

STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DG 16-769

CONCORD STEAM CORPORATION

Petition for Emergency Rates and to Discontinue Service

CONCORD STEAM CORPORATION'S OBJECTION TO  
THE JORDAN INSTITUTE'S PETITION TO INTERVENE

NOW COMES Petitioner Concord Steam Corporation ("Concord Steam" or "the Company") by and through its undersigned attorneys and objects to The Jordan Institute's Petition to Intervene in this docket by stating as follows:

1. The Commission's July 26, 2016 Order of Notice in the above-captioned docket directed any party seeking to intervene in the proceeding to file a petition on or before August 31, 2016 "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)." *Order of Notice*, DG 16-769 (July 26, 2016), p. 3. The Order of Notice also stated that objections to such petitions must be filed on or before September 6, 2016. *Id.* This Objection, therefore, is timely filed.

2. On August 31, 2016, The Jordan Institute ("Jordan Institute") filed a Petition requesting intervention in this docket and in docket DG 16-770 which concerns a Joint Petition for Approval of an Asset Purchase Agreement filed by Concord Steam and Liberty Utilities (Energy North Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty"). The Order of Notice in docket DG 16-770 established September 9, 2016 as the deadline for objecting to intervention

petitions in that docket, and Concord Steam intends to file a separate objection to Jordan Institute's Petition in that docket by that deadline.

3. In its Petition for Intervention, Jordan Institute states that it intends to limit its participation to issues associated with energy efficiency. Jordan Institute asserts that it "has an interest" in the issues cited in the Commission's July 26, 2016 Orders of Notice in the above-captioned docket and in docket DG 16-770 and "the role that energy efficiency may/should play in buildings affected by the discontinuance of services by Concord Steam and the purchase of assets by Liberty Utilities." *Petition to Intervene*, p. 1.

4. The issues identified in the Order of Notice in this docket are:

related to RSA 378:9 and whether the affairs of Concord Steam have reached such a crisis that immediate and substantial disaster threatens unless prompt relief is given, and whether the financial crisis warrants the emergency rate relief requested; and issues related to RSA 378:28 and whether allowing Concord Steam to terminate service under the proposed timeframe is in the public good.

*Order of Notice*, DG 16-769 (July 26, 2016), p. 2.

5. As indicated in the above-quoted text from the Order of Notice, the issues in this docket focus on Concord Steam's rates and whether Concord Steam should be allowed to discontinue service. They do not include any that are even remotely connected to the issue of energy efficiency which is Jordan Institute's stated interest in this proceeding. Moreover, Concord Steam does not have an energy efficiency program and has no legal authority or obligation to insure that its customers engage in any energy efficiency programs or activities either during the period that Concord Steam continues to provide service or thereafter. For these reasons alone, Jordan Institute's Petition should be denied for its failure to state an interest in an issue implicated in this docket.

6. To qualify for intervention, a petitioner must state facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies under any provision of law. *See* RSA 541-A:32, I(b). The presiding officer must also find that the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. *See* RSA 541-A:32, I(c).

7. Although Jordan Institute states it “has an interest in the issues cited by the Commission,” this general statement of “interest” is not commensurate with facts demonstrating how rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding. As the Commission has observed, a mere interest in a proceeding “is not the same as having a legal interest of some nature that may be affected by the proceeding.” *North Atlantic Energy Corporation, et al.*, DE 02-075, Order No. 24,007 (July 8, 2002) at 3.

8. In paragraph 6 its Petition, Jordan Institute cites its concerns that the time frame within which Concord Steam seeks to discontinue service will not leave Concord Steam’s customers with enough time “to make thoughtful decisions” about upgrades and installations needed for replacement service. In addition, paragraphs 7 and 8 of the Petition to Intervene describe considerations faced by Concord Steam’s customers who may pursue energy efficiency measures when converting from steam service to another heating source. However, these factual assertions do not demonstrate how Jordan Institute’s rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding. Although Jordan Institute may have concerns about whether customer conversions will be made according to best energy efficiency practices, it does not have a “legal nexus to the outcome” of the Commission’s decision on whether to allow Concord Steam to discontinue service. Accordingly, Jordan

Institute does not qualify for intervention in this case. *See North Atlantic Energy Corporation, et al., supra.*

9. Concord Steam recognizes the Commission's discretionary authority to grant a petition to intervene "at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings." RSA 541-A:32, II. However, the Commission should not exercise that discretion here because the interests of justice would not be furthered by Jordan Institute's intervention and such intervention would impair the orderly conduct of the proceedings. The interests of justice in this case require a timely adjudication of Concord Steam's requests for emergency rates and to discontinue service. As is clear from Concord Steam's filing and Commission Staff's prefiled testimony in this docket, Concord Steam is in need of near term rate relief. The Company and its customers are also in need of certainty concerning the request to discontinue service. Allowing Jordan Institute to pursue the irrelevant issue of energy efficiency in this docket unreasonably and unnecessarily expands the scope of the proceeding to include issues that have no bearing on Concord Steam's rates or on whether the Company should be allowed to discontinue service. This raises serious due process issues as well as practical concerns, as pursuing tangential, irrelevant issues in this docket would put additional burdens on Concord Steam, Commission Staff and other parties. As such, The Jordan Institute's participation would impair the orderly conduct of the proceedings in this docket.

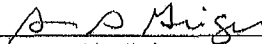
10. Lastly, the fact that Jordan Institute has intervened in other policy dockets such as those involving the Energy Efficiency Resource Standard and Core Energy Efficiency Programs is irrelevant to the question of whether Jordan Institute should be allowed to intervene in this proceeding which involves completely different issues that are unique to Concord Steam. As

indicated herein, Jordan Institute fails to meet the mandatory and discretionary intervention standards for intervention in this docket. Accordingly, its Petition to Intervene must be denied.

WHEREFORE, Concord Steam Corporation respectfully requests that the Commission deny Jordan Institute's Petition to Intervene in this docket.

Respectfully submitted,

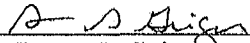
**CONCORD STEAM CORPORATION**  
By its Attorneys,  
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Dated: September 6, 2016

**Certificate of Service**

I hereby certify that on this 6<sup>th</sup> day of September, 2016, I caused a copy of this Objection to be delivered by electronic mail to the Service List in this docket.

  
Susan S. Geiger

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