

**Adopt En 700 to read as follows:**

## CHAPTER En 700 RULES FOR SEWER UTILITIES

## PART En 701 APPLICATION OF RULES

En 701.01 Application of Rules. These rules shall apply to every utility as defined in En 702.11.

## PART En 702 DEFINITIONS

En 702.01 "Commission" means the New Hampshire Public Utilities Commission.

En 702.02 "Customer" means any person, firm, corporation, municipality or any other entity being supplied sewage disposal service by a utility.

En 702.03 "Department" means the New Hampshire Department of Energy.

En 702.04 "Main" means a sewage pipe owned, operated, or maintained by a utility which is used to transport sewage from the service pipe to the point of disposal.

En 702.05 "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 702.06 "Septic pumping" means the removal of sludge and scum from a septic or holding tank system for transport to appropriate disposal facilities.

En 702.07 "Service pipe" means the utility-owned pipe used to transport sewage from the customer-owned service pipe to the main.

En 702.08 "Sewage" means ground garbage, human or animal excretions and all other waterborne waste normally disposed of by residential, industrial, or commercial facilities through a sanitary sewage disposal system excluding solid waste, industrial waste and septic pumping.

En 702.09 "Sewage disposal service" means the collection, transportation, treatment, and disposal of sewage including but not limited to the active processing of sewage to remove impurities and its ultimate discharge in the environment. This definition does not include septic pumping.

En 702.10 "Sewage disposal system" means the plant and property, including all pipes, pumps, structures and other facilities and equipment owned, operated, and controlled or managed by a utility in connection with the sewage disposal service to its customers.

En 702.11 "Utility" means any "public utility" as defined in RSA 362:2 owning, operating or managing any plant or equipment or any part of the same for the furnishing of sewage disposal for the public except:

- (a) Municipal corporations operating within their corporate limits;
- (b) Municipal corporations which are exempt pursuant to RSA 362:4, to the extent of such exemption;
- (c) Any landlord supplying sewage disposal service to its tenants which service is included in a rental fee;
- (d) Any association of residents supplying sewage disposal service to themselves; or
- (e) Any other entity otherwise exempt from regulation by statute or commission order.

**Unclear/Legis. Intent:** This definition does not mirror the formatting or the language in the statutory definition, RSA 362:2. The manual requires that statutory definitions in rules must be verbatim or a simple citation. See the *Manual*, Chapter 4, Section 3.7, pages 108-109.

**Unclear:** Is there a statutory exemption for (c) & (d)? If not, what authority does the agency have to exempt these?

En 702.12 "Water service" means the furnishing of water to a customer in this state by a utility.

En 702.13 "Water utility" means any "public utility" as defined in RSA 362:2 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.

## PART En 703 SERVICE PROVISIONS

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### En 703.01 Customer Bill Adjustments.

(a) Where the sewage disposal service to a customer is billed based on metered water consumption as measured by the water meter of the serving water utility, and where the water meter is found to be inaccurate, the customer's sewer bill shall be adjusted accordingly, following the corresponding rules for adjusting the customer's water bill contained in En 605.05.

(b) Where the sewage utility service to a customer is measured by the sewage meter of the serving sewage utility, and where the meter is found to be inaccurate, the customer's bill shall be adjusted accordingly, following the corresponding rules set out at En 605.05 for adjusting the customer's water bill.

### En 703.02 Discontinuance of Service.

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(a) Sewer service shall not be disconnected due to nonpayment.

(b) If the utility is a combined water and sewer utility, it may discontinue water service for nonpayment of sewer bills. Discontinuance of service by either a water utility or a combined water and sewer utility shall be carried out in accordance with En 1203.11.

(c) A sewer utility may contract with a serving water utility to discontinue water service for nonpayment of sewer utility bills.

(d) The contract between the sewer and water utilities in (c) above shall contain specific provisions regarding responsibilities involving notice of termination, termination, reconnection, and provision for fair and reasonable compensation based on the actual cost to the water utility of providing such service.

(e) Compensation referred to in (d) above shall be based on disconnection and reconnection charges in the water utility's tariff or as otherwise agreed to by the parties.

(f) The contract between the water utility and the sewer utility shall be submitted to the department approved by the department consistent with the criteria contained in En 1203.11 prior to any termination of service in accordance with its provisions so that each company is treated in a just and reasonable manner.

(g) The sewer utility shall send written notice to the customer of its intent to request the termination of its water service pursuant to the requirements contained in and referenced in En 1203.11 (b).

(h) One working day prior to the chosen disconnect date the sewer utility shall contact the water utility with which it has contracted for disconnection to confirm the need for disconnection.

(i) The sewer utility shall notify the water utility with which the sewer utility has contracted for disconnection when the cause for disconnection has been removed. Upon receipt of such notice the water utility shall restore water service pursuant to En 1203.13 (c) and (d).

(j) Reconnection of water service which has been terminated for nonpayment of sewer bills shall be subject to the fees of both the water utility and the sewer utility involved as provided in their respective tariffs or as otherwise agreed to by the parties as provided in (e) above.

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(k) A utility shall not charge for reconnection of service when the cause for disconnection was not in compliance with this section or with applicable provisions of En 1203.11.

En 703.03 Customer Relations. Each utility shall comply with rules governing provision of service to customers contained in En 1200, uniform administration of utility customer relations.

## PART En 704 QUALITY OF SERVICE

### En 704.01 Effluent Standards.

(a) The utility shall not receive for treatment or allow the discharge into the sewage disposal system any of the following:

- (1) Any substance of a type or quality or in a quantity which would impair its ability to render sewer service;
- (2) Any substance which is not sewage, including but not limited to the following:
  - a. Solid waste;
  - b. Corrosive or toxic industrial waste;
  - c. Flammable or explosive materials;
  - d. Rainwater from roofs, streets, or other areas;
  - e. Storm or surface water; and
  - f. Ground water from foundation drains; and
- (3) Any substance prohibited by the United States Environmental Protection Agency, the New Hampshire department of environmental services, the utility's tariff or any applicable municipal ordinance.

### En 704.02 Cross-Connections.

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(a) No physical connection shall be permitted, except as provided in (b) below, including but not limited to connections of the following types:

- (1) Between one sewer system and another;
- (2) Between a sewer system and a stream; or
- (3) Between a sewer system and a public or private water supply.

(b) This section shall not prohibit a utility which has received all federal, state and municipal approval in connection therewith, from:

- (1) Discharging treated effluent from a sewage treatment facility in accordance with such approvals; or
- (2) Transmitting sewage from one sewer system to another, in accordance with such approvals, for treatment.

### En 704.03 Interruptions of Service.

(a) Each utility shall use all reasonable means to avoid interruptions to service.

(b) Should interruption of service occur, the utility shall re-establish service within the shortest time practicable, consistent with safety.

#### PART En 705 EQUIPMENT AND FACILITIES

**Unclear:** does not appear the agency has started the rulemaking process for these yet. When will these rules be started?

En 705.01 Construction and Maintenance. Each utility shall construct, install, operate, and maintain its plant, structures, equipment, and mains in accordance with good engineering practice, and in such manner to best accommodate the public, and to prevent interference with service furnished by other underground or above ground facilities, including electric, telephone, water, gas or steam equipment or facilities, insofar as practical.

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En 705.02 Underground Utility Damage Prevention Program. All utilities shall comply with En 800, the underground utility damage prevention program rules.

#### PART En 706 RECORDS AND REPORTS

En 706.01 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 706.02 Station Records. Each utility shall keep sufficient records of the operation of its pumping, treatment, and other units to show the characteristics and performance of each.

En 706.03 System Maps.

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

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- (1) Size, character and location of all mains, service pipes, including disposal points, and manholes;
- (2) Location and layout of all treatment plants and pumping stations; and
- (3) Description of service area.

(b) In lieu of showing service locations on maps, referred to in (a)(1) above, a card record or other suitable means may be used.

En 706.04 Reports to Department.

**Edit:** delete the comma and replace with "and"

(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 708.

#### PART En 707 SAFETY AND INSPECTIONS

En 707.01 Safety Instructions.

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

(b) Each utility shall institute practices and programs to establish that its employees have been properly informed of safe practices and are cognizant of all hazards involved, including those involving exposure to hazardous atmospheres.

En 707.02 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) The utility shall furnish copies of the relevant safety procedures to each such employee.

En 707.03 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 serious property damage has been caused.

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

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(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 the injury shall not be required to be reported.

**Submit a copy of this form to OLS**

(d) The utility shall report on department "Form E-5, Utility Accident Report Form", dated April 2023 described in En 708.01, to the department any accident related to its utility operations which is not a slight accident as described in (c) above.

En 707.04 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 708 FORMS TO BE FILED

En 708.01 E-5 - Utility Accident Report.

**Edit:** date will have to be updated to when the form is approved by JLCAR

**Edit:** delete comma and replace with "or"

(a) Each utility shall file with the department and the commission a completed department "Form E-5, Utility Accident Report", dated April 2023 " within 10 working days of when a utility accident, as described in En 707.03 (a) and (d), occurs.

**Edit:** delete quotation marks

(b) Each utility shall include the following on the department "'Form E-5, Utility Accident Report":

- (1) The report number, date and name and address of the utility;
- (2) The date and the location of the accident and the time of discovery;
- (3) A description of the person injured including:
  - a. Name;
  - b. Age;
  - c. Residence;

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- d. Employer; and
- e. Status of injured person, whether employee, person under contract, invitee, licensee, trespasser or other;
- (4) A description of the injury, current condition, duration of disability and, if applicable, anticipated return to work date;
- (5) A description of the cause and manner of the accident;
- (6) If applicable, the cause of death and previous accident report number of the report filed prior to the death;
- (7) The designation of any federal or state statute violated, if applicable;
- (8) A recommendation for guarding against repetition of the accident; and
- (9) The signature and date submitted of a utility official authorized to submit the form and printed name and the title of the official.

En 708.02 E-16 Report of Meter Complaint Tests.

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(a) Each utility shall report on department "Form E-16, Report of Sewer Meter Complaint Tests", dated June 2023 to the department monthly if water or sewer meter complaints occur, the former if the sewage service is being measured by the water meter.

(b) A utility shall include on form E-16 the following:

- (1) The name of the company;
- (2) The month of report;
- (3) The customer's name and address;
- (4) The meter manufacturer, model number, company number, type, and size;
- (5) The percent of registration of meters that are fast and percent of registration that are slow;
- (6) If a bill adjustment occurs, the amount refunded or collected and the period covered by the bill adjustment;
- (7) The date; and
- (8) The signature of the utility official authorized to submit the form and the printed name and the title of the official.

En 708.03 F-16-Sewer Annual Report.

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Edit: lowercase "p", "u" and "c"

(a) Each utility which maintains its books on a calendar year basis shall complete the Public Utilities Commission form "F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]" dated July 2013, 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>.

(b) Each utility which maintains its books on a fiscal year basis which does not coincide with a calendar year shall complete the Public Utilities Commission Form "F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]" dated July 2013, available on the department's website at

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Note to Agency: were these Puc forms?

[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.

**Edit:** lowercase "p", "u", "c", and "f"

(c) Each utility shall comply with the electronic filing requirement regarding the Public Utilities Commission Form "F-16-Sewer Utilities, Annual Report of [Exact Legal Name of Respondent]", dated July 2013 as provided in En 708.05.

En 708.04 F-22 Information Sheet.

**Submit a copy of this form to OLS**

(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](http://www.energy.nh.gov) ::

(1) Annually; and

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(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", dated April 2023:

(1) The name of the utility;

**Edit:** "department's website at www."

(2) The person's name and address to receive the annual report form;

**Edit:** delete one of the colons and the space between the "v" and the colon

(3) The 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, the printed full name and title of the utility employee who supervised the preparation of the form as well as the date submitted.

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En 708.05 Electronic Filing Requirement, Annual Report.

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

(b) 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.

(c) Any sewer utility serving fewer than 600 customers shall be exempt from the requirements of this section.

(d) Any utility may petition the department for a one year waiver from the electronic filing requirement pursuant to the waiver provisions of En 201.05.

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

**Edit:** "(d)"

(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; or

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(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.

**Edit:** Do not use and/or, replace with "or both". Does not comply with the manual's requirements, as using this term leads to confusion and ambiguity about when to use which term. See *Drafting and Procedure Manual* Page 127 Chapter 4 Section 4.5 [Punctuation and Conjunctions- The Use of "And" and "Or".]

**Edit:** date will have to be updated to when the form is approved by JLCAR.  
**Note to Agency:** were these Puc forms?

**Unclear:** does not appear the agency has started the rulemaking process for these yet. When will these rules be started?

**Edit:** "(d) and (e)"



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

(g) The department shall make available to each utility upon request an electronic version of the "Annual Report" form when the department has prepared and has available an electronic version.



**Edit:** Because this is not the formal name of the forms in En 708.03, should just say "annual report", lowercase with no quotation marks.



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**Appendix A**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
En 701.01 – En 702.13	RSA 12-P:5, IV; RSA 362, et seq.
En 703.01 – En 703.03	RSA 12-P:5, IV; RSA 370:1-8; RSA 374:3
En 704.01 – En 704.03	RSA 12-P:5, IV; RSA 370:2
En 705.01 – En 705.02	RSA 12-P:5, IV; RSA 374:3, 48-56
En 706.01 – En 706.04	RSA 12-P:5, IV; RSA 374:4, 13
En 707.01 – En 707.04	RSA 12-P:5, IV; RSA 374:3, 4, 37-39
En 708.01	RSA 12-P:5, IV; RSA 374:3, 4, 15, 39
En 708.02	RSA 12-P:5, IV; RSA 370:2-5; RSA 374:4, 15
En 708.03	RSA 12-P:5, IV; RSA 374:4, 13, 15
En 708.04 – En 708.05	RSA 12-P:5, IV; RSA 374:4, 15