

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Re: Valley Green Natural Gas, LLC

Docket No. DG 15-155

**RESPONSE TO INTERVENTION REQUESTS OF
CITY OF LEBANON, ARIEL ARWEN,
REP. SUSAN W. ALMY, and STEPHEN M. WOOD**

NOW COMES Valley Green Natural Gas, LLC (Valley Green), and responds, partially objects, and objects to the intervention requests submitted by the City of Lebanon, Ariel Arwen, Representative Susan Almy, and Stephen Wood. Valley Green states as follows:

1. RSA 541-A:32, I(b) requires the Commission to grant a request for intervention if the request “states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.”

2. Valley Green has no objection to the City of Lebanon’s petition to intervene but notes that one of the City’s stated interests is to protect its interests in the event Valley Green requests exemption from local ordinances. Valley Green has not requested nor intends to request the Commission to exempt it from local land use planning or regulatory powers under RSA 674:30.

3. With respect to the intervention requests of Representative Almy and Mr. Wood, they fail to state interests that meet the intervention standard. The intervention request of Ms. Arwen partially fails to state interests that meet the intervention standard.

4. In its Order of Notice dated July 6, 2015, the Commission noticed this proceeding to include, among other issues, whether Valley Green can provide safe and adequate gas service

at just and reasonable rates; whether it will keep its accounts and records in a form prescribed by the Commission; whether the gas franchise is for the public good; whether contracts for the operation of the gas facilities is in the public good; whether the proposed tariff and rates comport with Commission regulations; and whether a license to cross public waters will be necessary. In determining the public good, the Commission will also assess Valley Green's managerial, technical, financial, and legal expertise.

5. In her intervention request of July 20, 2105, Ms. Arwen seeks to protect her interest in issues that are not the subject of this docket. Ms. Arwen identifies interests relating to "traffic, public safety, and environmental impacts of the proposed facility" and the Energy Chapter of the City of Lebanon Master Plan. The issue of traffic impacts was not noticed for this proceeding and, as a land use and siting issue, is a subject for review by the City of Lebanon, the Town of Hanover, and the N.H. Department of Transportation. Public safety, to the extent it concerns the Commission's authority to regulate gas safety, would be a proper issue. Environmental issues, however, are land use and siting issues that have been and will be the subject of site plan reviews before the City of Lebanon, Town of Hanover, and N.H. Department of Environmental Services. As such, Valley Green objects to Ms. Arwen's intervention to the extent she seeks to protect her interests in issues not noticed by the Commission or which exceed the Commission's jurisdiction. Valley Green does not object to Ms. Arwen's intervention on issues that are noticed for this proceeding.

6. Ms. Arwen also notes that she is a member of the Lebanon Energy Advisory Committee (LEAC) and has gained knowledge as a result of being on this committee. Assuming the City of Lebanon is granted intervenor status, the City will represent the interests of the City,

including those of the LEAC, which is advisory to the City Council. The relevance of the City's Master Plan, including energy policy provisions, should be primarily applied and considered in the context of land use, zoning, siting, and planning reviews and permitting under the City of Lebanon's jurisdiction.

7. On July 21, 2015, Representative Almy and Mr. Wood filed for intervention. They state that intervenor status will allow them to protect "substantial interests in the impacts on the environment" and that they are "qualified as sources of information and perspective on the environmental impacts of the proposed facility." As stated above, environmental issues have and will be discussed in Valley Green's local and state land use and siting permit proceedings. Other than being relevant to the Commission's review of whether Valley Green will receive all appropriate permits, the issues are not noticed for the instant docket and the Commission does not have primary jurisdiction over environmental issues. Accordingly, Valley Green objects to Representative Almy and Mr. Wood's intervention requests to the extent their interests exceed those issues noticed by the Commission or that are beyond the Commission's jurisdiction.

8. As prospective residential customers of Valley Green, Ms. Arwen, Representative Almy, and Mr. Wood would have a cognizable interest for intervention but they did not articulate those arguments. Also, the interests of residential customers are already represented in this proceeding by the Office of the Consumer Advocate (OCA). Valley Green urges the intervenors to work with the OCA but to the extent the intervenors can articulate interests that differ from the OCA and are noticed in this proceeding, Valley Green would not object to their participation.

WHEREFORE, Valley Green respectfully requests that the Commission:

- A. Grant the City of Lebanon's intervention request;
- B. Deny Ms. Arwen's intervention request only to the extent the request is based on interests and issues that are beyond the scope of the noticed issues of this proceeding or that are beyond the Commission's jurisdiction; and
- C. Deny, without prejudice, the intervention requests of Representative Almy and Mr. Wood.

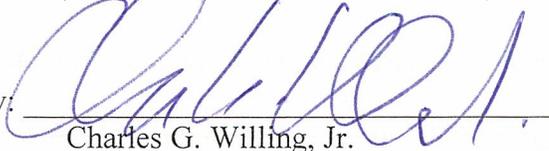
Respectfully submitted,

Valley Green Natural Gas, LLC

By its Attorneys,

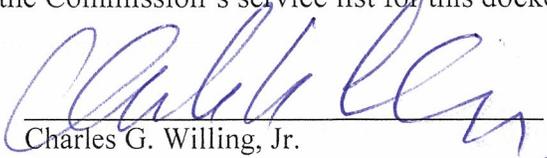
RATH, YOUNG AND PIGNATELLI, PC

Date: July 27, 2015

By: 
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Certificate of Service

I hereby certify that on this 27th day of July, 2015, a copy of this objection has been forwarded by email to the parties listed on the Commission's service list for this docket.


Charles G. Willing, Jr.