets and liabilities with a final result of total capital and liabilities; and

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

**Edit/Unclear:** The comments in the FP about changing the form date is incorrect if the agency is incorporating by reference another agency's form. If the agency is adopting the form as their own, however, as demonstrated by changing the date, title, or form number, then this needs to be clarified that it is a department of energy and not a PUC form.

En 609.02 F-16-Water Annual Report.

(a) Each "Class A" and "Class B" water utility as defined by En 602.01 and En 602.02, respectively, which maintains its books on a calendar year basis shall complete public utilities commission Form "F-16-Water, Water Utilities – Classes A and B, Annual Report of [Exact Legal Name of Respondent]" revised/dated January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), and file one signed original and one electronic copy with the department and the commission annually on or before March 31<sup>st</sup>.

**Edit/Unclear:** Here and subsequently, "complete and file". Also, it is unclear if this is being submitted to the department or the PUC

(b) Each "Class C" water utility as defined by En 602.03 which maintains its books on a calendar year basis shall complete public utilities commission Form "F-16-Water, Water Utilities – Class C, Annual Report of [Exact Legal Name of Respondent]" revised/dated January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), and file one signed original and one electronic copy with the department and the commission annually on or before March 31<sup>st</sup>.

(c) Each "Class A" and "Class B" water utility as defined by En 602.01 and En 602.02, respectively, which maintains its books on a fiscal year basis which does not coincide with a calendar year shall complete Public-public Utilities-utilities Commission-commission Form "F-16-Water, Water Utilities – Classes A and B, Annual Report of [Exact Legal Name of Respondent]" revised/dated January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), and file with the department and the commission one signed original and one electronic copy by email or through the department's electronic records filing system no later than 90 days following the close of each fiscal year.

(d) Each "Class C" water utility as defined by En 602.03 which maintains its books on a fiscal year basis which does not coincide with a calendar year shall complete public utilities commission Form "F-16-Water, Water Utilities – Class C, Annual Report of [Exact Legal Name of Respondent]" revised/dated January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), and file with the department and the commission one signed original and one electronic copy by email or through the department's electronic records filing system no later than 90 days following the close of each fiscal year.

En 609.03 F-22 - Information Sheet.

**Edit:** "complete and file"

(a) Each water utility shall file with the department and the commission a completed department "Form F-22, Information Sheet" revised/dated April-2023October 2023, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov):

(1) Annually; and

(2) Whenever any changes occur to the information included in the Form F-22 filing.

(b) Each water utility shall include the following on department "Form F-22, Information Sheet":

**See Unclear/Edit comment at the bottom of previous page.** Unclear if this form is being incorporated by reference.

See Unclear/Edit comment on page 15. Form also asks for the telephone number and email address of these individuals.

See Unclear/Edit comment on page 15. Form also asks for the email address of these individuals.

- (1) The utility's identifying information;
- (2) Person's name and address to receive annual report form;
- (3) Person's name and address to receive the water 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 water utility employee who supervised the preparation of the form.

Edit: "complete and file"

En 609.04 E-5W - Utility Accident Report

(a) Each water utility shall file with the department and the commission a completed department "Form E-5W, Utility Accident Report" ~~revised dated April 2023~~ February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), within 10 working days of when a water utility accident, as described in En 608.03(a) and (c), occurs.

(b) The "Utility Accident Report" shall include the following:

- (1) Report number, date, and name and address of the water utility;
- (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 and previous accident report number of the report filed prior to the death;
- (7) Designation of federal or state statute violated, if known;
- (8) Recommendation for guarding against repetition of accident; and
- (9) Signature and title of signatory.

See the Unclear/Edit comment on page 15. Form also asks for the time of discovery.

See the Unclear/Edit comment on page 15. Form says "probable duration of discovery".

See the Unclear/Edit comment on page 15. Form also asks for date submitted.

See the Unclear/Edit comment on page 5. Form says "date of death".

En 609.05 E-14 - Report of Pressure Complaints

(a) Each water utility shall report to the department pressure complaints on department "Form E-14, Monthly Report of Pressure Complaints" ~~revised dated January~~ February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), on a monthly basis if they occur.

Edit: Replace "on" with "by completing and submitting".

(b) A water utility shall include on form E-14 the following:

(1) ~~A caption identifying the report as "E-14 Report of Pressure Complaints" along with the~~  
The name of the water utility filing the report;

See the Unclear/Edit  
comment on page 15. Form  
also asks for the month.

(2) Name of complainant and location;

(3) Date of test and average pressure;

See the Unclear/Edit  
comment on page 15. Form  
also asks for date submitted.

(4) Pressure recorded including the minimum, time of day, and maximum, time of day;

(5) Total minutes below allowable minimum and above allowable maximum; and

(6) The signature, full name, and title of the water utility employee responsible for supervising the preparation of the report.

Edit: "complete and file"

En 609.06 E-15 Annual Report of Water Meter Tests.

(a) Each water utility shall file with the department a report of water meter tests on department "Form E-15, Annual Report of Water Meter Tests" ~~revised~~~~dated~~ January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), on an annual basis.

(b) A water utility shall include on form E-15 a caption identifying it as "E-15 Annual Report of Water Meter Tests" and the following:

(1) The water utility name and year reported;

(2) The total meters installed at end of year by size;

See the Unclear/Edit  
comment on page 15. Form  
also asks for test period.

See the Unclear/Edit  
comment on page 15. Form  
asks for the same  
information listed in (3) for  
"All Other Sizes".

(3) The number of 5/8 through 2-inch meters tested with a breakdown of the number meeting the standards specified in En 605.03(b), the number with no registration and the number failing the standards of En 605.03(b);

(4) Individual test results for larger meters; and

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

See the Unclear/Edit comment on page 15.  
Form also asks for date.

En 609.07 E-16 Report of Water Meter Complaint Tests.

(a) Each water utility shall file department "Form E-16, Report of Water Meter Complaint Tests" ~~revised~~~~dated~~ January-February 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), with the department, summarizing water meter complaint tests monthly if complaints occur.

(b) A water utility shall include on form E-16 a caption identifying the report as "E-16 Report of Water Meter Complaint Tests" and the following:

(1) The name of the company and the month reported;

(2) The customer's name and address;

(3) The meter manufacturer, manufacturer's number, company number, type, and size;

(4) The percent of registration that are fast and percent of registration that are slow;

(5) If a bill adjustment occurs, the amount refunded or collected and the period covered by the bill adjustment;

**Edit:** "The date submitted; and"

(6) The date; and

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

En 609.08 E-17 Annual Report of Hydrant Inspection.

(a) Each water utility shall file department "Form E-17, Annual Report of Hydrant Inspection" ~~revised~~ ~~dated January-February~~ 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), with the department, describing its inspections of hydrants on an annual basis.

(b) A water utility shall include on form E-17 a caption identifying the report as "E-17 Annual Report of Hydrant Inspection" and the following:

**Unclear/Edit:** The form already has this as the title. Delete this requirement from the rule text.

(1) The name of the company and the year of the report;

(2) The number of hydrants maintained, number of hydrants inspected and flushed, and number of hydrants found defective;

(3) A breakdown of defective hydrants as follows:

a. The date, location, and date of last inspection;

b. The nature of the defect and the cause of the defect; and

c. The corrective steps taken; and

**See the Unclear/Edit comment on page 15.** Form also asks for date submitted.

**See the Unclear/Edit comment on page 15.** Form also asks if the hydrant is public or private.

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

**Edit:** complete and file

En 609.09 E-18 Report of Interruptions of Service Over 30 Minutes Duration.

(a) Each water utility shall file department "Form E-18, Report of Interruptions of Service over 30 Minutes Duration" ~~revised~~ ~~dated January-February~~ 2024, available on the department's website at [www.energy.nh.gov](http://www.energy.nh.gov), with the department on a monthly basis summarizing interruptions to service of over 30 minutes duration, if any occur.

(b) A water utility shall include on form E-18 a caption identifying the report as "E-18 Report of Interruptions of Service Over 30 Minutes Duration" and the following:

(1) The name of the company and the month reported;

(2) The date, time, and duration of interruption;

(3) The location and number of customers affected;

(4) The cause of the interruption; and

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

**Unclear/Edit:** The form already has this as the title. Delete this requirement from the rule text.

**See the Unclear/Edit comment on page 15.** Form specifies the elapsed time in hours.

**See the Unclear/Edit comment on page 15.** Form also asks for date submitted.

En 609.10 Electronic Filing Requirements, Annual Report.

(a) "Electronic filing" means the filing with the department or the commission of an electronic version of a document or form.

(b) Each water utility shall, in addition to filing a completed and executed annual report in paper as required by En 609.02, electronically file with the department and the commission, to the extent practicable, in an electronic file format compatible with the computer systems of the department and the commission, a completed annual report form.

(c) The department shall maintain a list on its web-site of the types of electronic file formats compatible with its and the commission's computer systems.

(d) Any small water system as defined in En 602.14 shall be exempt from the requirements of this section.

(e) Any water utility may petition the department for a one year waiver from the electronic filing requirement.

(f) In its application for a waiver under (e) above, a water utility shall describe and provide evidence to demonstrate that:

(1) It does not have the computer capability to generate electronic reports or filings due to the small size of its overall operations or its lack of computer equipment, or expertise or both;

(2) Its existing available computer systems are not compatible with the computer systems of the department or the commission and because of this incompatibility it would be prohibitively expensive or cumbersome to file electronically; or

(3) Other circumstances would make electronic filing prohibitively expensive or cumbersome.

(g) The department shall issue a waiver under (e) and (f) above if it determines that the burden on the water utility of electronic filing outweighs the benefit to the administrative process.

(h) The department shall make available to each water utility upon request an electronic version of the annual report form when the department has prepared and has available an electronic version.

#### PART En 610 DEPARTMENT REVIEW OF REQUESTS FOR RATE RELIEF

##### Puc 610.01 Staff Review and Recommendation.

(a) Upon the filing of a request for rate relief with the commission pursuant to Part Puc 607, department staff shall:

(1) Verify that the small water system has complied with the requirements set forth in Puc 607.02 and Puc 607.03;

(2) Review all information acquired pursuant to the requirements of Puc 607.02; and

(3) Make a recommendation to the commission that the requested increase, or some modification thereof, be approved or denied based on the criteria set forth by these rules, commission's rules, RSA 378, and the opinions of the New Hampshire supreme court.

(b) Department staff shall file and serve a copy of its recommendation on the petitioning small water utility in accordance with commission's rules.

(c) The petitioning small water utility shall serve a copy of the department staff recommendation upon the customers of the small water utility and the municipalities in which those customers reside at the time the recommendation is filed with the commission.

**Appendix A**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
En 601.01 – En 602.17	RSA 12-P:5, IV, RSA 362, et seq.
En 603.01 – En 603.04	RSA 12-P:5, IV; RSA 370:1-8; RSA 374:3
En 604.01 – En 604.08	RSA 12-P:5, IV; RSA 370:1-8; RSA 374:1, 3
En 605.01 – En 605.06	RSA 12-P:5, IV, RSA 370:1-8
En 605.07	RSA 12-P:5, IV, RSA 374: 48-56
En 606.01 – En 606.05	RSA 12-P:5, IV, RSA 370:1-8; RSA 374:3
En 607.01 – En 607.06	RSA 12-P:5, IV, RSA 374:3, 4, 5, 15
En 608.01 – En 608.04	RSA 12-P:5, IV, RSA 374:3, 4, 15, 37-39
En 609.01 – En 609.02	RSA 12-P:5, IV, RSA 374:15
En 609.03	RSA 12-P:5, IV; RSA 374:15
En 609.04 – En 609.05	RSA 12-P:5, IV, RSA 374:15
En 609.06	RSA 12-P:5, IV, RSA 374:15, 37-39
En 609.07 – En 609.10	RSA 12-P:5, IV, RSA 370:2-5; RSA 374:15
En 610.01	RSA 12-P:3, III, RSA 12-P:5, IV, 374:3, 15

**Appendix B****DOCUMENTS INCORPORATED BY REFERENCE****FEDERAL STANDARDS AND FORMS**

<b>Rule</b>	<b>Title</b>	<b>Publisher; How to Obtain; and Cost</b>
<b>En 606.01(a)(1)</b>	<b>American Water Works Association Standards</b>	<b>The American Water Works Association website, <a href="https://www.awwa.org">https://www.awwa.org</a>, at a cost of \$142 per standard.</b>

**Edit:** Make the web link more exact: "https://www.awwa.org/Publications/Standards"