

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

DG 17-152

Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities

Least Cost Integrated Resource Plan

**INTERVENOR, TERRY CLARK'S, RESPONSE TO
LIBERTY UTILITIES' JUNE 28, 2019 FILING AND CORRESPONDENCE**

Intervenor, Terry Clark (“Clark”), by and through undersigned counsel, Richard M. Husband, Esquire, hereby respectfully responds to the June 28, 2019 filing, including cover letter (“Filing”), by Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities (“Liberty”), which was not only not authorized by the Commission but plainly violates its April 30, 2019 filing deadline in [Order No. 26,225 \(Mar. 13, 2019\)](#).¹ Obviously the Filing should not be considered then but, for the reasons expressed below, the Liberty [LCIRP](#) at issue would still be inadequate and non-compliant with R.S.A. 378 requirements and the directives of [Order No. 26,225 \(Mar. 13, 2019\)](#) even if considered. Accordingly, the Commission should grant the requests for findings of non-compliance in the pending Clark and Conservation Law Foundation (“CLF”) motions.² Moreover, pursuant to Clark’s request for just and appropriate relief,³ Liberty’s [LCIRP](#) approval should be denied under [R.S.A. 378:39](#) now, as the planning and process *sub judice* are clearly irreparably flawed and violate

¹ As such, Clark need not file a motion or pleading of any kind to respond to the Filing as it holds no legal filing status of any kind. Clark files this response to establish a record as to his position on the Filing, including his attempt to convince the Commission that it should consider it the last straw of the burden that has become this proceeding, and terminate the matter by summary denial or other appropriate determination under [R.S.A. 378:39](#).

² [Intervenor, Terry Clark's, Objection to, and Motion to Strike, Liberty's Supplemental Filing](#) and [Conservation Law Foundation Motion to Find Liberty's April 30 Supplement Filing Non-Compliant](#), respectively.

³ [Intervenor, Terry Clark's, Objection to, and Motion to Strike, Liberty's Supplemental Filing](#), Prayer for Relief “B.”

the letter and spirit of the planning statutes, and the subject [LCIRP](#) is otherwise unapproval on its face. Under no circumstances should Liberty be allowed to make the Filing or any other filing, as the “planning” under the [LCIRP](#) is patently unacceptable, and this docket is broken.

This Proceeding Cannot be Salvaged

1. The Filing was Liberty’s third failed attempt to address minimum mandatory statutory filing requirements for this proceeding, commenced over 21 months ago, which requests Commission approval of Liberty’s five-year “Least Cost Integrated Resource Plan,” or [LCIRP](#). While the Filing comes much closer to meeting the R.S.A. 378 filing requirements for such plans, it still falls short in several obviously fatal respects.⁴ Liberty should not be given yet a fourth opportunity to try and prop up this proceeding, as there is nothing viable on the table.

2. Liberty’s first attempt to address the filing requirements for its [LCIRP](#)—the only time they could have been met under R.S.A. 378—came with the initial plan filing with the Commission, on October 2, 2017. Although the Commission’s order approving Liberty’s last plan, [Order No. 25,762 \(February 9, 2015\)](#), had directed Liberty to “address all of the statutory elements of RSA 378:38 and RSA 378:39 in its plan development in a granular way, so that reviewing parties may track the correspondence of the plan with the relevant statutory standards,” Liberty’s October 2, 2017 filing did not include impact assessments and other information required under [R.S.A. 378:38, V and VI](#) and [R.S.A. 378:39](#).

3. Liberty’s second attempt at addressing plan filing requirements followed the Commission’s recognition of the utility’s non-compliance. Four days after the order allowing his intervention, Clark filed a [motion to dismiss](#) the case on the basis that Liberty’s [LCIRP](#) is

⁴ The Filing falls short in content, not length. A 101 page filing such as the Filing should have been more than sufficient to cover the required content—it probably could have been covered in far fewer pages—; Liberty just chose to spend the bulk of its “assessments” on favorable comparisons and discussions, some irrelevant, rather than the actual statutory requirements.

inconsistent with New Hampshire law on its face because it is contrary to the public interest and does not comport with the state’s official energy policy and requirements for approvability under [R.S.A. 378:37](#).⁵ Clark believes this to be most plainly because of the plan’s climate impacts, but also because of potential health and safety concerns, and obvious stranded costs associated with the plan.⁶ The Commission denied dismissal, but found Liberty’s filing to be inadequate under [Order No. 26,225 \(Mar. 13, 2019\)](#) for failing to include statutorily required information (relevant to the issues raised by the motion to dismiss), and “ORDERED, that Liberty shall supplement its LCIRP filing to address the requirements and issues set forth in RSA 378:38, V and VI and RSA 378:39, by no later than April 30, 2019.” [Id. at 6-8](#).

4. Liberty made a supplemental filing as directed by [Order No. 26,225 \(Mar. 13, 2019\)](#) on April 30, 2019, but it boiled down to a handful of non-substantive pages, *see* [here](#), [here](#), and [here](#), which were immediately challenged as clearly non-compliant by the Clark and CLF motions referenced in Footnote 2 above, by the [OCA's May 20, 2019 letter](#), and by Staff and every party speaking on the issue at the next technical session, on May 23, 2019. The result of the technical session was that Liberty agreed to provide Staff with yet another supplementation, which Clark objected to, arguing that the April 30, 2019 deadline for supplementation under [Order No. 26,225 \(Mar. 13, 2019\)](#) had expired and the Commission had not granted (and should not grant) another extension, especially since (as had been noted by the OCA at the session) all filings subsequent to the initial filing are just “back-filling” the “plan,” which obviously does not comport with the actual *planning* requirements under R.S.A. 378. Thus, also believing that the

⁵ [R.S.A. 378:37](#) is the “subdivision” a plan must be consistent with under a [R.S.A. 378:39](#) review. *See id.* (“The commission shall review integrated least-cost resource plans in order to evaluate the consistency of each utility's plan with this subdivision ...”).

⁶ *See, e.g.*, [Clark’s motion to dismiss, ¶¶ 27-36](#).

plan must ultimately be found unapprovable on its face as being inconsistent with New Hampshire law, Clark agreed with the OCA's suggestion that Liberty should start over:

“... Liberty should consider whether it would be a prudent use of all parties' resources (and those of the Commission) for the utility to go back to the LCIRP drawing board. Given the current state of this proceeding, there is a significant risk that the Commission will, after the extensive litigation contemplated by the procedural schedules in both dockets through the end of 2019, be compelled to reject the current edition of the LCIRP and thus decline to approve the Granite Bridge project.”

See [OCA letter at 3](#).

5. At the June 21, 2019 technical session, Liberty reaffirmed its intention to file a second supplementation, by June 28, 2019, and Staff requested party input on the content of the Filing by June 26, 2019, without prejudice to the parties' positions on pending motions and with the understanding that parties could respond to Liberty's submission. Clark circulated his initial thoughts on what should have been in Liberty's initial filing by e-mail on June 21, 2019, then circulated a superseding list, by e-mail, on June 24, 2019. The Filing appears to have attempted to address some of the deficiencies raised in Clark's list, but generally only with respect to favorable comparisons (gas versus gas or gas versus oil), not all that are called for under R.S.A. 378, and has several glaring, fatal flaws—specifically:

- A. The Filing still does not provide the full option assessments required under [R.S.A. 378:38](#) and [R.S.A. 378:39](#), as discussed in Clark, CLF pleadings, and OCA filings. See [Intervenor, Terry Clark's, Objection to, and Motion to Strike, Liberty's Supplemental Filing](#); [Intervenor, Terry Clark's, Reply to Liberty's Objection to Motion to Strike Supplemental Filing](#); [Conservation Law Foundation Motion to Find Liberty's April 30 Supplement Non-compliant](#); [OCA's May 20, 2019 letter](#). Liberty has only

really provided a “two option” assessment, *see* [Filing at Bates 026](#), which is plainly inadequate under the statutes, on its face. Most glaring is the lack of any considered option potentially incorporating renewables into Liberty’s planning to any degree, as required by [R.S.A. 378:38, III](#), even though much of the “energy need” being addressed by Liberty’s expansion plans and Granite Bridge Project will not arise for five, 10, 15 or even 20+ years down the road: we plainly do not have to permanently install natural gas infrastructure in place right now to “meet” such a purely speculative “need”—which is likely, in fact, to greatly dissipate if not entirely disappear with the actual real need for climate mitigation—and renewables clearly should be included in any planning for future energy needs at this point in time, in any event;

- B. The Filing still failed to include the proposed Epping LNG facility in its assessments, despite the impropriety of the omission being raised by Clark and others at the May 23, 2019 and June 21, 2019 technical session, and in Clark’s pleadings. *See discussion* in [Intervenor, Terry Clark’s, Reply to Liberty’s Objection to Motion to Strike Supplemental Filing](#). The LNG facility’s impacts had to be considered in Liberty’s [LCIRP](#), and Liberty’s refusal to include them, after several opportunities, statutory and Commission mandates, is inexplicable and, frankly, bad faith. There is no justification for withholding statutorily required information for environmentally and health impactful project infrastructure, clearly

serving as the pulse of the plan and scheduled for approval within the life of the plan, from the plan;

- C. The Filing still failed to assess the obvious stranded cost issue which is apparent on the face of the plan and repeatedly raised in Clark's pleadings. At this point in time, all natural gas utility plans should include pricing out projects with a lifetime not exceeding 2040, to provide a more accurate projection of the likely cost of projects, factoring in the need for a cessation of all natural gas use by the 2040-2050 time frame to address climate change;
- D. The Filing's reliance on inaccurate data for its emissions impact assessments renders its entire discussion of this critical topic meaningless. Natural gas's methane warms the planet roughly 84-87 times as much as carbon dioxide for the first couple of decades after its use, for a growth warming potential (or "GWP") of 84-87 for that timeframe. This is according to the EPA and is consistent with the findings of the Intergovernmental Panel on Climate Change (author of last fall's [United Nations report](#)).⁷ Yet, without any cited support, the Filing relies on a GWP of only 25 for all methane emissions impacts provided in the Filing.

⁷ See EPA discussion "Understanding Global Warming Potentials" at <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials> (methane has 20-year GWP of 84-87 and 100-year GWP of 28-36); see also "[Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking \(Unconventional Gas and Oil Extraction\)](#)" by Physicians for Social Responsibility (Sixth Edition, June 2019), pp. 22-23 (citing, in Footnote 1045, IPCC. (2013). Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T. F., D. Qin, G. - K. Plattner, M. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex & P. M. Midgley (eds.)]. Cambridge, United Kingdom and New York, NY, USA: Cambridge University Press. doi: 10.1017/CBO9781107415324).

See [Filing at Bates 066](#) (“note that we convert methane into equivalent CO2 impacts by taking methane’s global warming potential to be 25 times that of carbon dioxide’s”). As the Filing only covers emission predictions for the first 21 years of Liberty’s expansion plans, see [Filing at Bates 033](#), all of the emissions the Filing considers clearly fall within the time frame when the emissions should have been calculated by using a GWP of 84-87, not 25—meaning all of the methane emission climate impacts in the Filing are underestimated by about 3.5 times their actual impact. Moreover, the 21-year limitation on the “long-term” impacts of the Granite Bridge Project is also flawed. The long-term assessment should have covered the entire lifetime of the project, *i.e.*, to at least 2077, as emission and other impacts will obviously continue through at least then, and there is nothing in R.S.A. 378 limiting impact assessments under a plan to 21 years if the impacts are actually longer. See [R.S.A. 378:38, VI](#) and [R.S.A. 378:39](#). Also, again, the LNG facility emissions and other impacts should have been included in the emissions (and other) impact analyses. While these flaws are clearly issues of reliability and credibility for the hearing in this matter, they also render Liberty’s R.S.A. 378 emissions assessments unusable, and therefore inadequate;

- E. The Filing fails to provide address the clear Commission concern for a granular assessment of the potential specific “hidden costs” and other impacts to New Hampshire associated with Liberty’s expansion plans.

At the outset of this case, the Commission noted that R.S.A. 378 requires a thorough assessment of New Hampshire impacts:

“By their own terms, the statutes require a focus on how Liberty’s plans would affect the State of New Hampshire and its citizens.”

[Order No. 26,134 \(May 11, 2018\) at 4](#). By its subsequent supplementation order, the Commission clearly focused at least part of this inquiry on the “enormous, largely hidden, costs” to New Hampshire of methane use, including “potential cost impacts [to] ... tourism and agriculture ... adverse effects on public health and insurance, on seacoast towns and homes, and on taxpayers and ratepayers” that had been raised in Clark’s pleadings but not addressed in Liberty’s [LCIRP](#). [Order No. 26,225 \(Mar. 13, 2019\) at 2](#). *See also* [Intervenor, Terry Clark’s, Motion to Dismiss and for a Moratorium on Gas Expansion Plans, ¶ 30](#). Liberty’s subsequent authorized April 30, 2019 supplemental filing did not adequately assess potential New Hampshire impacts, and neither would the unauthorized Filing. The utility’s avoidance of the requirements is understandable for, when the hidden costs of methane use are properly assessed, as discussed further below, Liberty’s expansion plans clearly do not provide the “lowest reasonable cost” option to meet the energy needs of the state under [R.S.A. 378:37](#). However, the avoidance is fatal to the analysis and assessments required under R.S.A. 378 and the Commission’s orders; and

F. Again, Liberty’s “plan” involved no planning.

6. The OCA recently summed up the problem with Liberty’s “planning” and the state of this docket in an e-mail likening the process that has been followed to

“a high school English class in which a student is given opportunity after opportunity to improve her essay about her favorite Thomas Hardy novels until she gets an A ...”

Clark could not agree more. Under R.S.A. 378, Liberty was required to submit a “Least Cost Integrated Resource Plan.” Liberty’s [LCIRP](#) is clearly not “Least Cost” because of all the hidden costs of methane use, as discussed below and throughout Clark’s pleadings. Liberty’s [LCIRP](#) is plainly not “Integrated,” as it only contemplates and provides for a single fuel source use. No “Plan” led to the Granite Bridge Project: it was a pre-determined outcome now being supported solely by post-filing “logic” and “assessments,” as needed to get that ‘A.’” Again, as aptly put by the OCA:

“...[T]he Liberty LCIRP as originally filed is very much a disquisition on how the utility reached the conclusion that a new pipeline along the Route 101 corridor, a 2 billion cubic foot liquefied natural gas storage tank in Epping, and wholesale contracts making use of those facilities are the only plausible strategic course for this utility.”

[OCA's May 20, 2019 letter, p. 2](#). Liberty did not submit the required LCIRP, it submitted only an “R” and, as such, its plan cannot be approved under [R.S.A. 378:39](#).

**If We are Serious about Addressing the Climate Crisis,
this Proceeding Cannot be Maintained**

7. In any event, even if Liberty’s filings were deemed adequate and the process not fatally flawed, Liberty’s plan is unapprovable on its face under [R.S.A. 378:39](#) in light of last fall’s 700+ page [United Nations report](#) and other studies on climate change, and the clear enormous stranded costs that will arise under the plan due to the compelling, unavoidable need and rising will to address the crisis.⁸ If we are at all serious about responsibly addressing climate change, we cannot seriously consider the [LCIRP](#), and need to put utilities on notice, right now, that they are going to have to come in the door with more thought-out, responsible plans.

⁸ For other relevant climate studies, see [Intervenor, Terry Clark’s, Motion to Dismiss and for a Moratorium on Gas Expansion Plans, ¶ 7](#).

8. When the hidden environmental, economic and health-related costs of natural gas use are properly assessed, including those associated with climate change and stranded costs, Liberty’s [LCIRP](#) clearly does not provide the “lowest reasonable cost” option to meet the energy needs of New Hampshire consistent with [R.S.A. 378:37](#), and [R.S.A. 378:39](#) clearly requires that determination:

“378:39 Commission Evaluation of Plans. –

The commission shall review integrated least-cost resource plans in order to evaluate the consistency of each utility's plan with this subdivision, in an adjudicative proceeding. In deciding whether or not to approve the utility's plan, the commission shall consider potential environmental, economic, and health-related impacts of each proposed option ...”

Id. Again, the “subdivision” referred to under [R.S.A. 378:39](#) is obviously [R.S.A. 378:37](#), *see* Footnote 5, *supra*, which provides a multi-faceted state energy policy requiring consideration of several, sometimes conflicting concerns, but clearly demands that energy decision-making be made at the “lowest *reasonable* cost,” (emphasis added) not just to ratepayers, but to the “citizens and businesses of the state”.⁹

“378:37 New Hampshire Energy Policy. – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.”

Only two considerations might weigh in favor of Liberty’s expansion plans under the required [R.S.A. 378:37](#) analysis, the “reliability” of natural gas as an energy resource and the utility’s

⁹ The entirety of the “citizens and businesses of the state” are obviously the intended objects and beneficiaries of the policy provided by the statute, not just “ratepayers”—the term “ratepayers” is not even used in the statute. Construing the statute to require consideration of costs to all citizens and businesses, not just ratepayers, is also consistent with the Commission’s duty to act in the interests of the public at large, not just ratepayers. *See* [Intervenor, Terry Clark’s, Motion to Dismiss and for a Moratorium on Gas Expansion Plans, ¶ 5](#).

“financial stability,” but these two factors cannot reasonably be read to outweigh the *public need*, and consequent Commission duty, to meet the climate crisis.¹⁰

9. Some of the important takeaways from the [United Nations report](#):

- While our carbon budget has a bit more in it than previously thought, we are in a desperate situation with climate change. Currently at only 1°C global warming, we are on a path for 3°C warming by 2100, with continuing warming afterwards;
- We will be much worse at even 1.5°C warming, with substantial increases in climate-related harms to health, food and water supplies, livelihoods, economic growth and human security;
- Just a half a degree increase from 1.5°C to 2°C global warming will significantly increase the risks and harms of droughts, floods, extreme heat and other climate-related events;
- We have only until about 2030 to reduce emissions sufficiently to limit global warming to 1.5°C, and only then if we cut emissions by about 45% from 2010 rates (which have gone up since then), which will require an incredibly ambitious, united, sustained worldwide effort. Even then, to

¹⁰ There is no reason to believe that natural gas, with its finite resources and price volatility, will be any more “reliable”—price or availability wise—as an energy source going forward than wind, solar or other forms of sustainable energy. Moreover, utilities must be profitable to be financially stable, but Liberty has offered no evidence that it is not profitable and will not continue to be profitable without expansion. Expansion, with the infrastructure investments it brings, like the \$440+ million Granite Bridge Project, clearly only goes to *more* profit for shareholders—to be skimmed off the top—which shareholders may *want*, but do not need or use to operate the company. On the other hand, the Commission must address the climate crisis in its decision-making as it must act in the public interest. See [Intervenor, Terry Clark’s, Motion to Dismiss and for a Moratorium on Gas Expansion Plans, ¶¶ 5-8](#).

limit global warming to 1.5°C, we will have to achieve net-zero in human-caused emissions by about 2050;

- *Everything* we do to mitigate warming will be beneficial as every fraction of a degree will make a difference.

See [Summary for Policymakers](#) and [October 8, 2018 IPCC Press Release](#).

10. “**Every extra bit of warming matters ...**” [October 8, 2018 IPCC Press Release](#) (quoting Hans-Otto Pörtner, Co-Chair of IPCC Working Group II)(emphasis added). Any responsible plan to combat climate change requires that we make decisions that way, particularly as we cannot precisely predict exact “tipping points” to worse plateaus in warming. **However, Liberty’s expansion plans make a mockery of what should be our mantra**, piling on, rather than reducing, methane emissions, for *beyond the next 20 years*,¹¹ by targeted, continuing, sustained customer growth, increasing total demand (and resulting GHG emissions) by about 40-50% for that period,¹² and subsidizing Liberty’s continuation of those emissions into nearly the next century—all fueled by the Granite Bridge Project.¹³

11. As discussed in Clark’s motion to dismiss, the failure to address climate change will come at tremendous costs to New Hampshire, including losses suffered by our tourism, sugar and dairy industries, agriculture, seacoast homeowners and towns, increased health costs and taxpayers and ratepayers saddled with the remedial costs of addressing storms, droughts and

¹¹ Per the Filing, Liberty, “by 2037/2038, still anticipates adding over 1,000 residential customers and over 200 C&I 20 customers per year.” [Direct Testimony of Paul J. Hibbard \(June 28, 2019\) at Bates 030](#).

¹² See [Intervenor, Terry Clark’s, Objection to, and Motion to Strike, Liberty’s Supplemental Filing, ¶¶ 11-12, 16](#).

¹³ See [Petition to Approve Firm Supply and Transportation Agreements and the Granite Bridge Project, ¶ 4](#) (“The problem addressed in this petition is that EnergyNorth’s growth will soon exceed the capacity of the Concord Lateral. Absent an alternative, EnergyNorth will have to impose a moratorium on further expansion ...”).

other weather events associated with climate change. See [Intervenor, Terry Clark’s, Motion to Dismiss and for a Moratorium on Gas Expansion Plans, ¶ 30](#); see also [August 2016 EPA publication: What Climate Change Means for New Hampshire](#). All such losses should be quantified and factored in our decision-making as much as possible, and some have been quantified and must be factored in here.

12. For example, the Filing acknowledges that natural gas (methane) emissions contain particulates and other potentially harmful pollutants which may cause or exacerbate health problems, including asthma, and premature deaths. See [Direct Testimony of Paul J. Hibbard \(June 28, 2019\) at Bates 026-029](#). New Hampshire has one of the highest asthma rates in the country, with approximately 110,000 adult and 25,000 child asthma sufferers. See page 22 of “Greater Manchester, New Hampshire Health Improvement Plan” online at <https://www.manchesternh.gov/Portals/2/Departments/health/GManCHIP.pdf>. Our Department of Environmental Services (“DES”) estimates that one asthma- or heat-related emergency room visit averages \$440.00, and **each premature death results in \$9.35 million in costs**—again, this is acknowledged by Liberty itself. See [Direct Testimony of Paul J. Hibbard \(June 28, 2019\) at Bates 029](#). **The health impacts from particulates and ozone alone cost New Hampshire nearly \$4 billion for just the three-year period 2013-2015.** *Id.* We know that more health harms, including premature deaths, are “in the pipeline” (pun intended)—others have made that assessment:

“[I]n New Hampshire, the projected increase in the frequency of hot days ... and the associated increase in heat stress will likely lead to more heat injuries and deaths. Based on the assumption that the mortality rate is related to the projected increase in the number of days where maximum temperature is greater than 95oF and using the conservative 2012 New York City base rate of 0.11 deaths per 100,000, the fatality rate could

increase more than an order of magnitude across New Hampshire by the end of the century under the high emissions scenario ...”

[Climate Change and Human Health in New Hampshire, an Impact Assessment, p. 8](#) (University of New Hampshire Sustainability Institute).

13. Moreover, we know that climate change will cost New Hampshire billions more in property damage. One study has found that **it will cost just three New Hampshire coastal towns between \$1.9 and \$2.9 billion to address the impacts of climate change.** *See*

[“Changing Tides How Sea-Level Rise Harms Wildlife and Recreation Economies Along the U.S. Eastern Seaboard,” p. 23 \(2016 National Wildlife Federation\).](#)

14. When the billions in environmental, health and other impacts are added up, natural gas is plainly not so cheap, and [R.S.A. 378:39](#) instructs that the Commission should try to quantify, but must consider, whether quantified or not, all such impacts as are possible:

“... In deciding whether or not to approve the utility's plan, the commission shall consider potential environmental, economic, and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies, alternative and renewable fuel industries, and other organizations in evaluating such impacts ...”

Id.

15. Liberty’s [LCIRP](#) must be rejected on its face, or we send the wrong message—not just to utilities, but to the citizens, businesses, decision-makers and other “planners” of New Hampshire. We cannot be increasing, when we must decrease, emissions. We should not be committing to decades of fossil fuel use when we must transition to renewables as soon as possible. There will tough decisions going forward with natural gas planning, but this is not that case: this is the easy one, and it should be disposed of that way. A statutorily mandated "plan" which involved no planning—only back-filling justification for a pre-determined outcome—

which opposes all authority and common sense, which rejects the need to address an immediate crisis and exacerbates environmental, health and economic harms to New Hampshire potentially *ad infinitum*, which will clearly lead to enormous stranded costs, and which provides as its only bankable benefit (gas prices are volatile) yet another enormous subsidy to a utility—this time to the tune of nearly half a billion dollars—should be considered unapprovable on its face under all rational interpretations of what is called for under applicable New Hampshire statutes and policies, and the Commission's charge.

16. As previously noted, the Commission and parties do not have to labor through a full proceeding on a filing that presents the same approvability as a napkin. See [Intervenor, Terry Clark's, Reply to Liberty's Objection to Motion to Strike Supplemental Filing, ¶ 12](#). The Commission has the power to summarily deny approval under [R.S.A. 378:39](#), either because the planning process was fatally flawed and Liberty's filings inadequate or because Liberty's expansion plans are inconsistent with [R.S.A. 378:37](#) on their face—or for both reasons. The Commission has, and should employ, the power to police and maintain the “orderly and efficient conduct” of its dockets, *see generally* [Commission rules](#), by terminating this proceeding now, as there is no discovery, no testimony, no evidence at any final hearing in this matter, which can make Liberty's expansion plans approvable.

17. **“Every extra bit of warming matters ...”**¹⁴ Liberty needs to start thinking that way and come in with a new [LCIRP](#) that properly prices infrastructure for use terminating at 2040 and incorporates renewables (and more energy efficiency) into the transition. This is going to take a united, *immediate* effort.

Respectfully submitted,

¹⁴ [October 8, 2018 IPCC Press Release](#) (quoting Hans-Otto Pörtner, Co-Chair of IPCC Working Group II)(emphasis added).

Terry Clark,

By his Attorney:

Dated: July 8, 2019

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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 8th day of July, 2019, submitted seven copies of this pleading to the Commission by hand delivery, with copies e-mailed to the petitioner and the Consumer Advocate. I further certify that I have, on this 8th day of July, 2019, served an electronic copy of this pleading on every other person/party identified on the Commission's service list for this docket by delivering it to the e-mail address identified on the Commission's service list for the docket.

//s//Richard M. Husband, Esquire
Richard M. Husband, Esquire