

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY

Docket No. DE 16-241

Petition for Approval of Gas Infrastructure Contract with Algonquin Gas Transmission, LLC

**PARTIAL OBJECTION TO PETITIONS TO INTERVENE OF PIPE LINE
AWARENESS NETWORK OF THE NORTHEAST, INC. AND
THE NEW HAMPSHIRE MUNICIPAL PIPELINE COALITION**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA chapter 541-A, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “Company”), hereby partially objects to the petitions to intervene of Pipe Line Awareness Network of the Northeast, Inc. (“PLAN”) and the New Hampshire Municipal Pipeline Coalition (the “Coalition”).¹ Eversource does not object to the interventions of PLAN and the Coalition generally, but only to the extent that if they are permitted to intervene, the interests they represent must be identified with greater specificity, and their interventions should be appropriately limited in line with those interests. In support of its objection, Eversource states as follows:

1. February 18, 2016, Eversource filed a petition and supporting testimony seeking Commission approval of a 20-year contract between Eversource and Algonquin Gas Transmission LLC whereby Eversource would purchase natural gas capacity on the Access

¹ Eversource acknowledges that PLAN and the Coalition are separate entities. In light of the fact, though, that they share counsel in this case and that their petitions were identical in numerous respects, Eversource offers this combined objection relative to both entities. Eversource also believes that the Commission may be justified in requiring that PLAN and the Coalition combine their efforts throughout the proceeding to help avoid possible duplication and delay.

Northeast pipeline. On April 11, 2016 both PLAN and the Coalition timely petitioned to intervene in the docket.

2. Pursuant to RSA 541-A:32, I, the Commission “shall” grant a petition to intervene if the petitioner demonstrates that its “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.” Alternatively, pursuant to RSA 541-A:32, II, it “may” grant a petition if “such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.”

3. In its petition, PLAN alleged that it: exists to engage in legal and regulatory advocacy on behalf of its members; educates the public about fossil fuel infrastructure; and represents the economic and property rights of its members. PLAN Petition at ¶¶ 5-7. Eversource submits that the first grounds offered by PLAN for intervention – those relating to its general corporate purposes in advocacy and education – may provide some indication that PLAN is interested in the proceeding, but provide no basis upon which to grant intervention.² As to the latter ground – that relating to the representation of its members – PLAN does not identify or specify its membership, nor explain how or in what way it would represent the interests of those members. In a recent docket in which PLAN sought, and was granted, intervention, the Commission concluded that only those PLAN members who were customers of the utility who would be affected by the outcome of the proceeding had the right to be represented in the proceeding. *See Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,767 (March 6, 2015) in Docket No. DG 14-380 at 4. Moreover, the Commission

² As the Commission has stated “merely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding. . . . Merely expressing a concern about a relevant issue, no matter how well-intentioned, does not confer party status.” *North Atlantic Energy Corporation, et al.*, Order No. 24,007 (July 8, 2002) at 3, 6.

Agreement and its associated costs, to EnergyNorth and its customers.” *Id.*; *see also Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,861 (January 22, 2016) in Docket No. DG 15-494 at 2-4. In Eversource’s assessment, the same issues and concerns raised in the case of Liberty Utilities are applicable here and the same requirements and limitations should likewise apply. PLAN should be required to demonstrate that it represents members who are customers of Eversource, and to define what interests of those customers PLAN would represent, and the Commission should limit PLAN’s participation in line with those demonstrations, consistent with its prior orders.

4. With respect to the Coalition, its petition mirrors that of PLAN in numerous respects. The Coalition’s petition states, at the outset, that its members are the towns of Brookline, Fitzwilliam, Greenville, Litchfield, Mason, Milford, New Ipswich, Pelham, Richmond, Rindge, Temple, Troy, and Winchester and that the Coalition represents the interests of those member towns, “including health and welfare concerns.” Coalition Petition ¶ 1. Later in its petition the Coalition indicates that it represents both the identified towns, as well as the citizens of those towns individually. Coalition Petition at ¶ 6, 8. Accordingly, it is not clear from the petition whether the Coalition represents the interests of the towns, the individual citizens of the towns, or a combination thereof, nor is it clear whether or in what way the interests of the towns themselves may or may not align with those of the individual citizens. Additionally, it is unclear how, or if, the interests of the Coalition’s members overlap with or are duplicated by the members of PLAN. Eversource notes also that the limitations applied to PLAN by the Commission in the dockets and orders identified above were applied to the Coalition. *See Liberty Utilities*, Order No. 25,861 at 3-4. Accordingly, Eversource submits that

the Coalition should likewise be required to specify the scope of interests that it represents and that the Commission should limit the Coalition's participation as it has in prior dockets.

5. In addition, the Commission has recently recognized that with respect to requests for intervention on the basis of an interest in policy (which appears to be at least part of the reasoning underlying the petitions of PLAN and the Coalition), "all Commission rulings regarding such petitions implicate matters of policy of some interest" to some party, and allowing interventions on the basis of such policy concern would "result in unwarranted administrative burden." *Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,864 (February 4, 2016) at 3-4; *see also, PNE Energy Supply, LLC, et al. v. PSNH d/b/a Eversource Energy*, Order No. 25,881 (April 8, 2016) at 4 (stating that "generalized concerns and generic interests" did not warrant intervention). Therefore, Eversource would also request that to the extent PLAN and the Coalition are permitted to participate, they be limited to representation on matters of direct interest to them and their members, and not on the basis that they may have some interest, generally, in matters of policy.

WHEREFORE, Eversource respectfully requests that the Commission:

- A. Require PLAN and the Coalition to identify, with specificity, the interests they represent;
- B. Limit the participation of PLAN and the Coalition as described above; and
- C. Order such further relief as may be just and reasonable.

Respectfully submitted this 13th day of April, 2016.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY


By: 

Matthew J. Fossum
Senior Counsel
Eversource Energy Service Company o/b/o
Public Service Company of New Hampshire d/b/a Eversource Energy
780 N. Commercial Street
Manchester, NH 03101
603-634-2961
Matthew.Fossum@eversource.com

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

April 13, 2016
Date


Matthew J. Fossum