

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

Docket No. DE 16-241

Public Service Company of New Hampshire d/b/a Eversource Energy  
Petition for Approval of a Gas Capacity Contract with Algonquin Gas Transmission, LLC,  
Gas Capacity Program Details, and Distribution Rate Tariff for Cost Recovery

**PETITION TO INTERVENE**  
**OF CONSERVATION LAW FOUNDATION**

Conservation Law Foundation (“CLF”), pursuant to the March 24, 2016 Order of Notice, N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, hereby petitions to intervene in the above-captioned proceeding. On February 18, 2016, Public Service Company of New Hampshire d/b/a Eversource (“Eversource”) filed a petition with the New Hampshire Public Utilities Commission (“Commission”) for approval of a proposed 20-year contract between Eversource and Algonquin Gas Transmission, LLC (“Algonquin”) for natural gas capacity on Algonquin’s Access Northeast Project, and recovery of associated costs through a new distribution rate tariff, to be assessed on all Eversource customers. In its Order of Notice, the Commission directed interested parties to seek intervention by April 11, 2016.

In support of its petition for intervention, CLF states as follows:

1. CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England’s natural resources, including resources affected by the generation, transmission, and distribution of electric power. CLF has

approximately 3,300 members, just under 500 of whom reside in New Hampshire. Some of CLF's New Hampshire members are Eversource customers.

2. Consistent with its mission to promote thriving, resilient communities, CLF is dedicated to advancing solutions that strengthen New England's – and New Hampshire's – environmental and economic vitality. CLF has extensive expertise concerning energy projects and markets. As a participant in the NEPOOL stakeholder process, CLF has participated in the formation and refinement of New England's energy markets and planning of the region's electric transmission grid. CLF's expertise in the energy arena extends to natural gas and electricity coordination, natural gas energy efficiency and conservation, natural gas supplies, natural gas distribution infrastructure, greenhouse gas emission reduction requirements, and the economic and environmental impacts of natural gas pipelines.

3. CLF's involvement in New Hampshire energy matters has spanned the past two decades and includes intervention in numerous dockets before the state's Public Utilities Commission, such as Docket Nos.: DR 97-211, DE 01-057, DE 07-064, DE 08-103, DE 08-145, DE 09-033, DE 10-160; DE 10-188; DE 11-215; DE 11-250; DE 13-108; and DE 13-275, DE 14-120, DE 14-238, DE 15-124, IR 15-124, and IR 15-137.

4. Natural gas is composed primarily of methane, an extremely potent greenhouse gas.<sup>1</sup> According to the International Panel on Climate Change ("IPCC"), methane gas is 34 times more potent than carbon dioxide on a 100 year time frame and 70 times more potent than carbon dioxide on a 20 year time frame.<sup>2</sup>

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<sup>1</sup> The EPA assumes a default of 95 percent methane to 1 percent carbon dioxide for GHG mole fraction in natural gas distribution pipeline systems. See 40 C.F.R. § 98.233(u)(2)(vii).

<sup>2</sup> See Climate Change 2013, The Physical Science Basis, Anthropogenic and Natural Radiative Forcing, 8.7.1.4, Table 8.7 [PDF p.56], available at [https://www.ipcc.ch/pdf/assessmentreport/ar5/wg1/WG1AR5\\_Chapter08\\_FINAL.pdf](https://www.ipcc.ch/pdf/assessmentreport/ar5/wg1/WG1AR5_Chapter08_FINAL.pdf). (Although the EPA and

5. In the face of the threat of climate change, CLF and its members who reside in New Hampshire and elsewhere in the region have a substantial interest in ensuring that the record in this proceeding is fully developed to take into account state, regional, and federal policies intended to promote greenhouse gas reductions including the New Hampshire Climate Action Plan.

6. As noted, CLF previously participated in Docket No. IR 15-124, the investigatory docket that preceded this proceeding. In that docket, CLF filed comments and provided responses to Staff discovery requests as follows:

- Comments of CLF in Response to Staff Request for Input, dated 6.2.2015
- Response to DPU-CLF-1-1/Atts 1-4, dated 7.17.2015
- Addendum to CLF Responses to Initial Staff Questions, dated 8.5.2015
- CLF Comments on Staff Legal Memorandum, dated 8.10.2015
- Comments of CLF in Response to Report on Investigation into Potential Approaches to Mitigate Wholesale Electricity Prices, dated 10.15.2015

7. CLF is an active intervenor in parallel proceedings before the Massachusetts Department of Public Utilities, in D.P.U. 15-181, 16-05 and 16-07. CLF commented extensively in the investigatory docket, D.P.U. 15-37, that led up to the precedent agreement filings in those cases and has appealed the final order of the D.P.U. to the Massachusetts Supreme Judicial Court.<sup>3</sup> CLF moreover has a long history of involvement with natural gas precedent agreements before the Massachusetts Department of Public Utilities.

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others typically use the global warming potential of 21 over a 100 year time frame that was established in the 2001 IPCC Report.)

<sup>3</sup> See *Conservation Law Found. v. Mass. Dep't of Pub. Utilities*, No. SJC-12051.

8. Since March 2014, CLF has been an active intervenor and the only environmental organization actively participating in a docket initiated by the Maine Public Utilities Commission pursuant to the Maine Energy Cost Reduction Act, 35-A M.R.S.A §§1901-1912, a statute that authorizes the PUC to require electric utilities to enter into contracts for natural gas capacity. That proceeding has examined the relative benefits and costs to Maine ratepayers of such gas capacity contracts and of requiring electric ratepayer to bear the costs associated with them. CLF has submitted numerous comments, expert testimony and legal briefs in that case.

9. CLF respectfully submits that its intervention as a party in this proceeding is likely to elucidate important issues and facilitate an expeditious and just resolution of this proceeding, as a result of CLF's special expertise and experience in energy policy, including gas and electric markets<sup>4</sup> and greenhouse gas emission reduction policies and laws.<sup>5</sup>

10. As an intervenor, CLF will present its views regarding, *inter alia*, (1) the legality of a contract by an electric distribution company for natural gas pipeline capacity under New Hampshire law; (2) the legality of a Commission order authorizing such a contract; and (3) the impacts of the proposed arrangements on ratepayers and the general public.

11. CLF's participation is in the interests of justice and the orderly and prompt conduct of the proceeding. CLF's participation will neither delay nor disrupt this proceeding.

**WHEREFORE**, Conservation Law Foundation respectfully requests that the Committee grant its petition to intervene in Docket No. DE 16-241.

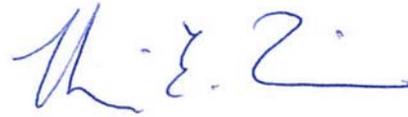
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<sup>4</sup> CLF has participated extensively at ISO-NE on gas-electric coordination issues and intervened in FERC Docket No. ER13-1851-000 regarding the Winter 2013-14 Reliability Program.

<sup>5</sup> Among other things, CLF was a party to the seminal case *Massachusetts v. EPA*, 549 U.S. 497 (2007), and is a party to the appeal of the Clean Power Plan currently pending before the Court of Appeals for the D.C. Circuit, *State of W. Va., et al. v. EPA*.

Respectfully submitted,

CONSERVATION LAW FOUNDATION



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Dated: April 11, 2016