THE STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

DG 10-041

ENERGYNORTH NATURAL GAS, INC d/b/a NATIONAL GRID NH INTEGRATED RESOURCE PLAN

PETITION OF NORTHERN UTILITIES, INC. FOR INTERVENTION

NOW COMES Northern Utilities, Inc. ("Northern"), by and through its undersigned attorneys, and, pursuant to RSA 541-A:32 and N.H. Admin. Rule Puc 203.17, respectfully requests that it be permitted to intervene in the above-captioned matter. In support of this Petition, Northern states as follows:

1. On February 26, 2010, EnergyNorth Natural Gas, Inc. d/b/a National Grid NH ("National Grid") made a filing with the New Hampshire Public Utilities Commission ("Commission") seeking approval of its Integrated Resource Plan ("IRP"). This filing was made in accordance with the Commission's Order No. 24, 941 dated February 13, 2009 in Docket No. DG 06-105.

2. The Commission issued an Order of Notice in the instant docket on April 21, 2010 establishing May 17, 2010 as the deadline for Petitions to Intervene.

3. A petition for intervention shall be granted as a matter of right if "[t]he 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 . . . [t]he presiding officer 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 (b), (c).

4. Northern's duties and substantial interests may be affected by the proceedings in the instant docket because of the close relationship that exists between the docket that determined the filing requirements for National Grid's IRP (DG 06-105) and the docket relating to the filing requirements for Northern's IRP (DG 06-098).

5. On December 15, 2009, Staff and Northern entered into a settlement in Docket No. DG 06- 098 regarding the development of Northern's subsequent IRP. This settlement closely tracked the Commission's Order in Docket No. DG 06-105 issued in February 2009 regarding the development of National Grid's IRP. Importantly, the National Grid docket served as a model for the Northern docket in several respects. For example, at the hearing in the Northern IRP docket, George McCluskey of the Commission Staff testified as follows:

> "[M]ost of the work was done [regarding gas IRP development] in the recent National Grid IRP proceeding. . . . And, the order that came out of that case essentially set the framework for gas utility IRP in this State.
>
> And so, in attempting to settle this particular case, this Northern IRP case, Staff's effort was modeled on the order that was issued in the National Grid case. And, I believe the two outcomes are very similar. They're not perfectly similar, but they're very consistent."

Transcript of Commission Hearing in Docket No. 06-098, at 13:18-14:5 (January 27, 2010).

6. Northern's interest in the instant docket reaches beyond general interest in a docket relating to a gas utility. The instant docket is the first time the new IRP framework will be implemented; as such, it is likely to serve as a model for development of Northern's 2010 IRP given that National Grid's IRP process has served as the "framework for the gas utility IRP in this state," and it may continue to do so in the future. *Id.* at 13:22-23. Thus, the activities, decisions and any settlement in this docket are likely to substantially impact Northern's

responsibilities regarding the preparation of its own IRP filing as well as the company's interests in its own IRP docket. These interests are substantial and are not adequately represented by any other party to the instant proceeding.

7. In the event that the Commission determines that Northern does not qualify for intervention in this docket under RSA 541-A:32, I., the Commission has the discretion to allow intervention where it "would be in the interests of justice." RSA 541-A:32, II; *see Re Lakes Region Water Co.* (DW 02-156), 88 N.H.P.U.C. 86 (March 3, 2003) (permitting intervention under section II); *Re North Atlantic Energy Corp.* (DE 02-075), 87 N.H.P.U.C. 455 (July 8, 2002) (explaining that RSA 541-A:32, II sets forth a separate test from RSA 541-A:32, I.)

8. Under RSA 541-A:32, II, the interests of justice will be furthered if Northern is allowed to intervene in this proceeding. Because this docket is so closely related to Northern's own IPR activities, it will be much easier for Staff and the gas utilities to continue to work toward mutually acceptable gas IRP development if Northern is allowed to fully participate in this docket as an intervenor. This will ensure that Northern receives copies of filings and discovery in a timely manner, and is able to participate in technical sessions, all of which will allow Northern to focus development of its own IRP in response to issues raised during the review of National Grid's IRP. For example, by participating in this docket, Northern will learn first hand about issues of concern to Staff and the other parties so that Northern can better prepare to address those concerns when it makes its own IRP filing. This will create efficiencies for both Northern and Staff. Furthermore, at this early stage, intervention by Northern will not disrupt the orderly and prompt conduct of these proceedings.

9. The undersigned has contacted National Grid NH's counsel, Attorney Steven Camerino, and Staff Attorney Marcia Thunberg for the purpose of obtaining their positions on

this intervention petition. Attorney Camerino has indicated that National Grid NH has no objection to the relief sought herein, and Attorney Thunberg indicated that Commission Staff does not oppose the relief sought herein.

WHEREFORE, Northern Utilities, Inc. respectfully requests that it be permitted to intervene in this proceeding.

Respectfully submitted,

Northern Utilities, Inc.
By its attorneys,
ORR & RENO, P.A.

By: _____

Susan S. Geiger
One Eagle Square
Concord, NH 03301
603-223-9154
sgeiger@orr-reno.com

Dated: May 4, 2010

Certificate of Service

I hereby certify that a copy of the foregoing has on this day been sent by electronic mail to persons listed on the Service List.

_____
Susan S. Geiger

640420_1