

**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, WITHDRAWAL OF PLEADINGS**

Intervenor, Terry Clark (“Clark”), by and through counsel, Richard M. Husband, Esquire, hereby respectfully withdraws his [response to the Settlement Agreement](#) and his [objection](#) to the [Motion for Rehearing of Order No. 26,684](#) (“Motion”) filed by the Office of the Consumer Advocate (“OCA”) on September 29, 2022, on grounds as follows:

1. In paragraphs 38 and 39 of his [response to the Settlement Agreement](#), Clark identified terms that he agreed would address concerns specific to that pleading. Liberty’s [new LCIRP](#) for the planning period 2022/2023 through 2026/2027 just became available online late afternoon yesterday. A review of the same indicates substantial compliance with Clark’s proposed terms and amelioration of his underlying expansion/emission concerns by at least the following:
  - The [new LCIRP](#) includes Keene, does not plan natural gas expansion for the franchise during the planning period (Table 25) and will “investigate the development and deployment of renewable energy solutions at the CNG/LNG site using RNG and hydrogen as these fuels become more economically viable and easier to procure.” See [new LCIRP](#) at 45-48;
  - The contemplated DG 21-008 system enhancements are included, see [new LCIRP](#) at 52, allowing for planned use of the gas supply approved under that docket in a manner that should result in less infrastructure and fewer

new customers creating a demand for greater natural gas supplies if the Commission's recently expressed concerns are met. See [Order No. 26,684 \(September 14, 2022\)](#) at 4-6 (discussing Commission's "significant interest" in rising supply costs and rate base and need for planning to reduce both);

- Demand projections have been lowered. Compare [new LCIRP](#) at 30-31 with pending [LCIRP](#) at 32;
- The [new LCIRP](#) requests no incremental natural gas supplies. See *id.* at 38.

The above, together with Liberty's representations of commitment to 2050 net-zero planning and need for the recommendations to meet that commitment at the final hearing, see [Transcript of final hearing held August 18, 2022](#) at 248:14-15, provide not only sufficient remedial measures for Clark to withdraw his specific concerns regarding the [Settlement Agreement](#), but also reason for Clark to support the agreement as a final resolution of the matter: there is still obviously much to be done to avoid disaster, but at least and at last the *Titanic* is changing course.

2. While the recommendations could be approved outside of the [Settlement Agreement](#), approval by an agreement resolving all issues is preferable as it would bring finality and allow the parties and Commission to move on with certainty of the results.
2. Consequently, Clark withdraws his [response to the Settlement Agreement](#) and his [objection](#) to the OCA's [Motion for Rehearing of Order No. 26,684](#) and states that he will support approval of the [Settlement Agreement](#), including approvability

under [RSA 378:39](#), as his [RSA 378:37](#) consistency concern will have been met—  
so long as the recommendations of Section 2.3 of the agreement are not altered or  
stricken by the Commission, and the planning for Keene and the DG 21-008  
system enhancements remain under the [new LCIRP](#) and are not considered  
approved and removed from the [new LCIRP](#) by the approval of the [Settlement  
Agreement](#). Any final order to the contrary would not adequately address Clark’s  
concerns. Again, approval of the recommendations would only adopt the  
standard of service that Liberty must be held to under the circumstances. *See*  
Clark’s [summary statement](#), Positions 2 and 3. While the Commission has  
rejected the approval of such recommendations for Northern Utilities, Inc. in  
[Docket No. DG 19-126](#), the special circumstances of this case compel their  
adoption for Liberty’s filings.

WHEREFORE, for the reasons expressed, Clark respectfully moves that the Commission:

- A. Withdraw [Intervenor, Terry Clark's, Response to Settlement Agreement](#) and  
[Intervenor, Terry Clark’s, Objection to the Office of the Consumer  
Advocate’s Motion for Rehearing of Order No. 26,684](#); and
- B. Provide such other and further relief as is just and proper.

Respectfully submitted,

Terry Clark,

By his Attorney:

Dated: October 7, 2022

//s//Richard M. Husband, Esquire  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have, on this 7th day of October, 2022, served an electronic copy of this pleading on every other person/party identified on the Commission's service list for this docket by delivering the same to the e-mail address identified on the Commission's service list for the docket.

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