

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No.: DG 15-362

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

**Petition for Franchise Approval and Waiver of the
Tariff Filing Requirements of Puc 1603.02(a)**

**PETITION TO INTERVENE
OF PELHAM NEW HAMPSHIRE.**

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice ("Order") dated September 21, 2015, N.H. Code Admin. Rules Puc 203.17, and RSA 541-A:32, the town of Pelham, New Hampshire ("Pelham" or the "Town") hereby respectfully petitions for leave to intervene in the above-captioned proceeding. In support of its petition, Pelham states the following:

1. On August 31, Liberty Utilities (Energy North Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty") filed with the Commission a petition for approval (the "Petition") to provide gas service to Pelham (and Windham) New Hampshire.
2. As set forth in the Petition, and as noted in the Order, Liberty submitted its proposal for providing natural gas service through a pipeline distribution system to customers in Pelham and Windham.
3. As set forth in the Order, this proceeding will require the Commission to address issues related to RSA 374:1 and 374:2 (public utilities to provide reasonably safe and adequate service at "just and reasonable" rates); RSA 374:4 (Commission's duty to keep informed of the manner in which all public utilities in the state provide for safe and adequate service); RSA 374:8 and RSA 374:13 (Liberty's obligation to keep

accounts and records); and RSA 374:22 (Commission's power to review and approval the franchise petition); RSA 374:26 (whether approval would be in the public good; RSA Chapter 378 (whether rates and charges conform to Commission's regulations, would be just and reasonable and whether request for waiver would be just and reasonable and in the public interest; RSA 378:37 (whether the proposal comports with New Hampshire Energy Policy; and RSA 371:17 (whether Liberty would be required to petition for license to cross public waters).

4. New Hampshire Code of Administrative Rules, Puc 203.17 states that the Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32. Pursuant to RSA 541-A: 32 I (b) and (c), a petition *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition qualifies under any provision of the law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention.
5. Pelham is a municipal corporation organized under the laws of the state of New Hampshire with offices located at 6 Village Green, Pelham, New Hampshire.
6. According to the filing, the proposed franchise expansion will bring gas to the Town's commercial corridor, Town owned buildings and schools as well as residential customers. The project will involve construction in the Town along Route 38 and under Beaver Creek and subject the Town and its residents to tariffs, which have not been formally submitted as part of this filing.

7. The Town and its citizens as future ratepayers have substantial interests which will be directly affected by this proceeding.
8. The Town seeks to participate as a full intervenor in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs.

WHEREFORE, Pelham respectfully requests that the New Hampshire Public Utilities Commission grant its timely Petition to Intervene and permit Pelham to participate in this proceeding with full rights as a party.

Respectfully Submitted,

The Town of Pelham



Brian McCarthy/Town Administrator
For the Town of Pelham
6 Village Green
Pelham, New Hampshire 03076
603-508-3074

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2015, a true and correct copy of the foregoing **PETITION TO INTERVENE OF THE TOWN OF PELHAM** was electronically served upon each individual or organization with the electronic mail address as indicated below:

A handwritten signature in black ink, appearing to read 'Brian McCarthy', is written above a horizontal line.

Brian McCarthy/Town Administrator
For the Town of Pelham