

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No.: DG 15-289

***LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. d/b/a LIBERTY
UTILITIES - PETITION FOR GAS FRANCHISE APPROVAL***

CITY OF LEBANON'S PETITION TO INTERVENE

Now Comes the City of Lebanon ("City") and petitions the New Hampshire Public Utilities Commission, pursuant to NH Code of Administrative Rules PUC 203.17 and PUC 203.02 and New Hampshire Revised Statute Annotated 541-A:32, to allow the City to intervene in the above-captioned matter for the following reasons:

1. The City of Lebanon ("City") is a municipal corporation with an address of 51 North Park Street, Lebanon, New Hampshire 03766.
2. On July 24, 2015, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty Utilities") filed a Petition for Gas Franchise Approval with the New Hampshire Public Utilities Commission ("Commission"). An Order of Notice establishing the above-captioned docket was issued on August 6, 2015.
3. Liberty Utilities proposes to provide re-gasified liquefied natural gas (LNG) and/or compressed natural gas (CNG) through a pipeline distribution system to customers in Hanover and Lebanon, New Hampshire.
4. The City of Lebanon is responsible for implementing and enforcing regulations intended to provide for the safe and attractive development or change or expansion of uses of properties and to guard against such conditions as would promote danger or injury to health, safety, or prosperity; to provide for the harmonious and aesthetically pleasing development of the municipality and its environs; to provide

guidance and management for orderly municipal growth that allows for the appropriate provision of services to the citizens of the community; and to provide for prosperity and protection of property investments for the citizens of Lebanon.

5. The proposed re-gasification facility and bulk storage of LNG and/or CNG fuels are proposed to be constructed in the City of Lebanon. In its application and supporting materials, Liberty Utilities does not identify any specific property in the City for the location of the proposed facility.

6. The City of Lebanon thus has an interest in making sure that it retains its full site plan review authority with respect to this project, and in opposing any request that the facility be exempted from such review by the PUC (*see Appeal of Milford Water Works*, 126 N.H. 127 (1985)).

7. The City of Lebanon is also responsible for public safety, emergency preparedness and response functions for incidents within the City. Liquefied natural gas (LNG) and compressed natural gas (CNG) are typically transported in an unodorized condition. Transport of unodorized LNG and/or CNG poses a risk to public safety from trucks moving along heavily travelled corridors. Similarly, LNG is typically stored in an unodorized condition. Storage of unodorized LNG in populated areas poses a risk to public safety in that residents and employees of nearby businesses will be unable to detect a leak should one occur. The proposed project has the potential to impact the City by the inadequate provision of fire safety, prevention, and control measures.

8. Many of the potential customers of the Liberty Utilities project will be located within Lebanon.

9. The City of Lebanon has a direct interest in the issues to be addressed by this docket and the City's intervention will not impair the orderly and prompt conduct of the proceedings, will not result in delay, and will not prejudice the interest of any party.

WHEREFORE, the City of Lebanon requests that the Commission grant this petition to allow the City to be made a full intervenor in this proceeding, and grant such other relief as is just and proper.

Respectfully submitted this 21 day of September, 2015

CITY OF LEBANON

By its Counsel,



H. Bernard Waugh, Jr. NH Bar ID No. 2671

GARDNER FULTON & WAUGH, PLLC

78 Bank Street, Lebanon, NH 03766

(603) 448-2221

BWaugh@townandcitylaw.com