

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 24-050

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

Petition to Transfer Partnership Interests

**Procedural Order Re: DOE's Motion to Compel Northern and Liberty
to Participate as Mandatory Parties**

On March 26, 2024, the petitioners—Portland Natural Gas Transmission System (PNGTS), TC Pipelines, Inc. (TCP), Northern New England Investment Company, Inc. (NNEIC), BlackRock Global Infrastructure Fund, IV, SCSp (BGIF IV), and North Haven Infrastructure Partners III (AIV-B), SCSp (NHIP III)—jointly requested that the Commission review and approve the transfer of ownership of PNGTS from its current owners, TVP and NNEIC (together, the Sellers), to BGIF IV and NHIP III (together, the Buyers). Orders of notice were issued by the Commission on April 17, 2024. As part of the orders of notice, the Commission requested that the Department of Energy (DOE) file its position regarding the Petition, including the reasons for this position, on or before May 3, 2024.

On May 3, 2024, the DOE filed both a position statement and motions to make Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a (Liberty) and Northern Utilities, Inc. (Northern) mandatory parties to the proceeding. The DOE argues that Liberty and Northern are customers of PNGTS and therefore their rights, duties, and privileges may be affected by the proceeding. See DOE's May 3, 2024 Motions at ¶4.¹ Further, the DOE argues that Liberty and Northern's participation at hearing is necessary to create a complete public record. See DOE's May 3, 2024 Motions at ¶5. The DOE cites multiple

¹ The DOE filed two separate motions in this matter. The substantive arguments and facts are identical. Unless otherwise identified, the paragraphs cited are identical in each of the motions filed.

cases where the Commission has compelled entities to participate in proceedings when the party meets the criteria established for intervention. *See Id* at ¶9. The DOE relies on RSA 541-A:32 and Puc 203.17 as providing the authority for the Commission to grant its motions to compel.

Both Northern and Liberty have objected to becoming mandatory parties. Northern and Liberty argue that neither RSA 541-A:32² nor Puc 203.17 create a mechanism for a party to compel another party's participation in a docket. Northern and Liberty distinguish the cases cited by the DOE on the grounds that, in the cited cases, the subject matter of the dockets pertained directly to the entities compelled to participate. In the current case, Northern and Liberty argue, their rights and obligations under the proposed agreements to transfer ownership are not impacted. *See* Northern's May 13, 2024 Objection at ¶ 7 and Liberty's May 13, 2023 Objection at ¶ 6.


Under New Hampshire Code of Administrative Rules, Puc 203.17, motions to intervene are governed by RSA 541-A:32. RSA 541-A:32, II, the "presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." In this case, the motion to intervene standard is not applicable. Liberty and Northern are not asking to participate in the proceedings. The DOE is petitioning to compel their participation.

The motion to compel mandatory participation is DENIED. Unlike the examples cited by the DOE, Northern and Liberty are not the subject matter of the petition. Liberty has stated that it has no basis to object to the proposed ownership change. *See* May 13, 2024 Liberty Objection at ¶ 6. Northern has stated that to the extent that it wishes to

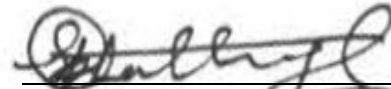
² Northern's objections cite both 541-A:32 and 542-A:32. For the purpose of review it is deemed that the reference to 542-A:32 was a scrivener's error and was meant to only cite 541-A:32.

express any further comment in this docket, it can do so through public comments. See May 13, 2024 Northern Objection at ¶11. The DOE has not shown that the utilities' participation is necessary or would be an essential component to complete the record in this docket. Therefore, the motion is denied.

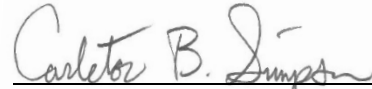
So ordered, this twenty-third day of May, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 24-050

Printed: 5/23/2024

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