

THE STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Docket No. DG 15-155

VALLEY GREEN NATURAL GAS, LLC

Petition for Franchise Approval

PETITION TO INTERVENE (OUT OF TIME)
OF N. JONATHAN PERESS AND MARTHA L. NEARY

Pursuant to the Commission's Order of Notice dated July 6, 2015 (the "Order"), N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, N. Jonathan Peress and Martha Neary, hereby petition for leave to intervene as a full party in the above-captioned docket. In support of our petition, N. Jonathan Peress and Martha L. Neary state the following:

1. N. Jonathan Peress and Martha L. Neary (collectively, the "Petitioner") are married and the joint owners of the building and property located at 37 School Street Lebanon, New Hampshire (the "Peress/Neary Residence") where we reside with our two children. The Peress/Neary Residence is located in downtown Lebanon in close proximity to the central business district. The Peress/Neary Residence, like that of all of our neighbors, lacks access to natural gas service for heating and other purposes.

2. As set forth in the Order of Notice, this proceeding addresses a proposal by Valley Green Natural Gas, LLC ("Valley Green") to construct facilities and supply natural gas service and the establishment of a natural gas utility franchise in Hanover and Lebanon, New Hampshire. The Order also states that the Petition raises, *inter alia*, issues related to whether Valley Green could furnish "reasonably safe and adequate" gas service, whether Valley Green's proposed service would be offered at "just and reasonable" rates, "whether approval of Valley

Green's franchise petition would be for public good" and "whether terms and conditions for the franchise privilege should be applied for the public interest by the Commission." Order, P. 2.

3. The Commission may grant approval of a franchise petition for natural gas service in Lebanon and Hanover, New Hampshire only upon a finding that such franchise would be for the public good. The Commission's analysis of "public good and "public interest" is broad and considers the interests of inhabitants within the proposed franchise area. See, *Parker-Young Co. v. State*, 83 NH 551, 563 (1929).

4. The Commission's decision whether or not to award Valley Green a franchise will substantially affect Petitioner and thus Petitioner has a substantial interest that may be affected by this proceeding. Without limitation, such interests includes the extent to which and the manner by which Valley Green would provide service to customers in Lebanon and the rates charged for such services. In addition, construction of a distribution network in the city of Lebanon would impact the public welfare, safety and quality of life in the community in which Petitioner resides. Intervention will allow Petitioners protect its economic interests and entitlement to a safe and healthy community. Such interests are amplified by the fact that there is a competing proposal by another petitioner for a franchise in the same service area. See, DG 15-289, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities, Application for Approval of a Gas Franchise in Lebanon and Hanover, New Hampshire.

5. Petitioner N. Jonathan Peress possesses substantial and relevant experience that will likely be of value to the Commission. In his current professional position as Air Policy Director for Natural Gas at the Environmental Defense Fund, Mr. Peress has extensive knowledge and experience with gas distribution pipeline safety programs, including the requirements of the Gas Distribution Integrity Management Program of the Pipeline and

Hazardous Materials Safety Administration (“PHMSA”). Mr. Peress serves on the Board of Directors of the North American Energy Standards Board (“NAESB”) which develops standards for market participants in the energy industry including for the provision of natural gas distribution services. Mr. Peress is also a licensed attorney in the State of New Hampshire and has appeared before the Commission in numerous dockets over the past six years.

6. Petitioner’s intervention will not impair the orderly conduct of this proceeding. If allowed to intervene, Petitioner will abide by the procedural schedule in this docket and the Commission’s rules of practice.

WHEREFORE, Petitioner respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,

By:



N. Jonathan Peress
Martha L. Neary
37 School Street
Lebanon New Hampshire 03766
Tel.: (603) 443-2719
njperess@edf.org
mlnjp@hotmail.com

Dated: July 28, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of July, 2015, a copy of the foregoing Petition to Intervene (Out of Time) of N. Jonathan Peress and Martha L. Neary was sent electronically or by first class mail to all other interested parties on the DG 15-155 Service List.

Dated in Lebanon, New Hampshire this 28th day of July 2015.



N. Jonathan Peress
37 School Street
Lebanon, New Hampshire 03766
Tel.: (603) 443-2719
njperess@edf.org