

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

DG 17-152

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

Petition to Approve 2017 Least Cost Integrated Resource Plan

**PETITION TO INTERVENE
OF PIPE LINE AWARENESS NETWORK FOR THE NORTHEAST, INC.**

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice ("Order") dated February 8, 2018, N.H. Code Admin. Rules Puc 203.17, and RSA 541-A:32, Pipe Line Awareness Network for the Northeast, Inc. ("PLAN") hereby respectfully petitions for leave to intervene in the above-captioned proceeding. In support of its petition, PLAN states the following:

1. On October 2, 2017 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities ("Liberty") filed with the Commission a petition for approval of its 2017 Least Cost Integrated Resource PLAN ("LCIRP").
2. As set forth in the petition, the LCIRP is for the planning years 2017/2018 through 2021/2022 and "sets forth a resource plan to meet its expected customer requirements using currently accepted planning processes, standards, and methods." *See* LCIRP at Bates 5.
3. As set forth in the Order, this proceeding will require the Commission to address issues related to, *inter alia*, RSA 378:38 and RSA 378:39, as recently amended by the Legislature; and whether Liberty's 2017 LCIRP filing adequately addresses the Commission's requirements set forth in Order No. 25, 762.

4. New Hampshire Code of Administrative Rules, Puc 203.17 states that the Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32. Pursuant to RSA 541-A: 32 I (b) and (c), a petition *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition qualifies under any provision of the law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. Alternatively, RSA 541-A:32 II states that the Commission *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.”
5. PLAN is a not for profit corporation organized exclusively for charitable, scientific, and educational purposes. PLAN is incorporated in Massachusetts and registered to do business in the state of New Hampshire.
6. PLAN’s mission is to prevent the overbuild of fossil fuel infrastructure in the Northeastern United States and to champion clean, sustainable energy solutions.
7. A primary purpose of PLAN – as set forth in its organizational documents – is to engage in legal and regulatory advocacy on behalf of its members in connection with fossil fuel infrastructure and its alternatives. PLAN is also dedicated to educating the public about fossil fuel infrastructure and the alternatives; protecting the environment, climate, and public health from proposed and existing fossil fuel infrastructure; promoting efficiency measures, expansion of programs that manage “peak use”, and

other lower impact energy solutions; and promoting, coordinating and assisting the activities of other organizations and groups whose purposes are similar.

8. PLAN is a broad-based and diverse coalition whose members include customers and ratepayers of Liberty in New Hampshire, residents of communities in which Liberty operates franchises, and residents of communities in which Liberty has proposed franchises or has proposed infrastructure development.
9. Liberty states that the primary goal of its planning process “is to acquire and manage resources that provide reliable service under various demand scenarios while focusing on a best-cost resource portfolio for its customers.” *See* LCIRP at Bates 7. As a representative of ratepayers ultimately affected by this proceeding, PLAN is entitled to participate in the Commission’s review of Liberty’s assertion that the LCIRP presents the “best-cost” resource portfolio. Members of PLAN represent the “customers” to which Liberty refers; as such, PLAN and its members will be subject to any rate and cost implications that may result from the implementation of the LCIRP and will be substantially and specifically impacted by the demand-side/energy efficiency programs and supply choices that Liberty proposes. The LCIRP as presented and approved will be determinative as part of any future rate or supply approval request and ultimately will be a significant factor in the development of demand-side/energy efficiency programs and supply choices and associated rates charged by Liberty to PLAN’s ratepayer members; therefore, the Commission’s determination of the LCIRP will have a *de facto* impact on the rights and interests of PLAN’s members.

10. As end users who will be financially impacted by the outcome of this proceeding, the individual members of PLAN would have a *per se* right to intervene in this action and accordingly, intervention by PLAN on its members' behalf is therefore proper in this case. *See Reconciliation of Energy Service and Stranded Costs for Calendar Year 2012*, Docket No. 13-108, 2013 N.H. Puc. LEXIS 105, *4 (July 9, 2013) (“We find that the substantial interests of [the Conservation Law Foundation] may be affected by this proceeding, through its members that are [] ratepayers.”); *Petition for Approval of Power Purchase Agreement with Laidlaw Berlin Biopower, LLC*, Docket No. 10-195, 2010 N.H. Puc. LEXIS 97, *14-15 (October 15, 2010) (ratepayers affected by the costs incurred from power agreements granted intervention on mandatory basis); *Petition for General Rate Increase Order Approving Procedural Schedule*, Docket No. 99-057, 1999 N.H. Puc LEXIS 62, *5 (August 12, 1999) (representative of constituents affected by rate changes granted full intervener status).
11. Intervention will allow PLAN to protect their interests in the financial impacts resulting from the LCIRP. Intervention will serve the interests of justice and will not impair the orderly and prompt conduct of the proceedings, and therefore PLAN seeks to participate as a full intervenor in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs.
12. The Commission previously granted intervention on behalf of PLAN's members who were also Liberty customers in the DG 14-380 and DG 15-494 proceedings, noting that those customers would bear the costs should the respective precedent agreements be approved. The determination that PLAN's members met the intervention standard of RSA 541 –A:32, I (b) in DG 14-380 and DG 15-494 is appropriate in the present

case as well. Liberty states that a “best-cost portfolio appropriately balances costs with [Liberty’s] planning objectives, which are to maintain reliability and supply security, provided contract flexibility, and promote the acquisition of viable resources” and that “[p]ursuit of a best-cost portfolio allows [Liberty] to provide its customers with reliable service at the lowest reasonable cost.” *See* LCIRP at Bates 7. It will be PLAN’s members, as existing customers of Liberty, who will bear the costs (and suffer the impacts) of the resource decisions as set forth in the LCIRP, if approved by the Commission.

13. Based on the above, it is clear that the rights, privileges and interests of PLAN and its members will be directly and substantially impacted by this proceeding in their capacity as ratepayers of Liberty.

14. Alternatively, the facts and circumstances surrounding Liberty’s petition establish that PLAN’s intervention should be granted pursuant to the Commission’s discretionary authority under RSA 541-A32 II. PLAN has timely requested intervention in this proceeding, and PLAN has identified the specific interests of its members that will be affected by the Commission’s ultimate determination – which members each would have standing to intervene individually had they so petitioned. PLAN speaks as a single, cohesive, and unified voice on behalf of its members concerning these issues. PLAN’s interests in the outcome of this proceeding will not be adequately represented by any other party hereto, nor will PLAN’s participation delay this proceeding as PLAN does not request any changes to the schedule as set forth in this Docket.

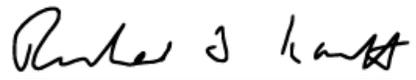
15. Under these circumstances, the Commission has routinely permitted intervention of such organizations through its discretionary authority to speak on behalf of itself and its affected members. *See Determination Regarding PSNH's Generation Assets*, Docket No. 14-238, Order No. 25,733 (November 6, 2014) (Commission permitted discretionary intervention to business organization that “represents the interests of commercial ratepayers” where the organization’s “stated economic interests in this docket are consistent with the interests its members would likely raise.” Moreover, the Commission found it prudent to “hear from a single voice speaking on behalf of that constituency.”); *Petition to Establish 2014 Energy Service Rate*, Docket No. 13-275, 2013 N.H. Puc LEXIS 161, *7-8 (November 15, 2013), (even where an organization’s rights are not immediately implicated by the proceeding, intervention is permitted on a discretionary basis for organization representing the interests of its ratepayer members).

16. For these reasons, and in the alternative, PLAN requests that it be allowed to intervene pursuant to the Commission’s discretionary authority.

WHEREFORE, PLAN respectfully requests that the New Hampshire Public Utilities Commission grant its timely Petition to Intervene and permit PLAN to participate in this proceeding with full rights as a party.

Respectfully Submitted,

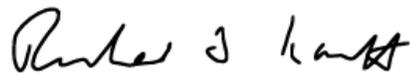
**PIPE LINE AWARENESS
NETWORK FOR THE
NORTHEAST, INC.**



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Certificate of Service

I hereby certify that on March 6, 2018, pursuant to Puc 203.02 & 203.11, I served an electronic copy of this Petition on each person identified on the Commission's service list for this docket and with the Office of the Consumer Advocate, by delivering it to the email address specified on the Commission's service list for the docket.



Richard A. Kanoff