

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Liberty Utilities (EnergyNorth Natural Gas) Corp.
d/b/a Liberty Utilities

Docket No. DG 17-xxx

Petition for a License to Construct and Maintain a
Natural Gas Pipeline beneath Beaver Brook in Pelham

Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a Liberty Utilities (Liberty), respectfully petitions the Commission pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath Beaver Brook in the Town of Pelham.

In support of this petition, Liberty states as follows:

1. On February 8, 2017, the Commission granted Liberty the franchise rights to operate in the Towns of Pelham and Windham. Order No. 25,987 (Feb. 8, 2017).
2. Liberty's planned development in Pelham includes extending distribution mains from a new gate station off Route 38, then west on Willow Street toward Route 111A and the Pelham municipal buildings. Liberty plans to install approximately five miles of distribution mains in Pelham.
3. The planned route requires crossing Beaver Brook where it travels under Willow Street, which crossing is the subject of this petition. Beaver Brook is on the list of "public waters" published by New Hampshire Department of Environmental Services (NHDES). *See EnergyNorth Natural Gas*, Order No. 25,925 (Jul. 26, 2016).
4. The crossing will consist of a 625 foot horizontal directional drill underneath Beaver Brook. Attachment A shows profiles of the pipeline beneath Beaver Brook and aerial views

showing the entry and exit points of the directional drill. Attachment B is an aerial photograph of the crossing location.

5. Liberty will be responsible for the construction, which will be performed by qualified contractors, and Liberty will own and be responsible for maintaining the pipeline after construction.

6. The location of the pipeline beneath Beaver Brook will not interfere with public use of the waterway.

7. The location of the proposed crossing requires two easements. One easement is necessary at the eastern limit of the directional drill with the property owner of Tax Map 35, Lot 7-113. The rest of the directional drill will be on property owned by the Pelham School District under Tax Map 28, Lot 7-136. The Company will have both easements in place prior to construction.

8. The crossing also requires a Shoreland Permit through NHDES, which is in process and will be finalized before construction. A wetlands permit is not necessary because this project will not disturb any wetlands.

9. To obtain the license, Liberty must demonstrate that the proposed crossing is “necessary for Liberty to meet the reasonable requirements of reliable service to the public as required by RSA 371:17, and that the requested license may be exercised without substantially affecting the public rights in the waters in question, as required for approval under RSA 371:20.” Order No. 25,572 at 3.

10. As described above, the crossing is critical to the Company’s expansion into Pelham as the route under Beaver Brook is the only way for the distribution system to reach the cluster of municipal buildings on Route 111A. The crossing is thus “necessary ... to meet the reasonable

requirements of reliable service.” See *EnergyNorth Natural Gas*, Order No. 25,572 (Sept. 19, 2013).

11. Liberty will exercise the rights granted by the license sought in this Petition without affecting the rights of the public to use the waters of Beaver Brook; the use and enjoyment by the public of Beaver Brook will not be diminished as a result of Liberty's plan to construct and maintain the pipeline as proposed. All of the property rights necessary to construct and maintain the pipeline beneath Beaver Brook have been or will be obtained, so that no taking of private property or other acquisition of property rights is required.

12. Liberty requests that an Order *Nisi* be issued approving the petition so that the construction of the can be commenced forthwith and completed before the upcoming winter.

WHEREFORE, Liberty respectfully requests that the Commission:

A. Issue an Order *Nisi* finding that the crossing license sought by this Petition may be exercised without substantially affecting the public use of Beaver Brook;

B. Grant Liberty a license to construct and maintain the natural gas distribution main beneath Beaver Brook as requested in this Petition;

C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP. D/B/A LIBERTY UTILITIES

By its Attorney,



Date: June 7, 2017

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