

THE STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION

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

Docket No. DG 19-074

**Amended Petition for a License to Construct and Maintain a
Natural Gas Pipeline beneath the Soucook River in Concord and Pembroke**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty”), respectfully petitions the Commission pursuant to RSA 371:17 and RSA 371:20 for a license to construct and maintain a natural gas pipeline beneath Soucook River where it runs beneath North Pembroke Road and serves as the boundary between the City of Concord and the Town of Pembroke.

This amended petition contains a single change from the original petition. The size of the pipe running beneath the river has changed from 6 inches to 8 inches to accommodate the load of a second commercial customer on the east side of the Soucook River. Everything else is the same as the original petition, including that the size of the conduit in which the gas line will sit remains 12 inches in diameter, thus the diameter of the HDD has not changed.

In support of this amended petition, Liberty states as follows:

1. Pleasant View Gardens, an established commercial greenhouse located on North Pembroke Road in Pembroke, and Continental Paving, which plans to establish a facility on the same road nearly adjacent to the Pleasant View Gardens site, recently asked Liberty to provide them with new gas services. However, the closest existing gas facilities are located at the intersection of North Pembroke Road and Sheep Davis Road in Concord, 1,900 feet from Pleasant View Gardens, and a short distance further from the Continental Paving site.

2. To serve these new customers, Liberty plans to install a main along North Pembroke Road from Sheep Davis Road to Pleasant View Gardens and Continental Paving. This route requires a crossing of the Soucook River where it travels under North Pembroke Road, which crossing is the subject of this petition. The Soucook River is on the list of “public waters” published by New Hampshire Department of Environmental Services (NHDES). *See EnergyNorth Natural Gas*, Order No. 25,925 (Jul. 26, 2016).

3. The crossing will consist of a 600 foot horizontal directional drill (“HDD”) beneath the Soucook River. Attachment A shows profiles of the pipeline beneath the river and aerial views showing the entry and exit points of the HDD.

4. Liberty will be responsible for the construction, to be performed by qualified contractors, and Liberty will own and be responsible for maintaining the pipeline after construction.

5. The crossing also requires a Shoreland Permit by Notification through NHDES, which will be obtained before construction. A wetlands permit is not necessary because this project will not disturb any wetlands. Since all work will be confined to the public right-of-way, there is no need to acquire any other property rights.

6. To obtain the license, Liberty must first demonstrate, as a threshold matter, that the proposed crossing is “necessary ... to meet the reasonable requirements of service to the public.” RSA 371:17. Then, on the merits, Liberty must demonstrate that the requested license “may be exercised without substantially affecting the public rights in said waters or lands.” RSA 371:20. *See Northern Pass Transmission*, Order No. 25,910 (June 28, 2016) (“The Commission interprets RSA 371:17 and RSA 371:20 to direct the focus of its inquiry when considering a crossing license petition to be on the proposed crossing’s effects on the public rights in the waters or lands in question”).

7. Liberty's crossing is "necessary ... to meet the reasonable requirements of service to the public" because Pleasant View Gardens and Continental Paving requested natural gas service and the crossing is the only feasible means of safely and economically providing those customers with service.

8. Liberty will exercise the rights granted by the license sought in this Petition "without substantially affecting the rights of the public" to use the waters of the Soucook River, and the public's use and enjoyment of the Soucook River will not be diminished by Liberty's plan to construct and maintain the pipeline as proposed, because the crossing will be accomplished by an HDD that will place the pipe at least 15 feet beneath the Soucook River, and because the entry and exit points of the directional drill will be no less than 200 feet from the east side of the river and no less than 300 feet from the west side of the river.

9. Liberty requests that an Order *Nisi* be issued approving the petition so that the construction of the can be commenced forthwith and so that Pleasant View Gardens and Continental Paving can use natural gas to operate and expand their New Hampshire based businesses.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Issue an Order *Nisi* granting Liberty a license to construct and maintain the natural gas pipeline beneath the Soucook River as requested in this Petition;
- B. Grant such other and further relief as may be just and equitable.

Respectfully submitted,
Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a
Liberty Utilities
By its Attorney,



Date: July 19, 2019

By: _____

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Certificate of Service

I hereby certify that on July 19, 2019, a copy of this petition has been provided to the Office of the Consumer Advocate.



Michael J. Sheehan