

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DG 13-__

Petition for a License to Construct and Maintain a
Natural Gas Pipeline Beneath Soucook River

EnergyNorth Natural Gas, Inc. d/b/a Liberty Utilities ("Liberty") hereby petitions the Commission pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath the Soucook River. In support of its petition, Liberty states as follows:

1. On July 11, 2013, Liberty entered into an agreement with Continental Paving, Inc. ("CPI") for the construction of a 4,400 foot natural gas pipeline in Pembroke, New Hampshire to serve CPI's Pembroke asphalt plant (the "CPI Project"). Specifically, the CPI Project will require an extension of 4,400' of new main from Josiah Bartlett Road, Loudon to the plant located at 804 Ricker Road, Pembroke. The current plan is for Liberty Utilities to construct a new regulator station at Josiah Bartlett Road, Loudon off the existing 200psig main. From the station Liberty would leave an 8" plastic stub and valve for CPI to tie into; CPI will tie into the 8" stub at Josiah Bartlett Road and extend down Staniels Road and Veterans Drive. From the end of Veterans Drive the route becomes cross country to the plant, crossing under the Soucook River and through the woods. Attachment A provides the details and location for the crossing of the Soucook River and the route of the gas pipeline.

2. Under the agreement, CPI will hire a qualified contractor to construct the pipeline and upon its completion and acceptance by Liberty, will transfer ownership of the pipeline to Liberty. Liberty is responsible for attaching the pipeline to its distribution system. Once

ownership of the pipeline is transferred to Liberty, Liberty will be responsible for maintaining the pipelines.

3. The pipeline will be located along a route previously approved by the New Hampshire Department of Environmental Services, which is shown on Attachment A to this Petition. The route of the pipeline crosses beneath the Soucook River in the Town of Pembroke and will be accomplished using horizontal directional drilling. Attachment A shows a profile of the pipeline beneath the channel of Soucook River as well as an aerial view showing the entry and exit point of the directional drill. The plan clearly shows that the location of the pipeline will not interfere with public use, if any, of the Soucook River. A description of the horizontal directional drilling plan is included as Attachment A.

4. CPI has obtained all necessary easements for the CPI Project, which easements will be transferred to Liberty upon the completion of the CPI Project.

5. The rights granted by the license sought in this Petition can be exercised by Liberty without affecting the rights of the public to use the waters of the Soucook River, and the use and enjoyment by the public of the Soucook River will not be diminished as a result of Liberty's plan to construct and maintain the pipeline as proposed. All of the property rights necessary to construct and maintain the pipeline beneath the Soucook River have been obtained, so that no taking of private property or other acquisition of property rights is required for this purpose.

6. Liberty requests that an Order *Nisi* be issued approving the petition so that the construction of the CPI Project can be completed this summer. CPI stands ready to complete the construction of the Project as soon as this Petition is granted.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Issue an Order *Nisi* finding that the license sought by this Petition may be exercised without substantially affecting the public use of the Soucook River;
- B. Grant Liberty a license to have constructed and maintain the natural gas pipeline beneath the Soucook River as requested in this Petition;
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

ENERGYNORTH NATURAL GAS, INC.
D/B/A LIBERTY UTILITIES

By its Attorneys,
DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: July 29, 2013

By: 

Harry N. Malone
111 Amherst Street
Manchester, NH 03101
(603) 695-8532
hmalone@devinemillimet.com