

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

CHAIRMAN
Thomas B. Getz

COMMISSIONER
Graham J. Morrison

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

December 2, 2004

Scott Eaton, Director
Division of Administrative Rules
Office of Legislative Services
219 State House Annex
33 Capitol Street
Concord, NH 03301

Re: Notice Number 2004-141
Puc 500, Rules for Gas Service and Gas Safety
Readoption, Amendment and Repeal
DRM 04-149
Final Proposal

Dear Mr. Eaton:

On August 19, 2004, the New Hampshire Public Utilities Commission (Commission) voted to approve an Initial Proposal for the Readoption, Repeal and Amendment of Puc 500, Rules for Gas Service and Gas Safety. The Rulemaking Notice was published in the Rulemaking Register on September 10, 2004. Pursuant to the Rulemaking Notice Form Appendix II-C, the Commission held a hearing on October 5, 2004. As stated in Appendix II-C, the Commission accepted written comments through October 18, 2004. The written comments are enclosed for your information.

Based upon the public comment, the Commission made certain changes to the Initial Proposal. The Commission subsequently adopted those changes on November 30, 2004.

The document enclosed entitled "Final Proposal" represents the annotation of those changes. In addition, you will find enclosed a document entitled "Final Proposal Fixed Text" which includes all changes to the document without annotation except for the inclusion of the repealed sections.

The changes required by public comment do not change any fiscal impact of the rules and therefore the Commission did not request a revised Fiscal Impact Statement.

DRM 04-149
Puc 500, Gas Service and Gas Safety
December 2, 2004

Page 2

Also enclosed are:

- Appendix II-G
- Cross Reference Table, and
- Statutory Authority.

Please note that the existing Puc 500, Rules for Gas Service and Gas Safety, expire on January 28, 2004. The Commission requests that the Final Proposal be placed on the Committee's agenda for December 16, 2004 and requests the Committee vote to approve the Final Proposal. The Commission makes this request because these Rules affect the public health and safety in that they require gas and liquefied petroleum gas suppliers to participate in the "Dig Safe" program, and regulate safety practices and accident reporting by gas utilities. The Commission must adopt the new Rules before January 28, 2004 in order to assure continuity in regulation for the safe delivery of gas services to New Hampshire customers.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Suzanne Amidon
Staff Attorney

Enclosures

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2004-141 Rule Number Puc 500

<p>1. Agency Name & Address:</p> <p>NH Public Utilities Commission 21 S. Fruit St Suite 10 Concord NH 03301-2429</p>	<p>2. RSA Authority: RSA 369:3; 370:1-9; 374:2,5,8,13 & 15; 374:48-58; 374:7-a; 378:1; 365:8,VII; 362:4-b</p> <p>3. Federal Authority: 49 USC 5121, 60102, 6013-6014, 60117, 60118 & 60126; 49 CFR 191, 192, 193, 198 & 199</p> <p>4. Type of Action:</p> <p><input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Repeal <input checked="" type="checkbox"/> Readoption <input checked="" type="checkbox"/> Readoption w/amendment</p>
---	---

5. Short Title: **Rules for Gas Service and Gas Safety**

6. Contact person for copies and questions:

Name:	Suzanne Amidon	Title:	Staff Attorney
Address:	NH Public Utilities Commission 21 S. Fruit St Suite 10 Concord NH 03301-2429	Phone #:	(603) 271-2431

7. Yes No Agency requests Committee legal counsel review and delayed Committee review pursuant to RSA 541-A:12, I-a

8. The rulemaking notice appeared in the Rulemaking Register on September 10, 2004

SEE THE INSTRUCTIONS--PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET AND 2 COPIES OF THE FOLLOWING: (and numbered correspondingly)

9. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

10. The full text of the RSA passage granting rulemaking authority.

11. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the "Rulemaking Notice Form" (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

The agency shall then indicate, by checking the appropriate box on Item 7, whether it is requesting that it receive and respond to comments of the Committee legal counsel prior to the Committee meeting that is at least 28 days, but not more than 60 days, after the proposal is filed. In effect, this would be a request for postponement of Committee action. See RSA 541-A:12, I-a and Section 2.14 of Chapter 3 in the Drafting and Procedure Manual for Administrative Rules (Manual).

In Item 8 the agency shall list the full date, by month, day, and year, on which the "Rulemaking Notice Form" was published in the Rulemaking Register.

Items 9 through 13 all relate to required attachments to the "Final Proposal Cover Sheet". PROVIDE 2 COPIES OF EVERYTHING SUBMITTED. NUMBER THEM ACCORDINGLY. Items 9 and 10 are required in every filing, and therefore are listed without a check-box. Items 11 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachment is required and then check either the "Yes" box to indicate that the document is required and has been attached or the "N/A" box if the document is not required and therefore not applicable:

- Item 9. The "Final Proposal—Fixed Text," required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.
- Item 10. The full text of each RSA passage that grants rulemaking authority for the rules contained in the proposal. See RSA 541-A:12, II(c).
- Item 11. An "Incorporation by Reference Statement" (Appendix II-H) if the agency has incorporated a third-party document by reference for which such a statement is required pursuant to RSA 541-A: 12, III. See Section 3.12 of Chapter 4 in the Manual.
- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.
- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.

November 30, 2004

APPENDIX

(a) A cross reference of the specific sections of state and federal statutes which Puc 500 is intended to implement is set forth as follows:

Puc 501.01	RSA 362:4-b; 365:8,XII
Puc 502	RSA 365:8,XII
Puc 503.01	RSA 365:8,XII; RSA 378:1
Puc 503.02-.503.04	RSA 365:8,XII; 370:1-5
Puc 504.01-504.07	RSA 365:8,XII; RSA 374-4; RSA 374:54; 49 C.F.R. 191.9
Puc 505.01-505.07	RSA 365:8,XII; 370:1-11
Puc 506.02-506.04	RSA 365:8,XII; 49 C.F.R. Parts 191, 192, 193, 198 and 199, 40 USC 5121, 60102,60103,60104,60117,60118 & 60126; 49 CFR 192.615
Puc 507.01-507.07	RSA 365:8,XII; 374:8,13; RSA 374:15
Puc 508.01-508.05	RSA 365:8,XII; RSA 370:1-5; RSA 374: 48 – 58
Puc 509.01-509.20	RSA 365:8,XII; RSA 369:3; RSA 370:1-5; RSA 374:5
Puc 510.01-510.06	RSA 365:8,XII; RSA 378
Puc 511.01-511.08	RSA 362:4-b; RSA 365:8,XII; RSA 370:2; RSA 374:7-a; 49 U.S.C. § 60101
Puc 512.01-512.17	RSA 91-A:5; RSA 365:8, XII ; RSA 370:2; RSA 374:4; 49 CFR Parts 191 and 192; 49 CFR. Part 191.9; 49 CFR Part 192; 49 CFR. 192.605
Puc 513.01-513.10	RSA 362:4-b; RSA 365:8,XII; RSA 370:2; RSA 374:7-a; 49 U.S.C. § 60101