

Notice Number _____

Rule Number _____

En 600

1. Agency Name & Address:

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

Edit. Delete or cite to specific RSA provisions granting rulemaking authority, such as RSA 12-P:5, IV.

2. RSA Authority:

RSA 362, et. seq.; RSA
374:1, et seq.;
RSA 12-P:5, IV

3. Federal Authority:

NA

4. Type of Action:

Adoption

X

Repeal

Readoption

Readoption w/amendment

5. Short Title: **Rules for Water Service**

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

En 600 governs the quality of water service provided by regulated water utilities, accuracy and testing of meters, type of service, type of equipment, short term debt limits, safety issues, inspection mechanism for small water utilities.

Unclear. As an adoption of a new chapter, it appears as if En 600 were totally new. But see the FIS. Due to the transfer of authority from PUC to the Department in 2021, the summary is incomplete by not addressing the degree to which the Chapter En 600 rules appear to be based on and differ from the Chapter Puc 600 rules on water service. See for example the Department's Item #6(a) summary for Chapter En 500 on gas service in the 5-11-23 *Rulemaking Register* and how En 500 was based on Puc 500 but also differed from it.

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

The rules affect regulated water utilities operating under En 600.

6. (c) Specific section or sections of state statute or rule that the rule implements:

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

Edit. Insert "RSA" where a different RSA chapter is cited in each row. It is easier to read.

Edit. See error in Appendix. See also comment on page 20 of the rules on need for a Part En 610 heading.

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., Suite. 10
Concord, NH 03301**

Phone #: **603-271-2443**

Fax#: **NA**

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: **Wednesday, October 18, 2023**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, October 4, 2023 at 10:00 AM**

Place: **New Hampshire Public Utilities Commission
Hearing Room B**

Edit. Although the En 600 rules are being adopted, they are not “new” in terms of state regulation if they adopt various provisions of Puc 600. Instead they seem to be modifications of Puc 600. Compare with the FIS for En 500 in NN 2023-113 in the 5-11-23 *Rulemaking Register*. See if LBA can clarify.

10. Fiscal Impact Statement

FIS # 23:203, dated 08/18/2023

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

The proposed rules are new, however the proposed new En 600 adopt various provisions of the existing Puc 600 rules without any difference in costs.

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):

A. To State general or State special fund
None.

B. To State citizens and political subdivisions
None.

C. To independently owned businesses:
None.

Edit. The Part 1, Article 28-a Statement does not appear to be correct. Based on the FIS, the rules in En 600, due to the transfer of authority in 2021 from PUC to the Department, seem to be modifications of the responsibilities in the Puc 600 rules which regulate water service.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not modify an existing program or responsibility, and do not assign any responsibility to any political subdivision and therefore is not proposed in violation of Part I, Article 28-a.

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 utility as defined in En 602.15.

PART En 602 DEFINITIONS

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

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

En 602.03 "Class C utility" means a 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 or of the state or nation supplied with water service by a 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 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 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 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:

(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 "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 "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 utility.

PART En 603 SERVICE PROVISIONS

En 603.01 Information to Customers.

(a) Each 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.

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

(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 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 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 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 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 utility shall obtain a reading from the water meter itself at least every 2 years.

En 603.04 Customer Relations. Each 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

En 604.01 Effluent Standards.

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

(c) The 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 utility shall conform to all requirements of the department of environmental services relative to cross-connections.

En 604.03 Pressure.

(a) Each 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 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) 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.

(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 average operating pressure, unless the utility obtains a waiver.

(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 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 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 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 utility is providing new water service where pressures or pressure variations fail to meet the above limits, the 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 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 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
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 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 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 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 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) 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 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 609.07, once a month, if any occur.

En 604.06 Interruptions of Service.

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

(d) A 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 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 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 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 utility shall equitably apportion its available water supply among its customers with due regard to public health and safety.

En 604.08 Conservation. Each 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 utility shall adopt a standard method of meter installation which includes:

- (1) Providing a written description and/or drawings 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 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 utility shall test all meters as specified by size in the left column, at the 3 rates of flow specified in 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 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 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 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 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 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 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 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 his agent when the 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.

(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 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.

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

(m) Each 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 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 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 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 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.

(a) Each 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 utility or agency equipped to test meters in compliance with these rules, subject to obtaining a waiver from the department.

(b) Each 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 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 utility shall adhere to the following test measurement standards:

(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;

(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 utility with its volumetric or weight standard equipment or by an approved laboratory, within the previous 60 days; and

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

En 605.07 Underground Utility Damage Prevention Program. All 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 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, 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 utility shall design its distribution system so as to avoid dead ends on its mains.

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

(d) Where dead ends are unavoidable the 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 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 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 utility.

(c) Hydrants maintained by the 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 utility shall locate, operate and inspect each valve on its distribution system at least once every 5 years.

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

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

(e) The 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 utility shall require that the customer shall not install any tree or branch connection in the service pipe.

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

(j) Each 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 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 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 utility shall determine the quantity produced from each source of supply.

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

En 607.04 System Maps.

(a) Each 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.

Puc 607.05 Meter Records.

(a) Each utility shall keep records numerically arranged and classified by meter type presenting, for each meter owned and used by the 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 utility shall furnish the department with any information concerning the utility's facilities or operations which the department shall request and need for evaluating rates, the practices of the utility, including whether the service provided and facilities used are reasonably safe and adequate.

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

(b) Each 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 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 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 utility shall report to the department on Form E-5, "Utility Accident Report," described in En 609.04, any accident related to its 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 utility and the manner in which it has conformed and presently conforms to statutes, department or commission rules or orders.

PART En 609 FORMS TO BE FILED BY ALL UTILITIES

En 609.01 F-1C Quarterly Statement of Operations.

(a) Any 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 June 2023, with the department and the commission, available on the department's www.energy.nh.gov on a quarterly basis.

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

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

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

(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 utility employee who supervised the preparation of the report.

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]” dated July 2013, available on the department’s website at www.energy.nh.gov, and file one signed original and one electronic copy with the department and the commission annually on or before March 31st.

(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]” dated July 2013, available on the department’s www.energy.nh.gov, and file one signed original and one electronic copy with the department and the commission annually on or before March 31st.

(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 Utilities Commission Form “F-16-Water, Water Utilities – Classes A and B, Annual Report of [Exact Legal Name of Respondent]” dated July 2013, available on the department’s website at 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]” dated July 2013, available on the department’s website at 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.

(a) Each utility shall file with the department and the commission a completed department “Form F-22, Information Sheet” dated April 2023, available on the department’s www.energy.nh.gov:

- (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 department “Form F-22, Information Sheet”:

- (1) A caption identifying the form as "Form F-22, Information Sheet" along with the name of utility;
- (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 form.

En 609.04 E-5 - Utility Accident Report.

(a) Each utility shall file with the department and the commission a completed department "Form E-5, Utility Accident Report" dated April 2023, available on the department's www.energy.nh.gov within 10 working days of when a utility accident, as described in En 608.03(a) and (c), occurs.

(b) The "Utility Accident Report" shall include a caption identifying it as the "Form E-5, Utility Accident Report" and the following:

- (1) Report number, date and name and address of 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, 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.

En 609.05 E-14 - Report of Pressure Complaints.

(a) Each utility shall report to the department pressure complaints on department "Form E-14, Monthly Report of Pressure Complaints" dated June 2023, available on the department's www.energy.nh.gov on a monthly basis if they occur.

(b) A 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 name of the utility filing the report;
- (2) Name of complainant and location;
- (3) Date of test and average pressure;
- (4) Pressure recorded including the minimum, time of day, maximum, time of day;

- (5) Total minutes below allowable minimum and above allowable maximum; and
- (6) The signature, full name and title of the utility employee responsible for supervising the preparation of the report.

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

(a) Each utility shall file with the department a report of water meter tests on department "Form E-15, Annual Report of Water Meter Tests" dated June 2023, available on the department's www.energy.nh.gov on an annual basis.

(b) A 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 utility name and year reported;
- (2) The total meters installed at end of year by size;
- (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 utility employee who supervised the preparation of the report.

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

(a) Each utility shall file department "Form E-16, Report of Water Meter Complaint Tests" dated June 2023, available on the department's www.energy.nh.gov, with the department, summarizing water meter complaint tests monthly if complaints occur.

(b) A 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, 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;
- (6) The date; and
- (7) The signature, full name and title of the utility employee who supervised the preparation of the report.

En 609.08 E-17 Annual Report of Hydrant Inspection.

(a) Each utility shall file department "Form E-17, Annual Report of Hydrant Inspection" dated June 2023, available on the department's www.energy.nh.gov, with the department, describing its inspections of hydrants on an annual basis.

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

- (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, date of last inspection;
 - b. The nature of the defect, the cause of the defect; and
 - c. The corrective steps taken; and
- (4) The signature, full name and title of the utility employee who supervised the preparation of the report.

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

(a) Each utility shall file department "Form E-18, Report of Interruptions of Service over 30 Minutes Duration" dated June 2023, available on the department's 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 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 utility employee who supervised the preparation of the report.

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 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 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 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 and/or expertise;

(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 if the burden on the utility of electronic filing outweighs the benefit. Edit. Need a PART En 610 heading above the rule. Otherwise it appears as if En 610.01 should be En 609.11.

(h) The department shall make available an electronic version of the "Annual Report" form when the department has prepared and has available an electronic version.

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 utility 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 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 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

Edit. Insert “RSA” where a different RSA chapter is cited in each row. It is easier to read.

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

Edit. See comment page 20 where “En 610.01” does not have a PART En 610 heading above the rule. Otherwise it appears as if En 610.01 should be En 609.11.