

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

Docket No.: DG 15-494

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

Petition for Approval of Firm Transportation Agreement

**PETITION TO INTERVENE
OF PIPE LINE AWARENESS NETWORK FOR THE NORTHEAST, INC.**

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice ("Order") dated December 17, 2015, N.H. Code Admin. Rules Puc 203.17, and RSA 541-A:32, Pipe Line Awareness Network for the Northeast, Inc. ("PLAN") hereby respectfully petitions for leave to intervene in the above-captioned proceeding. In support of its petition, PLAN states the following:

1. On December 8, 2015 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty") filed with the Commission a petition for approval (the "Petition") of a firm transportation agreement (the "Precedent Agreement") with Tennessee Gas Pipeline Company, LLC ("Tennessee") and a determination that Liberty's decision to enter the Precedent Agreement is "prudent, reasonable and consistent with the public interest." Liberty is seeking final approval from the Commission of its decision to enter into the Precedent Agreement by April 2, 2016.
2. As set forth in the Petition, the Precedent Agreement consists of a 20-year contract between Liberty and Tennessee pursuant to which Liberty would purchase from Tennessee on a firm basis up to 78,000 Dth per day of capacity. Liberty is seeking the Commission's advance approval of the Precedent Agreement given the alleged

“magnitude of the investment” Liberty claims is required in connection with this transaction.

3. 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 374:7 (Commission’s authority to investigate and ascertain the methods employed by public utilities to “order all reasonable and just improvements and extensions in service or methods” to supply gas); and 378:7 (rates collected by a public utility for services renders to be rendered must be just and reasonable). As the Commission further noted, each of these issues include a determination as to whether Liberty reasonably investigated and analyzed its long term supply requirements and the available alternatives for satisfying these requirements, and whether Liberty’s entry into the Precedent Agreement is prudent, reasonable and otherwise consistent with the public interest.
4. 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.”

5. PLAN is a not for profit corporation organized exclusively for charitable, scientific, and educational purposes. PLAN is incorporated in Massachusetts and registered to do business in the state of New Hampshire.
6. A primary purpose of PLAN – as set forth in its organizational documents – is to engage in legal and regulatory advocacy on behalf of its members in connection with fossil fuel infrastructure and its alternatives.
7. PLAN is also dedicated to educating the public about fossil fuel infrastructure and the alternatives; protecting the environment, climate, and public health from proposed and existing fossil fuel infrastructure; promoting efficiency measures, expansion of programs that manage “peak use”, and other lower impact energy solutions; and promoting, coordinating and assisting the activities of other organizations and groups whose purposes are similar.
8. The members of PLAN include customers and ratepayers of Liberty in New Hampshire. As part of its mission, PLAN is dedicated to representing the economic and property rights, privileges and interests of its members before the Commission, and ensuring that local distribution company’s such as Liberty have reasonably and diligently investigated all feasible solutions for satisfying existing and future supply needs.
9. The firm transportation services contemplated by the Precedent Agreement would derive from Tennessee’s proposed Northeast Energy Direct (“NED”) pipeline project,

which is currently under review by the Federal Energy Regulatory Commission (“FERC”), Docket No. CP16-21-000. NED is a high-pressure natural gas pipeline proposed by Tennessee to run from Pennsylvania through the states of New York, New Hampshire, and Massachusetts, ending in Dracut, Massachusetts where it could join with existing pipelines that connect to the Massachusetts and Canadian coasts. In addition to the main transmission line, NED is proposed to include several lateral lines, as well as the construction of nine new compressor stations along the route. Tennessee’s current preferred route for the NED pipeline traverses over 70 miles (not including laterals) through the state of New Hampshire.

10. The NED pipeline is comprised of both the Supply Path and Market Path projects, and Tennessee filed an Application for a Certificate of Public Convenience and Necessity with FERC on November 20, 2015 to request authorization to build both segments of the NED project. The Supply Path Project will transport gas from the Marcellus Shale production area in northeastern Pennsylvania to a natural gas market center location, or price point, in Wright, New York, which is in turn the necessary and designated receipt point for the Market Path Project. The Market Path portion of NED will transport natural gas from Wright, New York, to the market center location in Dracut, Massachusetts that serves the New England markets.
11. Liberty’s Petition states the Precedent Agreement is in the public interest because “it will provide cost effective natural gas supply for [Liberty’s] customers”. See Petition at ¶ 6. In evaluating the cost-effectiveness of the Supply Path Project, Liberty specifically claims that the Precedent Agreement is “focused on providing the lowest cost natural gas supplies to [Liberty’s] customers. *See* Pre-filed Direct Testimony of

Francisco C. DaFonte at Bates 26. Liberty's financial analysis – which has been redacted from its filings and is not otherwise available to non-parties to this action – will dictate the rates charged to PLAN members as customers of Liberty; therefore, the Commission's determination as to the reasonableness and prudence of the Precedent Agreement will have a *de facto* impact on the rights and interests of PLAN and its members. As the duly appointed representative of ratepayers ultimately affected by this proceeding, PLAN is entitled to participate in the Commission's review of Liberty's assertion that the Precedent Agreement presents the "lowest cost" natural gas supply and is consistent with the public interest.

12. As end users who will be financially impacted by the outcome of this proceeding, the individual members of PLAN would have a *per se* right to intervene in this action and accordingly, intervention by PLAN on its members' behalf is therefore proper in this case. See Reconciliation of Energy Service and Stranded Costs for Calendar Year 2012, Docket No. 13-108, 2013 N.H. Puc. LEXIS 105, *4 (July 9, 2013) ("We find that the substantial interests of [the Conservation Law Foundation] may be affected by this proceeding, through its members that are [] ratepayers."); Petition for Approval of Power Purchase Agreement with Laidlaw Berlin Biopower, LLC, Docket No. 10-195, 2010 N.H. Puc. LEXIS 97, *14-15 (October 15, 2010) (ratepayers affected by the costs incurred from power agreements granted intervention on mandatory basis); Petition for General Rate Increase Order Approving Procedural Schedule, Docket No. 99-057, 1999 N.H. Puc LEXIS 62, *5 (August 12, 1999) (representative of constituents affected by rate changes granted full intervener status).

13. Intervention will allow PLAN to protect their interests in the financial impacts resulting from Liberty's Precedent Agreement with Tennessee. Intervention will serve the interests of justice and will not impair the orderly and prompt conduct of the proceedings, and therefore PLAN seeks to participate as full intervenors in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs.
14. The Commission previously granted intervention on behalf of PLAN's members who were also Liberty customers in the DG 14-380 proceeding relating to the Market Path Project, noting that those customers would bear the costs should the Market Path precedent agreement be approved. The determination that PLAN's members met the intervention standard of RSA 541 –A:32, I (b) in DG 14-380 is appropriate in the present case as well. The Petition states that the “decision to procure capacity on the Supply Path Project was based on its analysis of the potential cost savings that could be obtained for its customers by procuring transportation capacity upstream of the Market Path Project”. See Petition at ¶ 5. As in DG 14-380, PLAN members, as existing customers of Liberty, will be subject to the prices negotiated in the Precedent Agreement in this case, if approved by the Commission.
15. Based on the above, it is clear that the rights, privileges and interests of PLAN and its members will be directly and substantially impacted by this proceeding in their capacity as ratepayers of Liberty.
16. Alternatively, the facts and circumstances surrounding Liberty's Petition establish that PLAN's intervention should be granted pursuant to the Commission's discretionary authority under RSA 541-A32 II. PLAN has timely requested

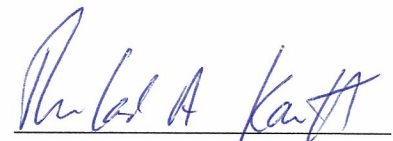
intervention in this proceeding, and PLAN has identified the specific interests of its members that will be affected by the Commission's ultimate determination – which members each would have standing to intervene individually had they so petitioned. PLAN speaks as a single, cohesive, and unified voice on behalf of its members concerning these issues. PLAN's interests in the outcome of this proceeding will not be adequately represented by any other party hereto, nor will PLAN's participation delay this proceeding as PLAN does not request any changes to the schedule as set forth in this Docket.

17. Under these circumstances, the Commission has routinely permitted intervention of such organizations through its discretionary authority to speak on behalf of itself and its affected members. See Determination Regarding PSNH's Generation Assets, Docket No. 14-238, Order No. 25,733 (November 6, 2014) (Commission permitted discretionary intervention to business organization that “represents the interests of commercial ratepayers” where the organization's “stated economic interests in this docket are consistent with the interests its members would likely raise.” Moreover, the Commission found it prudent to “hear from a single voice speaking on behalf of that constituency.”); Petition to Establish 2014 Energy Service Rate, Docket No. 13-275, 2013 N.H. Puc LEXIS 161, *7-8 (November 15, 2013), (even where an organization's rights are not immediately implicated by the proceeding, intervention is permitted on a discretionary basis for organization representing the interests of its ratepayer members).
18. For these reasons, and in the alternative, PLAN requests that it be allowed to intervene pursuant to the Commission's discretionary authority.

WHEREFORE, PLAN respectfully requests that the New Hampshire Public Utilities Commission grant its timely Petition to Intervene and permit PLAN to participate in this proceeding with full rights as a party.

Respectfully Submitted,

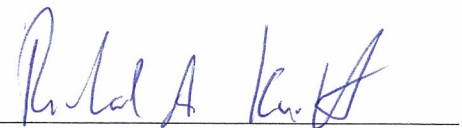
**Pipe Line Awareness
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Certificate of Service

I hereby certify that on December 31, 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 A. Kanoff