

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 15-442

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

**Petition for Franchise Approval and
Waiver of the Tariff Filing Requirements of Puc 1603.02(a)**

ORDER OF NOTICE

On October 9, 2015, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities, of Londonderry, New Hampshire (Liberty), a gas utility distributing natural gas to approximately 90,000 customers in south-central New Hampshire and Berlin in northern New Hampshire, and distributing propane-air gas to approximately 1,250 customers in Keene New Hampshire, filed a petition to provide gas utility service, as defined by RSA 362:2 and 362:4-b, in Jaffrey, Rindge, Swanzey, and Winchester with the New Hampshire Public Utilities Commission (Commission). Liberty also requests a waiver of the requirement of N.H. Code Admin. Rules Puc 1603.02(a) that a tariff for the proposed service to be offered in these communities be filed with its franchise petition. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at www.puc.nh.gov.

In its petition, Liberty outlines its proposal for providing natural gas service through a pipeline distribution system to customers in Jaffrey, Rindge, Swanzey, and Winchester. Liberty submits the pre-filed testimony of: William J. Clark (Business Development Professional at Liberty Utilities Service Corp., a Liberty affiliate); Richard G. MacDonald (Director of Gas Operations for Liberty at Liberty Utilities Service Corp.) and Steven E. Mullen (Manager, Rates

and Regulatory at Liberty Utilities Service Corp.). Through this testimony, Liberty provides an overview of its plans for this proposed expansion of its gas utility franchise to Jaffrey, Rindge, Swanzey and Winchester. Liberty plans to supply these communities with natural gas provided through the proposed new Northeast Energy Direct (NED) interstate pipeline, or, in the alternative, through re-gasified liquefied natural gas (LNG) and/or compressed natural gas (CNG).

The filing raises, inter alia, issues related to: RSA Chapter 374, specifically, RSA 374:1, whether Liberty would be in a position to furnish reasonably safe and adequate, and in all other respects just and reasonable, gas service and facilities in Jaffrey, Rindge, Swanzey, and Winchester, including all aspects of engineering, safety, and adequacy of pipeline natural gas proposed to be provided through the NED proposal and/or CNG/LNG supply; RSA 374:2, whether Liberty would be in a position to offer its proposed service at just and reasonable charges to customers in Jaffrey, Rindge, Swanzey, and Winchester, without burdening Liberty's existing customers with unreasonable rates due to cross-subsidization; RSA 374:8 and 374:13, whether Liberty keeps, and will continue to keep, accounts and records in the form prescribed by the Commission in connection with its franchise expansion; RSA 374:22, granting the Commission the power to review and approve Liberty's franchise petition, and RSA 374:26, whether approval of Liberty'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 by the Commission; RSA Chapter 378, specifically, whether Liberty's proposed rates and tariffs for Jaffrey, Rindge, Swanzey, and Winchester service, and any updated rates and tariffs for Liberty's existing gas customers, would be filed in conformance with the Commission's regulations, and would be just and reasonable, and furthermore, whether granting Liberty's requested waiver of

N.H. Code Admin. Rules Puc 1603.02(a) would be just and reasonable, and in the public interest; RSA 378:37, whether the proposal by Liberty comports with the New Hampshire Energy Policy; RSA 371:17, and whether Liberty would be required to petition the Commission for a license to cross public waters within its proposed franchise territory, as part of its construction of its distribution network. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on December 4, 2015 at 9:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Liberty, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow Liberty to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Liberty shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than November 12, 2015, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before December 1, 2015; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Liberty and the Office of the

Consumer Advocate on or before December 1, 2015, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before December 4, 2015.

By order of the Public Utilities Commission of New Hampshire this fifth day of November, 2015.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.