

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DG 15-155

VALLEY GREEN NATURAL GAS, LLC

Petition for Franchise Approval

NG Advantage LLC's Petition to Intervene

NOW COMES NG Advantage LLC ("NG Advantage"), and, pursuant RSA 541-A:32 and N.H. Admin. R. Rule 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, NG Advantage states as follows:

1. The Commission's Order of Notice dated July 6, 2015 in this docket 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 of Notice, p. 1.
2. The Order of Notice also states that Valley Green's filing raises, *inter alia*, issues related to: "adequacy of 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 of Notice, p. 2.
3. The Order of Notice established a deadline of July 24, 2015 for the submission of petitions to intervene and scheduled a prehearing conference for July 28, 2015. Accordingly, this Petition is timely filed.

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, NG Advantage meets the foregoing mandatory and discretionary intervention standards.

6. NG Advantage is a Delaware limited liability company having a principal place of business in Colchester, Vermont. NG Advantage is engaged in the business of delivering compressed natural gas (“CNG”) to customers that, due to their physical locations, cannot receive natural gas deliveries through a local distribution company (“LDC”) that is connected to an interstate natural gas pipeline. NG Advantage delivers CNG using its “virtual pipeline” – a fleet of tractor trailers – to industrial sites that are not located on a natural gas pipeline. Currently, NG Advantage is delivering fuel to four locations in New Hampshire - including one in West Lebanon - from its compressor stations in Pembroke, New Hampshire, and Milton, Vermont. NG Advantage also delivers CNG to a distribution pipeline system that is not currently connected to a transmission system. Vermont Gas is the customer for this delivery and sells the received gas to several users through its distribution pipeline in a manner similar to

what Valley Green is proposing. NG Advantage's majority owner, Clean Energy Fuels, delivers LNG to a variety of customers throughout the country. If Valley Green, or any other entity, is awarded a franchise for the Lebanon and Hanover area, NG Advantage would be able to deliver CNG or LNG for distribution through LDC facilities or directly to customers who are not connected to the LDC pipeline.

7. Valley Green's Petition for Franchise Approval ("the Petition") indicates that Valley Green intends to sole source its gas supply rather than utilizing a competitive bid process. More specifically, the Petition states that: Valley Green's "LNG supplier" will be Gulf Oil Limited Partnership ("Gulf"); Valley Green is in the process of securing "cost-competitive gas supply" from Gulf; and that Gulf's prices are "expected to be competitive." Petition, ¶¶ 8 and 11.

8. Prefiled testimony of James Campion submitted with the Petition states that Valley Green will purchase LNG from Gulf under a long-term fuel supply agreement and that Gulf will purchase natural gas and liquefy it, or procure LNG from other sources and deliver LNG to Valley Green's facility via truck. Prefiled testimony of James Campion ("Campion Prefiled Testimony"), p. 7, lines 1-5. The Campion Prefiled Testimony also states that "Valley Green may opt to utilize alternatives to LNG including compressed natural gas or propane." Campion Prefiled Testimony, p. 7, lines 9-10.

9 Substantial interests of NG Advantage are likely to be affected by this proceeding. NG Advantage is well positioned to play a valuable role in Valley Green's proposal, but cannot currently do so because the proposal does not include a competitive bid process for Valley Green's gas supply. If Valley Green were to engage in a competitive bid process for obtaining gas supply and/or delivery service to Valley Green's LDC pipes, NG Advantage would submit a

bid which NG Advantage believes would be more cost effective than Gulf's given that CNG prices are generally lower than LNG prices. If LNG is also needed to meet storage requirements, NG Advantage or Clean Energy Fuels would bid to provide that. Competitors of NG Advantage would also likely bid to supply CNG and LNG, thereby assuring ratepayers of a truly competitive price.

10. By virtue of its participation in the CNG market, NG Advantage possesses substantial information and experience that would likely be of value to the Commission and other parties in this proceeding. For example, NG Advantage can provide information regarding ways to meet reliability requirements for firm customers, which may or may not require the use of some LNG, so as to assure that ratepayers receive the benefit of the lower delivered cost of CNG. NG Advantage could also provide information regarding safety and reliability issues associated with trucked CNG. Thus, granting this petition for intervention would be in the interest of justice.

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

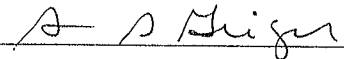
WHEREFORE, NG Advantage LLC respectfully requests that the Commission grant it full intervenor status in the proceeding and grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

NG Advantage LLC

By its attorneys,
ORR & RENO, P.A.

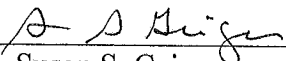
Dated: July 24, 2015

By: 

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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.


Susan S. Geiger

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