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December 27, 2001

VIA HAND DELIVERY

Honorable Janet Hand Deixler
Secretary
State of New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Petition of NUI Utilities, Inc. to Amend Its Certificate of Public
Convenience and Necessity Granted in Case 01-G-0376

Dear Secretary Deixler:

On behalf of NUI Utilities, Inc., enclosed please find an original and five (5) copies of a Petition to Amend NUI Utilities, Inc.'s Certificate of Public Convenience and Necessity.

We have also enclosed an original and five (5) copies of NUI Utilities, Inc.'s Motion for an Expedited Proceeding pursuant to 16 NYCRR Section 21.10. Newspaper publication of the notice required under 16 NYCRR Section 21.10(a)(3) will be duly undertaken.

NUI Utilities, Inc. respectfully requests the New York State Public Service Commission to act on this filing as expeditiously as possible so that construction can commence as soon as possible.

If you have any questions regarding this filing, please contact Fred Galt or me.

Sincerely,



Noelle M. Kinsch

Enclosure

cc: Steven Blow, Esq.
Frederick B. Galt, Esq.

AL 73757.1

RECEIVED
PUBLIC SERVICE
COMMISSION
ALBANY
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2001 DEC 27
PM 4:36

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X

Petition of NUI Utilities, Inc. to Amend Its
Certificate of Public Convenience and Necessity
Granted in Case 01-G-0376

Case 01-G-_____

-----X

**PETITION OF NUI UTILITIES, INC. TO AMEND ITS
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Frederick B. Galt
Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
One Commerce Plaza, Suite 2020
99 Washington Avenue
Albany, New York 12210
Telephone: (518) 626-9000

Dated: December 27, 2001

BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----x

Petition of NUI Utilities, Inc. to Amend Its
Certificate of Public Convenience and Necessity
Granted in Case 01-G-0376

Case 01-G-_____

-----x

On April 2, 2001, the New York State Public Service Commission ("Commission") granted NUI Utilities, Inc. ("NUI") a Certificate of Public Convenience and Necessity ("CPCN") in accordance with Section 68 of the Public Service Law.¹ The CPCN permitted NUI to exercise a gas franchise in the Town of Chemung, Chemung County, New York and to construct gas plant necessary or desirable for rendering service to Vulcraft of New York, Inc., subject to certain conditions.² Specifically, one of the conditions states,

"[f]uture construction of gas plant in the franchise area set forth [in the Order], should be described in a petition filed with the Secretary [to the Commission] that seeks an amendment to this Certificate and shall be reviewed pursuant to [the State Environmental Quality Review Act] and other relevant permitting requirements, and the Commission's economic test, when appropriate."³

NUI, through its undersigned counsel, respectfully submits this Petition requesting an amendment to its CPCN in order to extend its gas pipeline in the Town of Chemung to serve the Chemung Elementary School in the Waverly School District. In support of this Petition, NUI shows the following:

¹ Case 01-G-0376 - Petition of NUI Utilities, Inc. for Approval, Pursuant to Section 68 of the Public Service Law, for the Exercise of a Gas Franchise in the Town of Chemung, Chemung County, Order Granting Certificate of Public Convenience and Necessity (Apr. 2, 2001).

² Id. at 8.

³ Id. at 9.

1. NUI is a corporation duly organized and existing under the laws of the State of New Jersey, having its principal office at 550 Route 202-206, Bedminster, New Jersey 07921-0760.

2. On April 2, 2001, NUI was granted a CPCN to exercise a gas franchise in the Town of Chemung, Chemung County, New York and to construct gas plant necessary or desirable for rendering service to Vulcraft of New York, Inc., subject to certain conditions. A copy of the Order granting NUI's CPCN is attached hereto as Exhibit A (hereinafter referred to as "the Order").

3. The Order contained certain conditions requiring NUI to seek an amendment to its CPCN before expanding its gas plant within the Town of Chemung, the franchise area.

4. NUI seeks to extend its gas plant beyond the existing end point to serve the Chemung Elementary School in the Waverly School District, Town of Chemung. NUI also proposes to serve those customers along the expanded route of the pipeline who request service.

5. The proposed expansion of gas plant as currently envisioned would require a 6-inch diameter natural gas pipeline to be installed from the existing gas plant end point northwest along Main Street (Chemung County Route 60) to the intersection of Main Street and Hamilton Street, a 4-inch diameter natural gas pipeline north along Hamilton Street to the intersection of Hamilton and North Street, and a 4-inch diameter natural gas pipeline east along North Street to the elementary school property. A map of the route is attached hereto as Exhibit B.

6. Installation of the expanded pipeline will require excavation and backfilling of a two foot wide by four foot deep pipeline trench within the existing right-of-way

along the route described in paragraph 5 above. All construction will be performed in accordance with the New York State Department of Public Service's Environmental Management and Construction Standards and Practices ("EMCSP"). Minimal EMCSP will be utilized for the project. The landscape allows for standard construction practices to be employed. The proposed expanded pipeline will operate at 60 psi. Ground disturbances will be limited to a 15-foot wide work area located immediately adjacent to the roadway surface. Slopes along the planned installation corridor range from less than five percent (5%) to fifteen percent (15%).

7. In the Affidavit of Robert Crocker submitted with NUI's CPCN Petition, NUI provided market research that revealed that natural gas service could be initiated in the Town of Chemung on an economically justified basis. This Petition does not change that conclusion. In fact, service to the Waverly School District for the Chemung Elementary School was included as part of the original marketing analysis.

8. In addition, the expansion will not negatively affect the five-year financial analysis provided in the Affidavit of Robert Crocker submitted with NUI's CPCN Petition.

9. The estimated construction costs for the expanded pipeline as described herein are \$17,000.

10. The proposed expansion will not affect NUI's ability to supply and transport gas to serve load as described in the Affidavit of Robert Crocker submitted with NUI's CPCN Petition. In fact, service to residential and commercial customers in the Town of Chemung was considered as part of the analysis.

11. Pursuant to provisions of the State Environmental Quality Review Act and the regulations promulgated thereunder, the Commission is the proper lead agency to conduct an environmental assessment and to determine the significance of the actions proposed herein. To

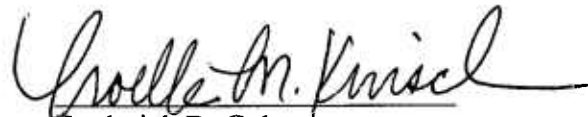
facilitate such assessment, attached hereto as Exhibit C, is a completed short environmental assessment form describing the likely impact of the proposed pipeline expansion. Since the proposed expansion will remain in the right-of-way, no action is proposed that would result in a significant adverse environmental impact. The actions proposed by this Petition will not have a significant effect on the environment and Petitioners request that the Commission issue a determination of non-significance for the proposed pipeline expansion with NUI's franchise area.

12. NUI's expansion of the existing pipeline in the Town of Chemung is necessary and convenient for the public interest. Approval by the Commission of the amendment to NUI's CPCN will allow NUI to expand its existing pipeline to: 1) serve an elementary school; and 2) serve additional customers along the expanded route who request service.

WHEREFORE, Petitioner NUI respectfully requests that the Commission amend NUI's Certificate of Public Convenience and Necessity as described herein and to grant NUI such other and further relief as the Commission deems just and proper.

Dated: December 27, 2001

Respectfully submitted,



Frederick B. Galt
Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae, L.L.P.
One Commerce Plaza, Suite 2020
99 Washington Avenue
Albany, New York 12210
Tel: (518) 626-9000
Fax: (518) 626-9010

Attorneys for NUI Utilities, Inc.

VERIFICATION

Victor A. Fortkiewicz, being duly sworn according to law, upon his oath, deposes and says:

1. I am Vice President, Distribution Services of NUI Corporation and am authorized to make this Verification on behalf of NUI Utilities, Inc.

2. I have read the contents of the foregoing Petition and hereby verify that the statements contained herein are true and correct to the best of my knowledge and belief.

Victor A. Fortkiewicz

Sworn to and subscribed
before me this 21st day of
December, 2001

Linda L. Morrow
Notary Public

AL 73632.1

LINDA L MORROW
Notary Public of New Jersey
No. 49279
My Commission Expires Mar. 2, 2003



RECYCLED

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on April 2, 2001

COMMISSIONER PRESENT:

Maureen O. Helmer, Chairman

CASE 01-G-0376 - Petition of NUI Utilities, Inc. for Approval,
Pursuant to Section 68 of the Public Service
Law, for the Exercise of a Gas Franchise in the
Town of Chemung, Chemung County.

ORDER GRANTING
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

(Issued and Effective April 2, 2001)

INTRODUCTION

By petition filed March 20, 2001, (as supplemented on March 22, and March 27, 2001) NUI Utilities, Inc. (NUI or the company) sought our approval, pursuant to Section 68 of the Public Service Law, to construct gas plant and exercise throughout the entire municipality the gas franchise granted to it by the Town of Chemung, Chemung County on October 4, 2000.

NUI also moved for an expedited proceeding on its noncontested application, pursuant to 16 NYCRR Section 21.10. That section requires a petitioner to publish a notice of its motion in a newspaper, or newspapers of general circulation, in all areas in which the franchise sought to be granted or renewed would permit it to operate. In accordance with such requirement, NUI published such notice in The Star Gazette on March 20, 2001. No objection to the motion has been received, and we will grant it.

DISCUSSION

Description of the Franchise Application

NUI proposes to install approximately 29,500 linear feet (5.6 miles) of 8-inch diameter plastic natural gas pipeline operating at 60 psi. The line will originate from NUI's existing facilities in the Village of Waverly, New York and will terminate at the site of the new Vulcraft of New York, Inc. (Vulcraft)¹ facility in the Town of Chemung, Chemung County, NY. The project route is described more fully below and on the attached map.

The proposed 8-inch diameter pipeline is estimated to be installed at a cost of \$560,000 and an additional \$170,000 will be spent to upgrade current facilities in Pennsylvania to accommodate the new pipeline. The company also expects to be able to provide natural gas service to residential and commercial customers along the proposed pipeline route.

The 525,000 square foot Vulcraft steel fabrication facility is currently being constructed at an estimated cost of \$52.8 million and will employ about 300 full-time employees. According to Vulcraft, besides the availability of natural gas, the Chemung site was chosen on the basis of the availability of economical freight rail service, and the site's proximity to an interstate highway (proposed I-86). Vulcraft estimates that the new facility will serve 95% of its northeastern regional market.

Franchise Expansion Policy

On December 11, 1989, the Commission issued a Policy Statement regarding the rate treatment afforded the expansion of gas service into new franchise areas.² This statement

¹ Vulcraft of New York, Inc. is a subsidiary of Nucor Corporation, one of the largest steel companies within the United States.

² Case 89-G-078 - In the Matter of the Formulation of a Policy Regarding the Rate Treatment Afforded to Expansion of Gas Service into New Franchise Areas, Statement of Policy Regarding Rate Treatment to be Afforded to the Expansion of Gas Service into New Franchise Areas (issued December 11, 1989).

established, among other things, that if a new franchise proposal is projected to earn the allowed rate of return by the fifth year, all investments and revenues would be afforded normal rate treatment. If the fifth year rate of return is expected to be less than the allowed rate of return, rate determinations during the five-year development period must include imputations equal to the projected average revenue deficiency during the five-year period and a company may, at its option, impose a surcharge on customers in the new area during the five-year development period.

Economic Feasibility

Total estimated cost of the project is \$730,000, which is primarily being financed by a \$500,000 grant from the County of Chemung via the Empire State Development Corporation. Revenue projections are based upon the anticipated volume of Vulcraft load and the firm transportation rates prescribed in NUI's tariff. Incremental operation and maintenance expenses, property taxes, depreciation expense and federal income taxes have been estimated by the company. The company's calculated rate of return at the end of five years is 31.4%, far above the 9.64% allowed as part of the company's last filed tariff rate case in 1988. This satisfies our guidelines for normal rate treatment established in our Policy Statement.

We do not take exception to the company's calculations of economic feasibility. However, the project would not be economic without the \$500,000 grant from the Chemung County Industrial Development Agency (CCIDA), and it should not proceed without the requisite funding. If, however, the company decides to proceed with the expansion without the grant money, NUI's stockholders will bear the risk.

Gas Supply and Requirements

NUI has signed service agreements with Tennessee Gas Pipeline Company and El Paso Energy (TGP) to meet the daily, seasonal, and annual storage and transportation capacity needs of its customers. The company also has propane air peaking supplies to help meet customer needs on the coldest days. Incremental throughput for this project is expected to be 50,000 Dekatherms (Dt) per year, of which Vulcraft's load is estimated to be 40,000 Dt. On peak day under design conditions, NUI projects a total reserve margin in excess of six percent, including the new load.

NUI has adequate peak day and annual supplies to meet both the new requirements imposed by Vulcraft and the incidental residential and commercial load.

ENVIRONMENTAL QUALITY REVIEW

The CCIDA assumed lead agency status, for this Type I action, pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617) following notice to other involved agencies. The CCIDA, acting as lead agency with the consent of interested parties, conducted the required coordinated SEQRA review of the Vulcraft project and on June 16, 2000 issued a Negative Declaration for the project. At a later date, NUI submitted a supplemental Environmental Assessment Form covering its proposed gas pipeline. Again, the CCIDA conducted a further coordinated SEQRA review of this modification, and on October 4, 2000 amended a Negative Declaration modifying the June 16 Negative Declaration.

Our environmental analysis was based on a review of NUI's petition, a SEQRA Full Environmental Assessment Form (as supplemented), a company supplemental Environmental Assessment, field review and responses to staff information requests. The company acknowledges the need to obtain permits from local and

county highway agencies as well as any other applicable entities.¹

Scope of Project and Environmental Review

The proposed pipeline will tap NUI's existing 8-inch steel distribution pipeline at the intersection of Cayuta Avenue and Broad Street in the Village of Waverly, County of Tioga. From there, the pipeline will continue west along the right-of-way (ROW) of Broad Street to the business district, where it will continue west along an alleyway behind some commercial buildings, still within the Village. It will return to Broad Street continuing west to the Route 220 bypass. The pipeline will proceed to Chemung Street then west within the right-of-way (ROW) of County Route 60 (old Route 17C), through the town of Barton for approximately 1500 feet and then into the Town of Chemung and Chemung County, and terminate at the Vulcraft plant.

The Company is currently seeking a gas franchise from the Town of Barton and does not plan to serve any customers in the Town until a franchise is granted. The consent of the Town of Barton is not required for the installation of the 8-inch line in the county highway ROW. The consent of the Tioga and Chemung County highway departments is required, but need not be obtained before our approval. We will prohibit NUI from serving customers in the Town of Barton until a franchise is granted.

Because the environmental review conducted by the CCIDA did not include service laterals (other than the one on the Vulcraft site), we will require NUI to submit an environmental assessment form regarding service laterals before customers other than Vulcraft may be served. The attached map depicts the franchise area to be served by the proposed action.

¹ By letter dated March 27, 2001, NUI filed a copy of the permit granted by the County of Tioga, concerning the right-of way in the Town of Barton.

Construction Impacts

NUI proposes to route the majority of its project within previously disturbed highway or road ROW or in side road shoulders. The company has begun to acquire highway occupancy and construction permits from jurisdictional agencies. In total, proposed construction will temporarily disturb approximately 10 acres of land, but will not result in permanent physical alteration of the area. NUI has committed to follow Staff's Commission approved Environmental Management and Construction Standards and Practices (EM&CS&P) for all construction. This document includes protective measures for pipeline installation, erosion control, construction in streams and wetlands, traffic control, street-side ornamental and shade tree protection and site restoration methods. We believe that these measures, if properly implemented, will minimize or mitigate temporary impacts from the proposed construction to the extent practicable.

Natural Resources and Land Use Impacts

Our analysis indicates that the project will not adversely affect significant habitats, rare, threatened or endangered species, wetlands or streams. There are two unprotected streams (Dry Brook and Wyncoop Creek) that will be crossed by the pipeline. The company plans to open cut these streams while diverting the flow around the trench site. This technique should minimize turbidity and overall stream impact to the maximum extent practicable.

No New York State regulated wetlands are located within the project area. There may be some federal jurisdictional wetlands near the pipeline route but since pipeline construction will be in or along the road shoulder it is anticipated that no impact to these wetlands will occur. Should it become necessary for the pipeline route to deviate from the road shoulder through any of these wetlands the company will be obligated to obtain the appropriate federal permits and/or follow Staff's Commission approved EM&CS&P's wetland construction standards. Any impacts

to the wetlands will be temporary and adequately mitigated by following the construction standards.

The project will traverse roadside areas adjacent to or within Agricultural Districts, as defined and certified pursuant to Agriculture and Markets Law Article 25-AA, Section's 303 and 304. The pipeline will be located outside of active agricultural soils, and therefore will not result in any land use or permanent impacts to soil productivity, or interfere with future agricultural improvements. Access to agricultural lands will not be affected by construction.

State Historic Preservation Act Review

While the CCIDA's environmental review involved a cultural review of the Vulcraft site, the company has yet to conclude and submit a Stage 1 cultural resource review along the project route as part of its initial petition. Should the consultant for this survey determine that there is a potential for cultural impacts associated with the construction, a Stage 1B survey will be conducted to further assess the potential. All reports will be sent to the New York State Office of Parks Recreation and Historic Preservation (OPR&HP). The company will be required to follow the recommendations of the State Historic Preservation Office (SHPO) upon completion of its review. Construction may only take place in previously disturbed areas prior to SHPO issuing any recommendations.

Temporary Impacts

The most noticeable impact related to the project will be the temporary disruptions of traffic along County Route 60 during pipeline construction. NUI will obtain necessary permits from the appropriate permitting agencies, and will employ construction and traffic control standards as required by the permits and in accordance with technical specifications and EM&CS&P measures. The degree of this disruption to traffic is not anticipated to be a significant impact, and will be temporary.

CONCLUSION

A hearing having been held on March 28, 2001, we find, pursuant to Section 68 of the Public Service Law, that the exercise by NUI Utilities, Inc. of the gas franchise granted to it by the Town of Chemung, Chemung County (as limited in this Order), together with construction of the 8-inch pipeline and service to the Vulcraft site as described in the petition and in this Order, is necessary or convenient for the public service. The expansion meets our economic test, and the company has adequate gas supply and capacity to serve the additional load.

A Notice of Determination of Non-Significance for this Type I action has been issued, pursuant to SEQRA. As discussed above, the impacts associated with the project will primarily be temporary, and the company has identified mitigation measures which, if properly implemented, will assure that adverse environmental impacts are minimized to the extent practicable. Specific ordering clauses below address the environmental commitments that the company has made in its filings, in addition to those we have determined to be appropriate for the limited exercise of this gas franchise.

The Commission Orders:

1. The motion for an expedited proceeding on the non-contested application made by NUI Utilities, Inc. is granted.
2. A Certificate of Public Convenience and Necessity is granted to NUI Utilities, Inc. pursuant to Section 68 of the Public Service Law, to permit it to exercise to the extent specified herein, the gas franchise granted to it by the Town of Chemung, Chemung County, New York and to construct the gas plant necessary or desirable for rendering service to Vulcraft of New York, Inc. in such area, subject to the following conditions:
 - (a) The company shall provide supervision of construction and restoration activities, sufficient to assure compliance with all relevant and applicable measures and techniques for managing

- environmental impacts and construction as indicated in its petition and supporting information;
- (b) Construction shall be subject to other relevant permitting requirements and other state and local laws and regulations; the company shall report to staff any proposed changes in routing, or the nature or extent of environmental impact of the proposed construction, including any changes which result from the requirements of other permitting agencies. Staff will refer to the Director of the Office of Electricity and Environment (OEE) or his successor for approval, those changes that will not cause a substantial increase in adverse environmental impact. Staff will refer all other changes to the Commission. The company shall not execute any changes until it receives notification from the Commission or the Director of OEE, or his successor;
 - (c) Construction shall be limited as described herein as shown on the attached map and described in the Environmental Assessment Form, except that the gas main shall not be extended beyond the Vulcraft plant until further SEQRA review is completed;
 - (d) Future construction of gas plant in the franchise area set forth herein, should be described in a petition filed with the Secretary that seeks an amendment to this Certificate and shall be reviewed pursuant to SEQRA and other relevant permitting requirements, and the Commission's economic test, when appropriate;
 - (e) Future construction of gas plant in the Town of Barton shall be described in a petition for the approval of the exercise of a gas franchise granted by the Town, and shall be reviewed pursuant to SEQRA and other relevant permitting requirements, and the Commission's economic test;

- (f) The company shall submit status reports to the Secretary, by the 15th of each month, as to the progress made towards providing gas service from the 8-inch pipeline within the Towns of Barton and Chemung;
- (g) Prior to initiating construction, the company, or a qualified consultant retained by the company, shall conduct an archaeological survey for project areas located in previously undisturbed ground which will be disturbed by construction or associated operations; copies of the survey, and any analysis or report, shall be filed with the OPRHP; the company shall follow any recommendations made by OPRHP and shall not start construction in those areas until receipt of those recommendations; upon the recommendation of the OPRHP, the company, or qualified consultant, shall conduct an archaeological survey for future construction.
- (h) The company shall notify staff not less than 10 days before it intends to start construction.
- (i) Prior to construction, the company shall obtain all required permits and file copies with the Secretary;
- (j) The company shall dispose of excess spoil or debris only at sites approved by the NYS Department of Environmental Conservation and in accordance with 6 NYCRR Sub-Part 360-7; in no case shall spoil be disposed of in streams or wetlands;

- (k) Within ten days after the right-of-way has been completely restored, the company shall notify the Secretary in writing. The company shall provide as-built drawings of distribution main at the time such notification is given, and
- (l) All significant ornamental plants and shade trees disturbed or removed by construction shall be maintained or replaced with landscape material of comparable (where possible) or significant size, consistent with operational requirements; these plants and trees shall be monitored, maintained and guaranteed through the first growing season.

3. The expansion of gas service into the Town of Chemung shall not proceed until the company has received the funding discussed herein. To the extent the company proceeds with the expansion without such funds, the stockholders of NUI Utilities, Inc. will be fully at risk.

4. If construction is not commenced within eight months after issuance of the Certificate, the Certificate may be vacated without notice.

5. This proceeding is continued.

(SIGNED)

Commissioner





RECYCLED

PROJECT ID NUMBER

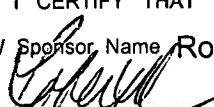
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617.20
APPENDIX C

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM
for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR NUI Utilities, Inc.	2. PROJECT NAME Gas Pipeline Excavation/Installation
3. PROJECT LOCATION: Town of Chemung Municipality	Chemung County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map From existing gas plant endpoint along Main Street to Hamilton Street, along Hamilton Street to North Street, along North Street to Chemung Elementary School. See map of the route attached hereto as Exhibit A.	
5. IS PROPOSED ACTION : <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: The expansion of a gas franchise from the existing gas plant endpoint to serve the Chemung Elementary School and customers along the expanded route who request service. A 6-inch diameter natural gas pipeline to be installed along Main Street with a 4-inch natural gas pipeline to be installed along Hamilton Street and North Street. Installation of the expanded pipeline will require excavation and backfilling of a two foot wide by four foot deep pipeline trench within the existing right-of-way.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately .10 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input checked="" type="checkbox"/> Other (describe) Roads	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: PSC - Certificate of Public Convenience and Necessity and County - Street Opening Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: County Permit - Street Opening currently expires in mid January '02, will be extended	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Robert Crocker Date: 12/20/01 Signature 	

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
 Yes No

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency

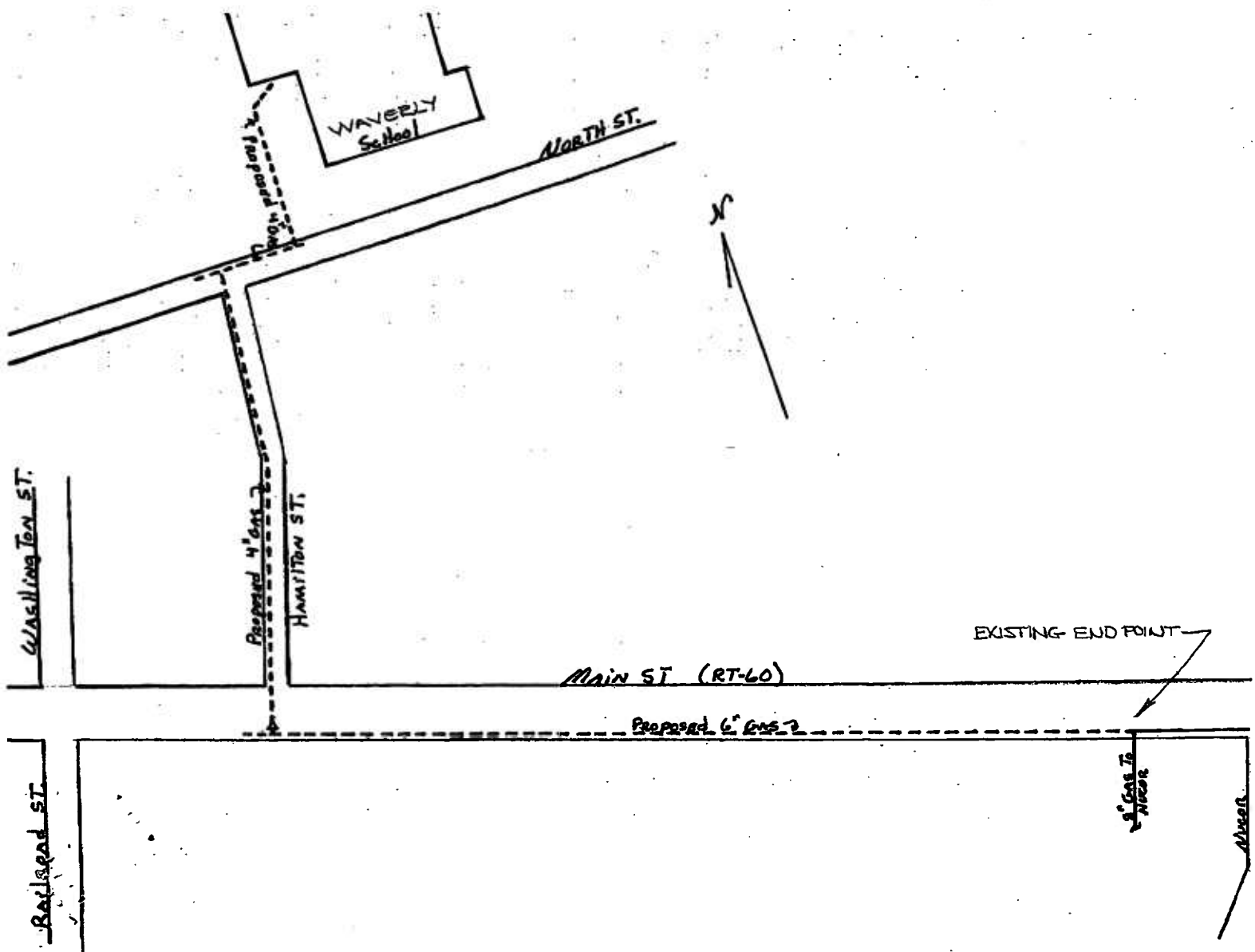
 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)



BEFORE THE
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X

Petition of NUI Utilities, Inc. to Amend Its
Certificate of Public Convenience and Necessity
Granted in Case 01-G-0376

Case 01-G-_____

-----X

MOTION FOR AN EXPEDITED PROCEEDING

Based on the Petition of NUI Utilities, Inc. ("NUI") to Amend its Certificate of Public Convenience and Necessity filed herewith, NUI respectfully requests, pursuant to Section 21.10 of the New York State Public Service Commission's ("Commission") regulations, that the public hearing required by Section 68 of the Public Service Law be held on NUI's application before the Commission on the basis of said papers and any other information as may be filed by NUI, any party, or Staff Counsel, without oral testimony.

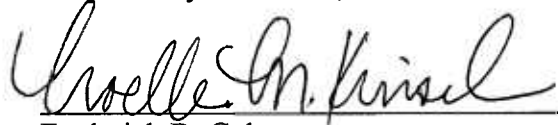
A copy of the public notice, annexed hereto, will be published in the manner required by Section 21.10(a)(3) of the Commission's regulations and will be served on each person or municipality entitled to service of a copy of NUI's Petition herein.

The granting of NUI's Motion for an Expedited Proceeding will permit construction to commence in the winter of 2001-2002 and will therefore facilitate the installation

of gas service, as requested by the Waverly School District for the Chemung Elementary School.

Dated: December 27, 2001

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Noelle M. Kinsch", is written over a horizontal line.

Frederick B. Galt

Noelle M. Kinsch

LeBoeuf, Lamb, Greene & MacRae, L.L.P.

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Attorneys for NUI Utilities, Inc.



Michele Hacker

11/22/02 12:11 PM

To: June Poole/OSec/NYSDPS@NYSDPS
CC:
Subject: 02-G-1296

June,

The above-referenced case was started on October 10. It is to amend a Certificate of Public Convenience and Necessity. Steve Blow advises me that it should have the original case number 01-G-0376.

When you have a minute, could you make the correction. If there is a problem, please let me know.

Michele