

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 24-050

PNGTS, TCP, NNEIC, BGIF IV and AIV-B

Petition to Transfer Partnership Interests

**Objection to the Department's Motion to Make Liberty a Mandatory Party**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, through counsel, respectfully objects to the Department of Energy's motion to make Liberty a "mandatory party" to this proceeding.

In support of this objection, Liberty states as follows:

1. The petitioners in this docket ask the Commission to approve the transfer of ownership of Portland Natural Gas Transmission System (PNGTS). PNGTS "owns and operates a FERC-regulated pipeline" that "provides interstate transportation service to natural gas local distribution companies," including Liberty. Petition at 1.
2. On May 3, 2024, the Department of Energy ("Department") filed a technical statement (the "Technical Statement"), which concludes as follows:

Based on the review of materials submitted by the Petitioners and the foregone analysis, the Department believes that the proposed transaction will not result in an adverse impact and is consistent with the public good.

As such, the Department recommends the approval of the proposed ownership transfer of PNGTS subject to:

- The views of the NH Gas LDCs (i.e., Liberty and Northern) based on their independent analyses on the current matter before the PUC; and
- A statement from the Buyers that they would continue to adhere to all existing contractual obligations as stipulated under the current Firm Transportation Contracts between PNGTS and the NH LDCs with a view towards minimizing any adverse impacts.

Technical Statement at 9.

3. Liberty is a shipper on PNGTS's system pursuant to the two contracts referenced in the Technical Statement at 4.
4. Liberty is confident that Commission approval of the relief sought in this docket will not affect its existing FERC-regulated contracts.
5. Liberty was notified of the proposed ownership change prior to the filing of the petition in this docket.
6. Liberty has no basis to object to the proposed ownership change.
7. Liberty chose not to seek intervention.
8. On May 3, 2024, having the same day filed its Technical Statement supporting the ownership change, the Department also filed a motion to have Liberty designated as a "mandatory party", without seeking Liberty's position in advance, for the following reasons:

In the opinion of the Department, Liberty's input on the above matters is an essential component of a complete record in this docket. Moreover, making Liberty a mandatory party has the additional benefit of providing Liberty with the standard confidentiality protections available through the Puc Chapter 200

rules, and providing the Department with a well-established discovery process, consistent with timelines and discovery instructions, to formally document Liberty's position.

Motion at 2.

9. No statutory or regulatory standards could be found that govern when the Commission may order a utility (or anyone else) to be a "mandatory party." And the Department does not cite to any such authority.
10. The Department supports its motion on the standard governing intervention, whether a party's "rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding." RSA 541-A:32. That statute does not provide for one party to compel the intervention of another, as the Department has requested here. It allows for a petitioner to request intervention on its own behalf. Liberty respectfully urges the Commission to use caution in applying RSA 541-A:32 in the manner proposed in the Department's motion.
11. As stated above, Liberty decided not to seek intervention in this docket. The reasons the Department cited for Liberty's intervention should not override Liberty's decision not to intervene. First, Liberty does not require the "standard confidentiality protections available through the Puc Chapter 200 rules" because Liberty is not providing any confidential information.
12. Second, Liberty does not need – nor should it be subjected to -- "a well-established discovery process ... to formally document Liberty's position." Liberty has already conveyed its position to the Department in writing (*see* Motion at 3), Liberty again states that position to the Commission and the parties in this Response, and Liberty is more than willing to repeat its position as a public comment at the June 13 hearing.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Deny the Department's motion; and
- B. Grant such further relief as is just and equitable.

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

By its Attorney,



Date: May 13, 2024

By:

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Certificate of Service

I hereby certify that on May 13, 2024, I electronically sent a copy of this response to the service list.



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Michael J. Sheehan