

THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 15-442

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

**Petition for Approval of a Gas Franchise in Jaffrey, Rindge, Swanzey, and Winchester**

Partial Objection to the Towns' Petition to Intervene

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (EnergyNorth), through counsel, respectfully submits this partial objection to the *Petition to Intervene of Rindge, Winchester, Brookline, Fitzwilliam, Greenville, Litchfield, Mason, Milford, New Ipswich, Pelham, Richmond, Temple, and Troy.*

EnergyNorth does not object to the intervention of Rindge and Winchester as to issues that are relevant to this docket. EnergyNorth objects to the intervention request of the remaining towns.

In support of this objection, EnergyNorth states as follows:

1. This docket involves EnergyNorth's request for authority to provide natural gas service to four towns in southwestern New Hampshire: Jaffrey, Rindge, Swanzey, and Winchester. The overarching issue is whether EnergyNorth "would be in a position to furnish reasonably safe and adequate, and in all other respects just and reasonable, gas service and facilities in" those towns. Order of Notice at 2.
2. Thirteen towns, including two of the four towns that are the subject of EnergyNorth's franchise request (Rindge and Winchester), filed a joint petition to intervene in this docket. EnergyNorth assents to the intervention of Rindge and

Winchester as to relevant issues, but objects to the intervention of the remaining towns because they cannot meet the intervention standard of RSA 541-A:32.

3. The statute governing intervention mandates intervention if the movant's "rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding," but grants the Commission discretion to determine whether others may intervene using the "interests of justice" standard. RSA 541-A:32, I and II.
4. The towns' petition seeks intervention under both the mandatory and permissive clauses of the statute. Since EnergyNorth agrees that Rindge and Winchester satisfy RSA 541-A:3, and thus assents to their intervention, the balance of this objection will focus on the appropriate limits to the intervention of Rindge and Winchester and on EnergyNorth's objection to the intervention of the remaining towns.
5. The remaining towns allege they have an interest in this proceeding for the following reasons:

Liberty has clearly stated its intention to grow its distribution system outside of its current franchise area and into new areas given the currently proposed NED project route. This filing is the first of many planned franchise expansion filings in the area directly adjacent to the NED Pipeline. Specifically, many Municipalities were identified as "new franchise potential" in DG 14-380 ....

Petition at 3 (footnote omitted).

6. The remaining towns conclude that they are "substantially affected by EnergyNorth's franchise expansion plans ... as part of a related petition requesting franchise expansion [Pelham] ... or as towns on the NED route and thus subject to future expansion." *Id.* (footnote omitted). These interests are insufficient to support intervention.
- 7.

8. Interests of the remaining towns will not be affected by an order in this docket. Their interests will be affected only when, and only if, EnergyNorth files a request to serve them. Each town presents unique issues related to a franchise request, so the resolution of this petition will not affect the rights of the remaining towns. The remaining towns can monitor this docket and file written comments or briefs that address their issues of concern. They have not, however, met the intervention standards of RSA 541-A:32. *See Clean Power Development*, Order No. 27,075 at 3 (Feb. 24, 2010) (denying the intervention request of a town, that was negotiating with a biomass developer, in a docket involving a dispute between that developer and the electric utility concerning a separate proposed biomass facility in another town).
9. Finally, EnergyNorth asks the Commission to articulate limits on issues that may be addressed. The scope of intervention in this docket should be limited to the noticed issue, “whether EnergyNorth would be in a position to furnish reasonably safe and adequate, and in all other respects just and reasonable, gas service and facilities in” those towns. Order of Notice at 2. EnergyNorth asks the Commission not to allow the introduction of other issues.

WHEREFORE, EnergyNorth respectfully requests that the Commission:

- A. Grant the petition to intervene of the Towns of Rindge and Winchester as to issues relevant in this docket; and
- B. Deny the balance of the petition to intervene; and
- C. Grant such other relief as is just and equitable.

Respectfully submitted,

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

By its Attorney,



Date: December 3, 2015

By: \_\_\_\_\_

Michael J. Sheehan #6590  
Senior Counsel  
15 Buttrick Road  
Londonderry, New Hampshire 03053  
Telephone (603) 216-3635  
[michael.sheehan@libertyutilites.com](mailto:michael.sheehan@libertyutilites.com)

Certificate of Service

I hereby certify that on December 3, 2015, a copy of this Motion has been forwarded to the service list in this docket.



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Michael J. Sheehan