07/26/16

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DG 16-770

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.,
d/b/a LIBERTY UTILITIES

CONCORD STEAM CORPORATION

Joint Petition for Approval of an Asset Purchase Agreement

ORDER OF NOTICE

On July 21, 2016, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty), a public utility providing natural gas service to customers in Concord and various other New Hampshire communities, and Concord Steam Corporation (Concord Steam), a public utility providing steam service to customers in Concord, filed with the Commission a joint petition for approval of an asset purchase agreement between Liberty and Concord Steam pursuant to RSA 374:30. The petitioners included the written testimony of Peter Bloomfield, P.E., Concord Steam's President, and Liberty personnel William Clark and Stephen Hall in support of their petition. This filing is related to the filing by Concord Steam made pursuant to RSA 378:9 and RSA 374:28 and considered in Docket No. DG 16-769, for approval of emergency rates for Concord Steam and termination of service by Concord Steam on or about May 31, 2017. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at http://www.puc.nh.gov/Regulatory/Docketbk/2016/16-770.html.

The petitioners state, due to ongoing severe deterioration in Concord Steam's financial position and business prospects, that Concord Steam has elected to enter into an asset purchase

agreement with Liberty and to plan for an orderly transition towards a termination of its service to customers on or about May 31, 2017. The assets in question include customer information, provided that customers provide their consent, to be used by Liberty in facilitating conversions of Concord Steam customers to gas service in an orderly fashion, and certain real estate easements held by Concord Steam, to be acquired by Liberty for the same conversion purpose. These assets are to be acquired by Liberty pursuant to the asset purchase agreement for $1.9 million. Liberty will recover its cost of acquisition in its distribution rates over five years as a regulatory asset.

The filing raises, inter alia, issues related to RSA 374:30 and whether the transfer of assets from Concord Steam to Liberty is in the public good, and whether the proposed transaction will have an adverse effect on the rates, terms, service or operations of Liberty. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that pursuant to RSA 541-A:31 and Puc 203.12, an adjudicative hearing be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on September 9, 2016 at 9:00 a.m. at which Liberty and Concord Steam will be given the opportunity to present evidence and argument regarding whether the proposed transfer of assets is in the public good. Staff and any intervenors will be given the opportunity at hearing to respond and present evidence and argument on all issues involved; and it is

FURTHER ORDERED, that a technical session be held at the Commission premises on August 12, 2016 at 9:00 a.m. to discuss the petition and any data requests, at which Staff, Liberty, Concord Steam shall be in attendance, and all potential intervenors and other interested parties are encouraged to attend; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Liberty and Concord Steam shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than August 9, 2016, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before September 6, 2016; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Liberty, Concord Steam and the Office of the Consumer Advocate on or before September 6, 2016, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before September 9, 2016.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of July, 2016.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.