

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

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

DOCKET NO. DG 15-362

**OBJECTION TO NORTHERN UTILITIES, INC.'S LATE-FILED PETITION TO  
INTERVENE**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth” or the “Company”), in accordance with Puc 203.07 and RSA 541-A, hereby objects to the petition to intervene filed by the Northern Utilities, Inc. (“Northern”) in the above-captioned docket. In support of this objection, the Company states as follows:

1. Northern seeks to participate in this docket because it claims that a decision in the docket “may impact Northern’s business and its ability or efforts to expand and extend natural gas service to New Hampshire customers in the future.” Northern Petition at 2. Northern argues it has an interest in the matter because it may be affected by how the Commission addresses the ratemaking issues in this case to the extent it seeks franchise expansions in the future. *Id.* Based on this reasoning, any utility would have a basis to intervene in any rate matter affecting another utility given the theoretical possibility that the same or similar ratemaking treatment could be applied to another utility in the future. EnergyNorth objects to Northern’s Petition because it has not adequately demonstrated that it meets the requisite standard for intervention, and further, because allowing its intervention will create an invitation for utilities to regularly intervene in one another’s rate matters, which will create an administrative burden for the Commission and parties.

2. RSA 541-A:32 provides that a petition to intervene shall be granted where “(b) [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 (c) [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.”

3. In this docket, the Commission will be determining whether EnergyNorth should be granted a franchise to provide natural gas distribution service in Pelham and Windham. This determination will be based on the Commission’s assessment of whether EnergyNorth has the requisite financial, technical and managerial capacity to serve Pelham and Windham. As part of its request, the Company included information about the economics of the investment in Windham, and its proposed rate recovery of those costs. Testimony of Steven E. Mullen at Bates 32. While Northern may have a general interest in how EnergyNorth recovers the costs of a take station, this does not affect Northern’s “rights, duties, privileges, immunities or other substantial interests.” *See Liberty Utilities (Granite State Electric) Corp.*, Docket DE 14-211, Order 25,715 at 3 (September 8, 2014)(Commission held that a general interest in the subject matter of the docket is insufficient to entitle these parties to intervene pursuant to RSA 541-A:32, I); *Unitil Energy Systems, Inc.*, Docket DE 10-001, February 23, 2010 Secretarial Letter (utility with claimed substantial interest in monitoring proceeding denied intervention because facts did not demonstrate its rights would be affected); *Unitil Energy Systems, Inc.*, Docket DE 09-137, Order No. 25,079 at 10 (February 26, 2010) (utility seeking to intervene for informational purposes denied intervention because it did not demonstrate that its rights would be affected and it could monitor the proceedings without being a party).

4. If the Commission were to grant Northern's petition, it could create a precedent where every utility that spots a ratemaking issue that is similar to one it may face in the future could seek to intervene in the docket in question. This could create a large administrative burden not only for the Commission but for parties in the proceeding. This would not be in the "interests of justice and the orderly and prompt conduct of the proceedings." In addition, Northern can follow this proceeding sufficiently through monitoring the Commission's docket book.

5. For these reasons, the Company requests that the Commission deny Northern's petition to intervene.

WHEREFORE, EnergyNorth respectfully requests that the Commission:

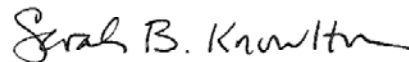
- A. Deny Northern Utilities' Petition to Intervene; and
- B. Such other relief as is just and equitable.

Respectfully submitted,

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

By Its Attorneys,

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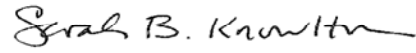


November 12, 2015

By: \_\_\_\_\_  
Sarah B. Knowlton, Esquire

Certificate of Service

I hereby certify that on November 12, 2015, a copy of this Objection to Northern Utilities, Inc.'s Late-Filed Petition to Intervene has been forwarded to the service list in this docket and Patrick Taylor, Esq.



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Sarah B. Knowlton