

SPINNAKER POINT CONDOMINIUM ASSOCIATION
70 SPINNAKER WAY
PORTSMOUTH, NH 03801
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mgmt@spinnakerpointnh.net

October 29, 2013

NHPUC 12NOV13pm12:07

NHPUC
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: Request for NHPUC Intervention

On Monday, October 21, 2013 Unitil, without providing prior notification or warning, turned off the gas to a building at Spinnaker Point Condominiums housing four (4) individual units; 17, 19, 21, and 23 Spinnaker Way. Many of Spinnaker's residents, including the occupants of the aforementioned units, are elderly and/or have children. Shutting off heat without due cause or evidence of imminent danger created a needless health and safety hazard especially given the time of year and the on-set of cold temperatures. Therefore, we request that the NHPUC intervene to prevent Unitil from repeating this action in the future at Spinnaker Point, as well as at other condominiums and residences throughout the State. We feel that Unitil should be required to act responsibly and be prevented from turning off gas supplies when there is no immediate threat to health and safety.

On October 21, while responding to a resident's request to turn off gas service as they were moving the Unitil technicians noted a code violation described as follows: the four black iron gas pipes servicing these units entered the building un-sleeved through the concrete foundation wall. Without any prior notice, the Unitil technicians immediately turned off the gas to all four (4) units, leaving tags at the meters and stickers on the front doors of each unit. They did not notify Management or the Condominium Association. The homeowners came home from work to find their homes with no heat, hot water and/or stoves. Homeowners immediately contacted Management who had no knowledge of the gas being turned off.

The Spinnaker Point Condominium Association owns the exterior of the building, while individual unit owners own the interior of their individual housing unit. This requires careful coordination between both parties, when there are issues that may affect both

areas of a housing unit. The gas is metered and delivered to individual units and their owners, but the pipes pass through common structural areas. This differs from apartments and mobile home parks where there is one supply and re-billing to individual residents and differs from housing where one owner owns the entire building.

The residents, the Board of Directors, and the Management at Spinnaker Point Condominium Association are filing this petition because we are of the opinion that Unitil acted inappropriately. Shutting off gas services where there was no imminent danger *and* without proper or adequate notification is unwarranted. Unitil *created* a safety hazard by shutting off the residents' heat, hot water, and cooking. In an attempt to get the gas turned back on, Management filed an on-line complaint with NHPUC and discussed this issue with a State Representative Ms. Laura Pantelakos and several city officials.

Due to our concerns and wishing to be proactive, we met with Joseph Caldarola, a licensed gas fitter, license # GFE0804015, to discuss this situation. Mr. Caldarola explained that gas licensees are required to shut off a gas supply and provide notifications when there is an immediate threat to health or safety. He also explained that when there is a code violation, but no immediate threat, the licensees' obligation is to provide notifications only. He explained that, in fact, licensees are liable for damages to persons and property if they turn off a gas supply when there is no immediate threat. After our meeting, Mr. Caldarola consulted with Chief Jeffrey Cyr, a representative of the Office of the State Fire Marshal, and confirmed that what he explained to us was correct.

Mr. Caldarola confirmed that an un-sleeved gas service passing through concrete does constitute a code violation that would required notifications, but does not constitute a immediate threat to health or safety unless the pipes are rotted or leaking. Mr. Caldarola is in agreement with this Petition and has signed below.

In this case the gas pipes were not deteriorated or rusted. Therefore, Unitil should have provided notifications, not shut off the gas services. Furthermore, NHPUC Administrative Rules state that unplanned outages cannot exceed 60 hours and this outage covered a three day period.

We are greatly troubled about this new Unitil policy, which, at this time of year, could endanger lives, adversely affect the health and welfare of our residents and pets, and cause property damage due to frozen pipes. We request that the NHPUC intervene to prevent Unitil from repeating this action in the future at Spinnaker Point, as well as at other condominiums and residences throughout the State. We feel that Unitil should be required to act responsibly and be prevented from turning off gas supplies when there is no immediate threat to health and safety.

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	<u>Name</u>	<u>Address</u>
1	Shirley MacGregor	195 Spinnaker Way
2	Patricia Salome	142 Spinnaker Way Portsmouth NH
3	Gerrie Boufford	5 SPINNAKER WAY Portsmouth NH
4	NORMAN Patenaude	69 SPINNAKER way PORTSMOUTH NH
5	GABRIEL MONTE	111 SPINNAKER WAY PORTSMOUTH, NH
6	Svetlana PEHKOVA	39 HAYSAIL Way Portsmouth NH
7	Robert Gibbons	135 SPINNAKER WAY
8	Marsha Richelli	35 Spinnaker Way Portsmouth NH
9	Dana Ludd	125 Spinnaker Way Portsmouth NH
10	Mike Woodard	100 Spinnaker Way Portsmouth NH
11	Margery D. Andreatis	124 Spinnaker Way PORTSMOUTH NH
12	Joy S. Mizamis	51 SPINNAKER WAY PORTSMOUTH NH
13	LARRY HUGHES Janyfyke	75 SPINNAKER WAY PORTSMOUTH NH
14	Kevin Foley	101 Spinnaker Way Portsmouth NH
15	Suzanne Johnson	143 Spinnaker Way Portsmouth NH
16	Ann M. Kety	65 Spinnaker Way Portsmouth NH
17	Natalie McCarthy	100 Spinnaker Way Portsmouth NH
18	Gert Martens	2 Spinnaker Way Portsmouth NH
19	Paul Ceina	133 HAYSAIL WAY Portsmouth NH
20	Richard David Grossman	131 Spinnaker Way Portsmouth NH
21	Dorothy Krystock	139 Spinnaker Way Portsmouth NH
22	Jesse P. Smith	110 Spinnaker Way Portsmouth NH 03801

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Name	Address
23 Gary Marden	33 Spinnaker Way Portsmouth NH 03801
24 AMY SOPHIELLA	102 SPINNAKER WAY Portsmouth NH 03801
25 Patricia Johnson	25 SPINNAKER WAY, PORTSMOUTH, NH 03801
26 Jude Patrick	119 Spinnaker Way, " " "
27 Christine Ferraro	120 Spinnaker Way Portsmouth N.H.
28 Karen Frustie	39 Spinnaker Way, Portsmouth NH 03801
29 Dick Allen	95 Spinnaker Way Ports. NH 03801
30 Amy Russell	11 Spinnaker Way Portsmouth, NH 03801
31 JASON BUSSELL	11 SPINNAKER WAY PORTSMOUTH NH 03801
32 Rick Ellsore	45 Spinnaker Way Portsmouth NH 03801
33 Michael J. Billant	37 Spinnaker Way Portsmouth NH 03801
34 R. Archon	57 SPINNAKER " " "
35 J + M Zanchi	15 Staysail Way Portsmouth NH 03801
36 Carol Vineland	116 SPINNAKER WAY PORTS. N.H. 03801
37 Amanda & Kyle Jones	96 Spinnaker Way Portsmouth " "
38 Brad Oliver	105 Spinnaker Way Portsmouth NH 03801
39 Barbara Sobzak	13 Spinnaker Way Portsmouth NH 03801
40 Alan J. Benichat II	29 Spinnaker Way Portsmouth NH 03801
41 Sonie D'Alto	33 Spinnaker Way, Ports 03801
42 Kathy Claydon	82 Spinnaker Way Portsmouth NH

Name

Address

43	John Kord	14 STAYSAIL WAY
44	Ken Dean	104 Spinnaker Way
45	Jeremy Valentine.	7 Spinnaker Way
46	Paul Valentine.	7 Spinnaker Way
47	Clancy Kichin	121 Spinnaker Way
48	Jessica Dean	21 Spinnaker Way
49	Carol Johnson	89 Spinnaker Way

Name	Address
Tanya Hopkins	109 Spinnaker Way
Marina Vanden	94 Spinnaker Way
Earl Vanden	57 Spinnaker Way
Mr. & Mrs. (Marilyn)	91 Spinnaker Way
Robert A. & Betty	127 Spinnaker Way
Robert A. & Betty	334 Rte 100
Robert A. & Betty	144 Spinnaker Way
Carl Van Edinburg	" "
Thomas Roper	138 Spinnaker Way
Carmel Kasper	138 Spinnaker Way
Brent V. Smith	739 Grace St
David H. Smith	75 Spinnaker Way
David H. Smith	59 Spinnaker Way

Name

Address

Debbie Benedict

29 Spinnaker way

Robert Hoga, President

29 STAYNAIL WAY