

THE STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Docket No. DG 10-017

ENERGYNORTH NATURAL GAS, INC. D/B/A NATIONAL GRID NH

**PETITION TO INTERVENE OUT OF TIME
OF THE CONSERVATION LAW FOUNDATION**

Pursuant to the Commission's Order 25,081 (March 10, 2010) N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, the Conservation Law Foundation ("CLF") hereby petitions for leave to intervene in the above-captioned docket. In support of its petition, CLF states the following:

1. CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England's natural resources, including resources affected by the extraction, production, storage and use of natural gas. CLF, through its Clean Energy and Climate Change Program, represents the interests of its members in ensuring that environmental impacts resulting from the use of natural gas and from natural gas utility operations in New Hampshire and the region are minimized. CLF has over 3,300 members, including 370 members residing in New Hampshire and, upon information and belief, more than 200 members who reside in National Grid's natural gas distribution service territory.

2. As set forth in Order 25,081, this proceeding addresses, *inter alia*, a request by National Grid for permission to implement new permanent delivery rates for natural gas service and to implement temporary delivery rates. In addition, the Company is proposing a revenue decoupling mechanism intended to remove the link between revenues and the volume of natural gas delivered.

3. Decoupling is a tool to reduce utility resistance to investment in energy efficiency, as utility profits no longer decline if sales go down. In its application, National Grid discusses the relationship between rates and energy efficiency, and proposes to decouple its revenues from the volume of natural gas delivered as a means to support investment in cost effective energy efficiency. National Grid provided testimony stating that,

Although the issues to be considered by the Commission in the instant proceeding are focused on assuring just and reasonable rates for customers of the Company's natural gas distribution service, there are nonetheless broader public policy implications of reduced energy demand from efficiency that are relevant for these issues. These are worth mentioning here because they provide collateral and compelling motivations for continued aggressive pursuit of energy efficiency in New Hampshire and for the adoption of state regulatory policies that support it.

Prefiled testimony of Susan Tierney at p.37.

4. The supply to and use of natural gas by National Grid's ratepayers results in environmental consequences. Natural gas is a fossil fuel which, when combusted for energy, results in emissions of greenhouse gases and other air pollutants. The extraction, production, transportation and storage of natural gas also result in adverse impacts to the environment. By improving energy efficiency, the adverse effects of natural gas production and use are reduced. Increased energy efficiency provides a means towards achieving state and regional climate change mitigation and environmental goals, and economic sustainability.

5. The Commission's determinations, as to whether to decouple rates from the volume of natural gas sold by National Grid and the manner for decoupling rates, will have significant bearing on the extent of cost effective energy efficiency resources and National Grid's incentives for deploying them. CLF and CLF's New Hampshire members have a direct and substantial interest in the outcome of this proceeding. Intervention will allow CLF to protect its members' substantial interests in the deployment of energy efficiency resources to reduce the

environmental impacts resulting from natural gas production, distribution and use by National Grid and its customers. The economic interests of CLF's New Hampshire members as ratepayers are also directly affected by this proceeding, including by the rate design for National Grid's natural gas distribution service.

6. CLF's policy and program experience includes over twenty years of extensive collaborative work and participation in numerous utility commission dockets throughout New England addressing energy efficiency deployment. CLF was a party in docket DE-07-064, the NH PUC Investigatory Docket Regarding Rate Mechanisms to Encourage Utility Investment in Energy Efficiency and similar dockets in other states. CLF has also appeared before the Commission in various dockets addressing utility issues. CLF's institutional expertise in these matters will inform its participation and benefit the Commission's deliberations on National Grid's proposed rate design.

7. Although this motion is filed after the April 5, 2010 date set in Commission Order 25,081, intervention should nevertheless be granted. Under RSA 541 -A:32 II, "The presiding officer may grant one or more petitions for intervention at any time, upon determination that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." CLF accepts the schedule as set forth in the Commission's Pre-Hearing Order (Secretarial Letter dated April 16, 2010). Thus, allowing CLF to intervene will not impair the orderly and prompt conduct of the proceedings. In light of CLF and its members' substantial interest, as set forth above, in energy efficiency deployment and other issues raised by National Grid's rate design, allowing intervention would be in the interests of justice.

8. CLF provided a copy of this motion, in draft, to each party to this proceeding by electronic mail dated August 3 and requested each party's position on the relief requested by the motion, CLF's intervention. No party took a position on the motion, except for the Office of Consumer Advocate which stated that does not object to CLF's intervention.

WHEREFORE, CLF respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,

CONSERVATION LAW FOUNDATION



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Dated: August 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2010, a copy of the foregoing Petition to Intervene by the Conservation Law Foundation was sent electronically, and by First Class Mail, to

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Dated in Concord, New Hampshire this 9th day of August, 2010.



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