

**State of New Hampshire
Public Utilities Commission**

DG 14-091

**Liberty Utilities' Petition for Approval of Special Contract and Lease
with Innovative Natural Gas, LLC d/b/a iNATGAS**

Petition to Intervene Out-of-Time of Global CNG LLC

Global CNG LLC ("Global CNG") hereby respectfully petitions for full party intervenor status in the above captioned proceeding, with certain voluntary limitations as discussed below, pursuant to RSA 541-A:32 and N.H. Code Admin. Rules Puc 203.17.

1. On April 4, 2014, Liberty Utilities, Inc. ("Liberty") filed with the New Hampshire Public Utilities Commission ("Commission") a petition for approval ("Petition") of a Special Contract between Liberty and Innovative Natural Gas, LLC d/b/a iNATGAS ("iNATGAS") and pursuant to RSA 374:30 also sought approval of a lease between Liberty and iNATGAS, all for the purpose of constructing and operating a CNG filling and fueling facility in Concord, New Hampshire on utility property. Further, Liberty asked the Commission to approve the Special Contract and Lease Agreement within thirty (30) days to accommodate iNATGAS' desire to be operational by the upcoming 2014-2015 winter heating season.

2. According to the Petition, "in order to make this transaction feasible," iNATGAS must lease land from Liberty on which it will locate a CNG fueling station, and Liberty must charge iNATGAS a rate in excess of the current tariffed rate for firm transportation customers in order for Liberty to recover its investment in the project from iNATGAS. Petition at 3. Pursuant to the lease agreement, Liberty must

"construct the compressor station, conduct all site survey work and site preparation, extend a transmission grade natural gas service line to the compressor station from its current take station on Broken Bridge Road, provide a 1250 KVA 3-phase step-down transformer and related electrical connections, install gas conditioner equipment and up to six electric motor-driven compressors, pay the property taxes and costs of snow removal at both the CNG compressor station and the CNG fueling station, and prepare and submit all necessary permitting with the City of Concord and the State of New Hampshire for the project."

Petition at pp. 3-4. In addition, Liberty is responsible for obtaining any zoning, site plan or subdivision approvals required for the completion of the improvements from the City of Concord, as well as to the New Hampshire Department of Environmental Services. *Id.* Under

the 15-year special contract, Liberty proposes to provide firm transportation of compressed natural gas to the CNG fueling station. According to the Petition, iNATGAS will pay a fixed delivery charge in excess of the tariffed amount for all therms metered at the delivery point which charge will remain in effect for the term of contract and will not be subject to any adjustments. The contract is subject to take or pay provisions throughout its term.

4. In its Order of Notice dated April 14, 2014, the Commission stated the filing raises issues related to RSA 378:18 and whether the Liberty's investigation and analysis of the risks and benefits of constructing, owning and operating a CNG station is reasonable; whether entry into the long term agreement to provide CNG to iNATGAS is prudent and in the public interest (RSA 366:3, 366:5, and 374:30); whether the proposed lease agreement is for the public good (RSA 378:28); whether Liberty's investment in the CNG facility is prudent (RSA Chapter 370 *et al.*); and whether Liberty's plans and specifications to build and operate the proposed CNG station meet the appropriate construction and operating safety standards.

5. Global CNG is building a network of CNG distribution sites to support an end-to-end natural gas transportation solution for its commercial, industrial and municipal customers. This innovative solution allows customers to use dual fuel and take advantage of significant energy cost savings. Global CNG's principal place of business is 800 South Street, Suite 200, P.O. Box 9161, Waltham, Massachusetts 02454-9161.

6. Global CNG is evaluating markets for expansion of its CNG services, including New Hampshire. Many of the issues raised or which may be raised in this proceeding may be applicable to Global CNG or its counterparty in a subsequent proceeding, particularly with regard to integrating the competitive aspects of vehicular CNG delivery systems with ratepayer funded pipeline and local distribution utility property. Therefore, any action the Commission may take with respect to Liberty's petition is likely to impact the rights, duties and interests of Global CNG as it expands into New Hampshire markets. These interests are substantial and are not adequately represented by any other party to this proceeding.

7. Global CNG requests that it be granted status as a full intervenor in this docket, subject to the following voluntary limitations: that it be entitled to receive copies of all pleadings and other documents, all discovery and all emails or other correspondence among the parties and staff, and that it may attend and participate in technical sessions, present and cross examine witnesses and file closing briefs.

8. Global CNG's Petition to Intervene is out of time, as it is filed after the date for interventions as provided in the Commission's Order of Notice, which deadline was April 21, 2014. The Commission should grant Global CNG's request to intervene for good cause shown. Global CNG's petition is late because it did not have direct notice of the proceeding but found out about the proceeding on April 22, 2014, and after review of the materials filed, promptly began preparing its intervention. The amount of time Global CNG's petition is late (2 days) is de minimis. Global CNG warrants to take the proceeding as it finds it. Granting Global CNG's Petition to Intervene will not impair the orderly and prompt conduct of the proceeding. Finally, Global CNG agrees to be bound by the procedural schedule established in this proceeding.

9. Because of the timing of this Petition and the hearing on April 23, 2014, Global CNG was unable to circulate a copy of the Petition. **However, Global CNG promptly**

telephoned the staff of the New Hampshire Public Utilities Commission, Liberty's counsel, and counsel for the Office of Consumer Advocate advising them of our intention to submit this petition.

WHEREFORE, Global CNG LLC respectfully requests that the New Hampshire Public Utilities Commission grant its petition to intervene and such further relief as may be just and reasonable.

Respectfully submitted,

GLOBAL CNG LLC

A handwritten signature in blue ink, appearing to read 'P. Segaloff', is written over a horizontal line.

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Dated at Waltham, Massachusetts, this 23rd day of April, 2014.