

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 19-116

NORTHERN UTILITIES, INC.

Petition for Approval of Precedent Agreements for Westbrook Xpress Phase III Project

ORDER OF NOTICE

On June 28, 2019, Northern Utilities, Inc. (Northern, or the Company) filed a petition for approval of certain precedent agreements with Portland Natural Gas Transmission System (PNGTS), TransCanada Pipelines Limited (TransCanada) and Enbridge Gas, Inc. (Enbridge). The proposed precedent agreements are integral to the firm natural gas pipeline transportation path from Dawn, Ontario to Granite State Gas Transmission, Inc. (Granite) interconnection points that is part of PNGTS's Westbrook Xpress Phase III Project (WXP Project, or WXP Capacity). According to the petition, the agreements would increase the Company's maximum daily quantity of gas supply by 11 percent, thereby providing additional natural gas supply for Northern's customers, reducing reliance upon delivered peaking supplies, and enabling price stability as well as greater access to more attractive and liquid gas supply markets.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2019/19-116.html>.

Northern's filing raises, *inter alia*, issues related to whether the precedent agreements are prudent, reasonable, and consistent with the public interest; and whether associated costs are appropriate for recovery through Northern's gas supply rates. Those issues relate to RSA 374:1 and 374:2 (public utilities to provide reasonably safe and adequate service at "just and reasonable" rates); RSA 374:4 (Commission's duty to keep informed of the manner in which all

public utilities in the state provide for safe and adequate service); RSA 374:7 (Commission's authority to investigate and ascertain the methods employed by public utilities to "order all reasonable and just improvements and extensions in service or methods" to supply gas); and RSA 378:7 (rates collected by a public utility for services rendered or to be rendered must be just and reasonable). In addition, in the event the Commission's investigation is not completed before October 31, 2019, and Northern elects not to terminate the Precedent Agreement before that date, the filing raises the issue of who bears the risk of a subsequent imprudence finding.

The precedent agreements with PNGTS and Enbridge would permit Northern to terminate those agreements without liability if all approvals from jurisdictional regulatory authorities that the Company determines are necessary in connection with the WXP Capacity have not been obtained by October 31, 2019. Therefore, Northern requests an expedited review of the agreements and issuance of an order by Friday, October 30, 2019, to enable the Company to provide timely notice of satisfaction of the agreement conditions precedent or lack thereof. The petition also includes a motion for protective order and confidential treatment regarding the precedent agreements.

Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on August 6, 2019, at 1:30 p.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is


FURTHER ORDERED, that, immediately following the Prehearing Conference, Northern Utilities, the Staff of the Commission, and any Intervenors hold a Technical Session to review the petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Northern Utilities shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than July 28, 2019, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before August 1, 2019; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Northern Utilities and the Office of the Consumer Advocate on or before August 1, 2019, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before August 6, 2019.

By order of the Public Utilities Commission of New Hampshire this eighteenth day of July, 2019.


Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

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