

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

Docket No. DE 16-241

Public Service Company of New Hampshire D/B/A Eversource Energy  
Petition for Approval of Gas Infrastructure Contract with Algonquin Gas Transmission, LLC

**RESPONSE OF CONSERVATION LAW FOUNDATION  
TO EVERSOURCE'S OBJECTION TO PETITION TO INTERVENE**

Conservation Law Foundation ("CLF") appreciates the opportunity to respond to the objection of Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") (filed April 13, 2016, "Objection") to CLF's petition to intervene in the above-captioned docket (Docket Tab 30, "Petition").

1. In opposing CLF's petition, Eversource attempts to characterize CLF's interests in this docket as solely related to environmental matters and further contends that such matters are beyond the purview of this docket and the Commission's jurisdiction. *See* Eversource Objection ¶¶ 3, 4. Eversource is simply incorrect and relies on a troubling mischaracterization of both CLF's interests and the matters specifically identified by the Commission to be addressed in this docket.
2. As to Eversource's first mischaracterization, CLF has a strong interest in the economic implications of this docket: the economic vitality of New Hampshire and the region is a core element of CLF's mission;<sup>1</sup> CLF has members who are Eversource ratepayers and who therefore could be directly affected by the outcome of this docket; and CLF has expertise in the *economic* as well as environmental impacts of natural gas pipelines as well as in gas and

electric markets. CLF Petition ¶¶ 1, 2, 6-9. CLF has intervened in numerous dockets before the Commission and was an active participant in the investigatory docket (IR 15-124) related to this one.<sup>2</sup> *Id.* ¶¶ 3, 6. Indeed, CLF was granted intervention over the objection of Eversource in the divestiture docket (DE 14-238), despite that docket proceeding with an “economic interest” standard as opposed to the broader “public interest” standard. *See* Order No. 25,733.<sup>3</sup> It also is noteworthy that CLF has been granted intervenor status in the parallel action before the Massachusetts Department of Public Utilities (D.P.U. 15-181) (and that Eversource did not object to CLF’s intervention).

3. As to Eversource’s second mischaracterization, the Commission’s Order of Notice for this docket specifically and explicitly includes environmental considerations. Order of Notice, DE 16-241 at 4 (identifying among the issues to be considered “whether the assertions made by Eversource regarding expected benefits and costs of its participation in the Access Northeast Contract are supported by the evidence, including evidence of economic, engineering, and *environmental* costs, benefits and feasibility”; stating that if it proceeds to the second phase of this docket, it will examine “the appropriate economic, engineering, environmental, cost recovery, and other factors presented by Eversource’s proposal.”)

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<sup>1</sup> CLF’s Mission Statement states: “CLF protects New England’s environment for the benefit of all people. We use the law, science and the markets to create solutions that preserve or natural resources, build healthy communities, and sustain a vibrant economy.” (Emphasis added).

<sup>2</sup> In recent years, CLF has heavily focused its participation in Commission dockets on the economic merits of PSNH decisions and those decisions’ ramifications for PSNH customers. For example, in DE 10-261, concerning PSNH’s Least Cost Integrated Resource Plan, CLF asserted its members’ economic interests in its petition to intervene (which was granted without controversy), and CLF’s testimony regarding Schiller Station Units 4 and 6 focused on their underlying economics, the potential costs of prospective environmental requirements, and a forecast of their negative net revenues. Likewise, CLF’s submissions to the Commission in the investigatory docket, DE 13-020 (which in part led to the divestiture docket), focused on the economics of Schiller Station.

<sup>3</sup> In granting CLF intervention, the Commission noted, *inter alia*: “Like the BIA, [CLF’s] rate-paying members would likely be granted intervention if individually requested. We find it better to allow the organizations to intervene.” Order 25,733 at 12. It also found that CLF’s perspectives would be important to the docket. *Id.*

(emphases added). Eversource’s assertion that environmental considerations are beyond the purview of this docket and the Commission’s jurisdiction are wholly inaccurate.

4. Finally, Eversource suggests that CLF has somehow provided mere “blanket statements” as to how its intervention will assist in this docket, once again mischaracterizing CLF’s interest and expertise as related solely to environmental considerations. Eversource Objection ¶ 4. Its claims ring hollow, effectively reading out of existence substantial portions of CLF’s petition. *See* CLF’s Petition ¶¶ 2 (extensive energy markets expertise), 3 (extensive engagement in energy matters before the Commission), 6 (extensive engagement in IR 15-124), 7-8 (extensive engagement in parallel proceedings in Massachusetts and a docket involving similar issues in Maine). *See also id.* at 4, note 4 (extensive participation at ISO-New England on gas-electric coordination issues and in FERC docket (No. ER13-1851-000) regarding the Winter 2013-14 Reliability Program).
5. The outcome of this docket may have significant implications for CLF’s and our members’ economic and environmental interests. Accordingly, CLF’s “rights, duties, privileges, immunities or other substantial interests may be affected,” entitling it to intervention. RSA 541-A:32, I. In addition, and separate and apart from this standard which CLF has met, the interests of justice and the fact that CLF’s involvement will not impair the orderly conduct of the proceeding warrant CLF’s intervention. RSA 541-A:32, II.

Respectfully submitted,

CONSERVATION LAW FOUNDATION



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Dated: April 15, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading has on this 15th day of April, 2016 been sent by email to the service list in Docket No. DE 16-241.



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Thomas F. Irwin (NH Bar No. 11302)