

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
DG 15-155
VALLEY GREEN NATURAL GAS, LLC

Petition for Franchise Approval

PETITION TO INTERVENE

NOW COMES Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (hereinafter “Liberty Utilities”), and, pursuant to RSA 541-A:32 and N.H. Admin. R. Puc 203.17, respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for intervention as a full party in the above-captioned proceeding. In support of this petition, Liberty Utilities states as follows:

1. The Commission’s Order of Notice dated July 6, 2015 (“Order”) states, *inter alia*, that Valley Green Natural Gas, LLC (“Valley Green”) filed a petition to provide gas utility service in Hanover and Lebanon, New Hampshire, and that Valley Green’s proposal includes providing re-gasified liquefied natural gas (“LNG”) through a pipeline distribution system to customers in Hanover and Lebanon. Order, p. 1.

2. The Order also states that Valley Green’s filing raises, *inter alia*, issues related to: whether Valley Green could furnish safe and adequate gas service and facilities and adequate LNG supply; whether Valley Green could offer its proposed service “at just and reasonable” rates; “whether approval of Valley Green’s franchise petition would be for the public good, and whether terms and conditions for the franchise privilege should be applied for the public interest...”. Order, p. 2. The Order also raises whether the proposed contract for operation and

maintenance of Valley Green's works and system by Gulf Oil Limited Partners would be for the public good under RSA 374:30 and whether acquisition of the equity stock would be lawful, proper and in the public interest under RSA 374:33, among other things. *Id.*

3. The Order established a deadline of July 24, 2015 for the submission of Petitions to Intervene. Order, p. 3.

4. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First, a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petitioner qualifies under any provision of law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. *See* RSA 541-A:32, I(b) and (c). Second, the Commission *may* grant a petition to intervene "at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings." RSA 541-A:32, II. *See also* N.H. Admin. R. Puc 203.17 (requiring the Commission to grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32).

5. For the reasons presented below, Liberty Utilities meets both the foregoing mandatory and discretionary intervention standards.

6. Liberty Utilities is a New Hampshire corporation in good standing with a principal office located in Londonderry, New Hampshire. It is the state's largest regulated natural gas distribution utility. It provides natural gas on a retail basis to approximately 90,000 natural gas customers in 30 municipalities across New Hampshire. It also owns and operates the propane-air distribution utility that serves approximately 1,250 customers in Keene, New Hampshire through 30 miles of underground pipeline. The electric side of the utility provides

electric distribution service to roughly 44,000 New Hampshire customers in existing franchise areas that extend through 21 municipalities across New Hampshire, including Hanover and Lebanon.

7. Liberty Utilities is interested in, and has committed substantial resources to, expanding its gas franchise areas in the state in order to make natural gas more available to residents and businesses, including existing electric customers in Hanover and Lebanon. Liberty Utilities has in fact been investigating expansion of its gas franchise to Hanover and Lebanon and spoken about it publicly, and with potential customers, for close to two years. Accordingly, filed contemporaneously with this Petition to Intervene, Liberty Utilities has filed a Petition for Franchise Approval that involves the same Hanover/Lebanon franchise area addressed in this proceeding. *See* Petition of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities for Approval of a Gas Franchise in Hanover and Lebanon, New Hampshire dated July 24, 2015 (hereinafter “Liberty Utilities Petition”).

8. Moreover, depending on the outcome of current proposals to transport additional natural gas resources to the region and state, Liberty Utilities is considering additional expansion opportunities for more widespread distribution of gas resources throughout the state.

9. The substantial interests of Liberty Utilities are likely to be affected by this proceeding, given its status and history as a natural gas and electric utility in the state, its plans to expand the scope of its natural gas services, and, in particular, as a result of the filing of the Liberty Utilities Petition. To the extent that Valley Green might be awarded a franchise for supply of LNG in the Lebanon and Hanover area, Liberty Utilities’ substantial interest in expanding its natural gas local distribution network to supply CNG and LNG to customers within the proposed franchise area, would be impacted. The Commission would not be likely to

approve both petitions, as the two entities would seek to serve the same customers, install a similar network of pipelines and construct/operate similar centralized facilities for gas processing and storage. Liberty Utilities believes that its proven history and depth of experience, among other things, should lead to the granting of the Liberty Utilities Petition and, as a result, the outcome of this proceeding is critical to Liberty Utilities, as well as the public.

10. The interests of justice and orderly conduct of the proceedings would not be impaired by granting intervention. Liberty Utilities' experience as a regulated utility in New Hampshire and the information and experience that it could provide to the Commission, Staff and other parties to the proceeding would advance the interests of justice. For example, Liberty Utilities could address system operation, management and other issues relating to gas procurement methods and whether using a competitive bid process, as proposed in the Liberty Utilities Petition, or a sole source contract method, would provide cost savings to customers.

11. Because Liberty Utilities possesses substantial information and experience that would likely be of value to the Commission, Staff and other parties in this proceeding, granting party status would further the interest of justice and the Commission's ability to fully assess whether granting the Valley Green Petition would be for the public good and whether it should prescribe such terms and conditions for the exercise of the privilege of being a public utility as the Commission considers to be for the public interest.

12. Liberty Utilities' intervention will not impair the orderly conduct of this proceeding. If allowed to intervene, Liberty Utilities will abide by the Commission's rules and the procedural schedule in this docket.

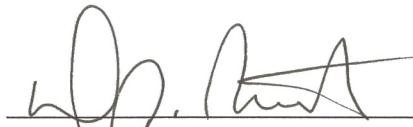
WHEREFORE, Liberty Utilities respectfully requests that the Commission grant it full party status as an intervenor in this proceeding and that it grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

By Its Attorneys

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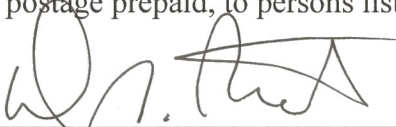
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Dated: July 24, 2015

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 24th day of July, 2015 been either sent by electronic or first class mail, postage prepaid, to persons listed on the Service List.

Dated: July 24, 2015



Douglas L. Patch