

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Northern Utilities, Inc.

Docket No. DG 18-094

Petition for Authority to Operate in the Town of Epping

**Renewed Petition to Intervene of Liberty Utilities (EnergyNorth Natural Gas) Corp. and
Request Not to Issue an Order until the Commission Reviews Liberty's Petition**

Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a Liberty Utilities (“Liberty”), through counsel, respectfully renews its request to intervene in this docket pursuant to RSA 541-A:32 and Puc 203.17 because Liberty has this date filed a competing request for the franchise to serve the Town of Epping, which clearly gives Liberty “rights, duties, privileges, immunities or other substantial interests that may be affected by [this] proceeding.” RSA 541-A:32, I.

Liberty also asks the Commission not to rule on Northern’s request until it has an opportunity to review Liberty’s competing petition to serve Epping.

In support of this petition, Liberty states as follows:

1. Liberty is a public utility that provides natural gas distribution service to more than 90,000 customers in New Hampshire.
2. On June 5, 2018, Northern Utilities, Inc. (“Northern”) filed a petition requesting the franchise to serve the Town of Epping. The Commission opened this docket to consider Northern’s request.
3. Liberty previously sought intervention on the grounds that Liberty intended to also seek the right to serve customers in Epping. The Commission denied that first request because

Liberty's status as a potential competitor for the franchise did not meet the statutory standard.

Transcript of July 24, 2018, prehearing conference at 25.

4. The Commission suggested that Liberty's interests would change if and when

Liberty filed its own petition for the Epping franchise:

CHAIRMAN HONIGBERG: That doesn't sound right to me. How is -- you have no [franchise] petition on file. So how can a hypothetical, thought-deeply-about petition have rights? It makes it different from the situation with Hanover-Lebanon, where by the time we got to the first prehearing conference, we had two [franchise] petitions. And we did grant intervenor status to Liberty in the Valley Green petition, and to Valley Green, I think, in the Liberty petition.

Transcript at 12-13.

5. Also at the prehearing conference, Liberty described the Town's RFP process for selecting a preferred gas utility, and Liberty indicated that it would seek the Epping franchise only if the Town chose Liberty through that RFP process. Transcript at 11-12, 24. As stated in the Town's testimony in this docket, Epping selected Liberty as the preferred utility. Thus, Liberty has this date filed a petition for the franchise to serve Epping.

6. Now that Liberty has a competing franchise request before the Commission, Liberty satisfies the statutory standards for mandatory intervention.

7. The Commission must grant intervention to a petitioner who "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," and if "the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention." RSA 54 I-A:32, I.

8. Liberty's pending franchise petition gives rise to such rights and substantial interests.

9. Granting this request to intervene also require a determination that “the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” RSA 541-A:32, I(c). Granting Liberty’s petition, even at this late date, will not impair the orderly and prompt conduct of these proceedings.
10. Liberty agrees not to seek a change in the procedural schedule, but will ask that the Commission not issue an order in this docket until it reviews Liberty’s franchise filing.

WHEREFORE, Liberty respectfully requests that the Commission

- a. grant this motion to intervene;
- b. not issue an order in this docket until it evaluates and reaches a decision on Liberty’s competing request for the Epping franchise; and
- c. grant such further relief as may be just and equitable.

Respectfully submitted,
LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP. D/B/A LIBERTY UTILITIES
By its Attorney,



Date: December 24, 2018

By: _____

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Certificate of Service

I hereby certify that on December 24, 2018, a copy of this motion has been electronically sent to the service list in this docket.



Michael J. Sheehan