

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty

Docket No. DG 21-xxx

**Petition for a License to Construct and Maintain a
Natural Gas Pipeline beneath Lake Winnisquam in Tilton**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, respectfully petitions the Commission pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath Lake Winnisquam in the Town of Tilton.

In support of this petition, Liberty states as follows:

Background

1. Due to an increase in the number of commercial and industrial customers in the City of Laconia, Liberty is in the midst of a five-year plan to increase the gas supply to Laconia. This plan involves installation of a second, parallel main from the Company's plant at 33 Tilton Road, Tilton, to a proposed regulator station near the Mosquito Bridge, also in Tilton, travelling approximately five miles along Laconia Road (Route 3). See Attachment A, a diagram titled, "5 Year Plan for Increasing Gas Supply to Downtown Laconia."
2. The existing main along Laconia Road is the only source of supply for the Laconia area. This second main will allow for greater capacity and increased reliability.
3. During the upcoming construction season the Company intends to complete Phase 3 of the five-phase project. Phase 3 consists of installing 4,600 feet of 8-inch plastic gas main in the North Section, the section involved in this petition, and 1,600 feet of 8-inch plastic gas main in the South Section, closer to the Company's Tilton facility.

4. The scope of Phase 3 is driven largely the plans of the New Hampshire Department of Transportation (“NH DOT”) to pave sections of Laconia Road/Route 3. The Company can achieve substantial savings for its customers by performing work in advance of municipal or state paving projects.

The Proposed Crossing

5. The water crossing at issue in this petition involves a small section of Lake Winnisquam near Chapman Road. See Attachment B, a satellite image showing the location of the crossing.
6. Lake Winnisquam is included on the list of “public waters” published by New Hampshire Department of Environmental Services, thus triggering the requirement to obtain the crossing license requested here. *See EnergyNorth Natural Gas*, Order No. 25,925 (Jul. 26, 2016).
7. The crossing will consist of a 400-foot horizontal directional drill underneath Lake Winnisquam. Attachment C shows profiles of the pipeline beneath Lake Winnisquam and aerial views showing the entry and exit points of the directional drill.
8. The State of New Hampshire owns the land on both sides of the crossing. The Company will obtain the necessary permit from NH DOT to place the pipe in state land.
9. The crossing requires a Shoreland Permit by Notification, which will be submitted before construction.
10. Liberty will be responsible for the construction, which will be performed by qualified contractors, and Liberty will own and be responsible for maintaining the pipeline after construction.
11. The location of the pipeline will not interfere with public use of Lake Winnisquam.

The Legal Standard

12. To obtain the crossing license, Liberty must demonstrate that the proposed crossing is “necessary for Liberty to meet the reasonable requirements of reliable service to the public as required by RSA 371:17, and that the requested license[s] may be exercised without substantially affecting the public rights in the waters in question, as required for approval under RSA 371:20.” Order No. 25,572 at 3.
13. Liberty has satisfied both requirements. First, the crossing is necessary to serve additional load in Laconia and to increase reliability, as described above. Absent completion of this five phase project, the Company would not be able to serve future customers in the Laconia area.
14. Second, Liberty will exercise the rights granted by the license sought in this Petition without affecting the rights of the public to use the waters of Lake Winnisquam; the use and enjoyment by the public of Lake Winnisquam will not be diminished as a result of Liberty's plan to construct and maintain the pipeline as proposed. All work will be confined to the public right-of-way; therefore no taking of private property or other acquisition of property rights is required.
15. Liberty requests that an Order *Nisi* be issued approving the petition so that the construction of the can be commence during the upcoming construction season.

WHEREFORE, Liberty respectfully requests that the Commission:

A. Issue an Order *Nisi* finding that the crossing license sought by this Petition may be exercised without substantially affecting the public use of Lake Winnisquam;

B. Grant Liberty a license to construct and maintain the natural gas pipeline beneath Lake Winnisquam as requested in this Petition;

C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP. D/B/A LIBERTY

By its Attorney,



Date: January 20, 2021

By: _____

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Certificate of Service

I hereby certify that on January 20, 2021, a copy of this petition has been electronically forwarded to the Office of the Consumer Advocate.



By: _____
Michael J. Sheehan