

THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No.: DG 15-442

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.  
d/b/a LIBERTY UTILITIES

Petition for Approval of a Gas Franchise in  
Jaffrey, Rindge, Swanzey and Winchester, New Hampshire

PETITION TO INTERVENE  
OF RINDGE, WINCHESTER, BROOKLINE, FITZWILLIAM, GREENVILLE, LITCHFIELD,  
MASON, MILFORD, NEW IPSWICH, PELHAM, RICHMOND, TEMPLE, AND TROY

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice ("Order") dated November 5, 2015, N.H. Code Admin. Rules Puc 203.17, and RSA 541-A:32, the towns of Rindge, Winchester, Brookline, Fitzwilliam, Greenville, Litchfield, Mason, Milford, New Ipswich, Pelham, Richmond, Temple, and Troy, individually, and as members of the New Hampshire Municipal Pipeline Coalition ("Municipalities"), hereby petition for leave to intervene in the above-captioned proceeding. In support of its petition, the Municipalities state the following:

1. The Municipalities are municipal corporations duly organized pursuant to New Hampshire state law.
2. On October 9, 2015 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty") filed with the Commission a petition for approval (the "Petition") to provide gas services to the towns of Jaffrey, Rindge, Swanzey and Winchester, New Hampshire (collectively, "the Southwestern Towns") and a determination that granting gas franchise rights to Liberty for the Southwestern Towns is for the public good.
3. As set forth in the Petition, and as noted in the Order, Liberty submitted its proposal for providing natural gas service through a pipeline distribution system to customers in the Southwestern Towns. The pipeline distribution system will tap into the proposed Northeast Energy Direct ("NED") pipeline which was recently the subject of a Commission order in Docket No. DG 14-380. *See*, Direct Testimony of William J. Clark, at Bates 003-004, 009.

4. As set forth in the Order, this proceeding will require the Commission to address issues related to RSA 374:1 and 374:2 (public utilities to provide reasonably safe and adequate service at “just and reasonable” rates); RSA 374:4 (Commission’s duty to keep informed of the manner in which all public utilities in the state provide for safe and adequate service); RSA 374:8 and RSA 374:13 (Liberty’s obligation to keep accounts and records); RSA 374:22 (Commission’s power to review and approval the franchise petition); RSA 374:26 (whether approval would be in the public good); RSA Chapter 378 (whether rates and charges conform to Commission’s regulations, would be just and reasonable and whether request for waiver would be just and reasonable and in the public interest); RSA 378:37 (whether the proposal comports with New Hampshire Energy Policy); and RSA 371:17 (whether Liberty would be required to petition for license to cross public waters).
5. New Hampshire Code of Administrative Rules, Puc 203.17 states that the Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32. Pursuant to RSA 541-A: 32 I (b) and (c), a petition *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 petition qualifies under any provision of the law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. Alternatively, RSA 541-A:32 II states that 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.”
6. The proposed franchise expansion would bring gas via the construction, operation and maintenance of gas pipelines to the commercial corridor, buildings and schools owned by Rindge and Winchester as well as to residential customers. Direct Testimony of William J. Clark, at Bates 006. Liberty’s proposal would subject the towns of Rindge and Winchester and their residents to tariffs, which have not formally been submitted as part of this filing.

7. Rindge and Winchester and their citizens, as future ratepayers, have substantial interests that will be directly affected by this proceeding. In addition, the towns are obligated by law to protect the health safety and welfare of citizens in their communities and these interests will be substantially impacted by construction, operation and maintenance of gas pipelines and related facilities as proposed in this case.
8. Accordingly, Rindge and Winchester seek to participate as full intervenors in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs.
9. Similarly, other Municipalities have a substantial interest in this proceeding. Liberty has clearly stated its intention to grow its distribution system outside of its current franchise area and into new areas given the currently proposed NED project route.<sup>1</sup> This filing is the first of many planned franchise expansion filings in the area directly adjacent to the NED Pipeline. Specifically, many Municipalities were identified as “new franchise potential” in DG 14-380 including Richmond, Troy, Fitzwilliam, New Ipswich, Greenville, and Brookline. *See*, for example, DG-14-380, Response to Staff Data Requests – Set 1, Attachment Staff 1-11. Furthermore, Liberty plans on “conducting an internal analysis of market potential” for additional towns, at least one of which, Milton, is a Municipality. *See* Response to Staff Data Requests – Set 1, Staff 1-11. *See also*, Day 1 Tr. at p. 76-77 in DG 14-380.
10. Thus, the Municipalities are substantially affected by Liberty’s franchise expansion plans, either directly as part of this Petition, as part of a related petition requesting franchise expansion, as towns subject to franchise expansion<sup>2</sup> and/or as towns on the NED route and

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<sup>1</sup> Liberty’s stated plans include expansion to the Municipalities located along the proposed NED route “which provides opportunities for potential natural gas expansion where none existed previously”. *See*, DG 14-380, Pre-filed Testimony of Francisco C. DaFonte at Bates 007. Accordingly, the Municipalities, as towns on the NED route, have a substantial interest in participating in this proceeding as it represents an important opportunity for the towns to evaluate Liberty’s future expansion plans, assess alternatives and costs, and protect the interests of potential citizen ratepayers. *See, also, Petition for Approval of Firm Transportation Agreement with Tennessee Gas Pipeline Company, LLC*, at 2, Puc Docket No. DG-14-380.

<sup>2</sup> Directly implicated towns, in addition to Winchester and Rindge, include Brookline, Fitzwilliam, Greenville, Milford, New Ipswich, Richmond, Temple and Troy. In addition, Pelham is the subject of an ongoing franchise expansion proceeding *See*, DG 15-362.

thus subject to future expansion.<sup>3</sup> As with Rindge and Winchester, all Municipalities, as future ratepayers, have substantial interests that will be directly affected by this proceeding. In addition, the Municipalities are obligated by law to protect the health, safety and welfare of citizens in their communities and these interests will be substantially impacted by construction, operation and maintenance of gas pipelines and related facilities.

11. Based on the above, it is clear that the rights, privileges and interests of the Municipalities will be directly and substantially impacted by this proceeding in their capacity as towns subject to franchise expansion proceedings. Intervention will serve the interests of justice and will not impair the orderly and prompt conduct of the proceedings, and therefore the Municipalities seek to participate as full intervenors in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs. The Municipalities will seek to examine, among other things, rates, charges, impacts and alternatives associated with Liberty's franchise expansion cases. In addition, the Municipalities may present needed and valuable information regarding safety, maintenance, and emergency management involving the pipeline and rights-of ways, topics that are a focus of this proceeding. The Commission's authority to consider the public good includes consideration of the Municipalities' and its residents as taxpayers and ratepayers.

12. Alternatively, the facts and circumstances surrounding Liberty's Petition establish that the Municipalities' intervention should be granted pursuant to the Commission's discretionary authority under RSA 541-A32 II. The Municipalities have timely requested intervention in this proceeding, and have identified the specific interests of future possible franchisees that will be affected by the Commission's ultimate determination.

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<sup>3</sup> The three towns that are not specifically referenced (Litchfield, Mason and Temple) at this stage are on the NED route, are in geographic proximity to other Municipalities and are likely to be the subject of franchise expansion plans in the future.

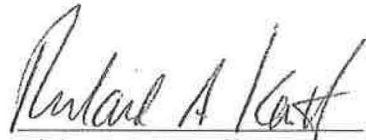
13. By filing for intervenor status together, the Municipalities will further promote efficiency in the progress of this docket.

14. For the above reasons, the Municipalities request that they be allowed to intervene.

**WHEREFORE**, the Municipalities respectfully request that the New Hampshire Public Utilities Commission grant their timely Petition to Intervene and permit the Municipalities to participate in this proceeding with full rights as a party and grant such other relief as may be just and reasonable.

Respectfully Submitted,

Municipalities of Rindge,  
Winchester, Brookline,  
Fitzwilliam, Greenville,  
Litchfield, Mason, Milford,  
New Ipswich, Pelham,  
Richmond, Temple, and Troy.



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**Certificate of Service**

I hereby certify that on December 1, 2015, pursuant to Puc 203.02 & 203.11, I served an electronic copy of this Petition on each person identified on the Commission's service list for this docket and with the Office of the Consumer Advocate, by delivering it to the email address specified on the Commission's service list for the docket.



Richard Kanoff