

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 18-194

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

Petition For Expansion of Franchise to the Town of Epping

NORTHERN UTILITIES, INC.'S PETITION TO INTERVENE

Northern Utilities, Inc. (“Northern” or the “Company”) respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for full party Intervenor status in the above-captioned matter pursuant to RSA 541-A: 32 and N.H. Code of Admin. Proc. Puc 203.17.

In support of its Petition, Northern states the following:

1. Northern is a public utility organized and existing under the laws of New Hampshire. The Company provides natural gas distribution service to residential and commercial customers in more than twenty cities and towns in New Hampshire. Northern’s primary place of business is located at 6 Liberty Lane West, Hampton, New Hampshire.

2. On December 24, 2018, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty”) filed a petition for Expansion of Franchise to the Town of Epping and for Waiver of Puc 1603.02(a). In its Petition, Liberty proposes to provide natural gas distribution service to customers in Epping, and requests that the Commission grant Liberty a franchise to provide such service.

3. At the time that Liberty filed its Petition, the Northern’s separate request for a franchise to provide natural gas distribution service in Epping was pending before the Commission. The Commission granted Northern authority to provide service in Epping in an Order dated February 8, 2019. Northern Utilities, Inc., DG 18-094, Order Granting Franchise

Authority (Order No. 26,220, Feb. 8, 2019).

4. On February 12, 2019, the Commission issued an Order of Notice in the above-captioned docket stating: “[Liberty’s] petition raises the issues of whether [it] should be considered at this time . . . in light of Order No. 26,220 . . . in which the Commission granted [Northern] franchise rights in the Epping territory.” DG 18-194, Liberty Utilities, Order of Notice at 2 (Feb. 12, 2019). The Order of Notice also directed potential intervenors to submit petitions to intervene on or before March 7, 2019.

5. Pursuant to RSA 541-A:32, the Commission will grant a petition for intervention if (a) the petition is submitted in writing at least three days before a noticed hearing; (b) the petition “states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law”; and (c) the Commission “determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” RSA 541-A:32, I; see also Puc 203.17 (“The commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.”).

6. It is clear that Northern’s “rights, duties, privileges, immunities or other substantial interests” may be affected by this proceeding. Northern has been granted a franchise to provide natural gas distribution service within Epping and intends to begin exercising that franchise this year. As a natural gas distribution company intends to expand its service territory and serve customers within the Town pursuant to an established franchise, Northern has, at a minimum, franchise rights and privileges, duties that arise out of those rights and privileges, and substantial business interests that will be affected if the Commission grants a concurrent Epping

franchise to Liberty. Furthermore, the Commission has expressly identified Northern's existing franchise rights as a potential issue that the Commission may consider in its evaluation of Liberty's Petition. DG 18-194, Liberty Utilities, Order of Notice at 2.

7. The interests of justice and the orderly and prompt conduct of these proceedings will not be impaired by allowing Northern's intervention. Northern and its representatives are regular participants in proceedings before the Commission and are well aware of the statutes, rules, and customs governing such proceedings. There should be no concern that Northern's participation will impair the progress of this docket. Moreover, the interests of justice will be served by Northern's intervention because the Company's "rights, duties, privileges, immunities or other substantial interests" may be affected by this docket, and the Company must have an opportunity to protect those interests in this docket.

8. Northern notes that the Commission, after initially denying Liberty's request to intervene in DG 18-094, allowed Liberty's renewed request for intervention based on Liberty's filing of a competing petition for franchise rights in Epping. DG 18-094, Northern Utilities, Inc., Order Granting Franchise Authority at 2. As the existing franchise holder in Epping, Northern's interests in this docket are considerably stronger than Liberty's asserted interests in DG 18-094. Given this recent precedent, the Commission should grant Northern's request for full intervenor status in this docket.

For the reasons stated above, Unitil respectfully requests that the Commission:

- A. Grant Northern's request for intervention in this proceeding; and
- B. Grant such further relief as may be just and equitable.

Dated: March 7, 2019



Patrick H. Taylor, Bar # 17171
Senior Counsel
Unitil Service Corp.
6 Liberty Lane West
Hampton, NH 03842-1704
taylorp@unitil.com

Certificate of Service

I hereby certify that on this 7th day of March, 2019, a copy of this Petition has been sent by electronic mail to the service list in the above-captioned matter.

Dated: March 7, 2019



Patrick H. Taylor, Bar # 17171
Senior Counsel
Unitil Service Corp.
6 Liberty Lane West
Hampton, NH 03842-1704
taylorp@unitil.com