

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

DG 21-008

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

**Petition to Approve Firm Transportation Agreement
with Tennessee Gas Pipeline Company, LLC**

**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 January 20, 2021 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty”) filed with the Commission a petition for approval (the “Petition”) of a firm transportation agreement with Tennessee Gas Pipeline Company, LLC (“TGP”) for gas capacity.
2. As set forth in the Petition, Liberty seeks approval of a 20-year contract with TGP by which the Company seeks to purchase on a firm basis 40,000th per day of capacity on the TGP-owned Concord Lateral from the Dracut Massachusetts receipt point to the Londonderry, New Hampshire, delivery point (the “TGP Contract”). Petition at 1. The Company asserts that the Company requires additional capacity to meet existing and future customer load requirements and that the TGP Contract is the “least cost resource” to meet its capacity needs. Id. at 2. The Company posits that the 40,000 th/day in capacity under the TGP Contract will “alleviate pressure” on its existing capacity portfolio and reduce reliance on LNG trucking and propane deliveries. Id. at 4.

3. As set forth in the Order, this proceeding will require the Commission to evaluate whether the proposed firm transportation agreement is prudent, reasonable, and consistent with the public interest, and whether the testimony provided with the Petition addressing revenue requirements, evaluation of resource alternatives, possible future capital investments to fully utilize the capacity, and TGP contract risks and risk mitigation, supports approval of the agreement. Order at 1. Specifically, the 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); 378:7 (rates collected by a public utility for services renders to be rendered must be just and reasonable). Id.
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), 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.
5. PLAN is a not for profit corporation organized exclusively for charitable, scientific, and educational purposes. PLAN’s mission is to prevent the overbuild of fossil fuel infrastructure

in the Northeastern United States and to champion clean, sustainable energy solutions. PLAN is incorporated in Massachusetts and registered to do business in the state of New Hampshire.

6. 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.
7. 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.
10. Liberty claims that the TGP Contract would provide “lowest cost resource alternative to meet the demand needs of Liberty customers, and to fulfill the Company’s obligation to provide safe and reliable natural gas service.” See Pre-filed Direct Testimony of Francisco C. DaFonte and William R. Killeen (“Testimony”) at Bates 8. Liberty’s financial analysis will dictate the rates charged to PLAN members as customers of Liberty; therefore, any TGP Contract will have a *de facto* impact on the rights and interests of PLAN and its members. PLAN’s members, as existing customers of Liberty, will be subject to the prices negotiated in TGP Contract, if approved by the Commission. As a representative of ratepayers ultimately affected by this proceeding, PLAN is entitled to participate in the Commission’s review of

Liberty's assertion (and its supporting analyses) that the TGP option is "the least cost resource" to meet its customers load requirements. Petition at 2; Testimony at 11.

11. 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).
12. Intervention will allow PLAN to protect the interests of its end user members with respect to the financial impacts resulting from the TGP Contract. 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.
13. The Commission previously granted intervention on behalf of PLAN's members who were also Liberty customers in the DG 17-198, DG 17-152, DG 14-380 and DG 15-494 proceedings, referencing the standing of its members who are customers of Liberty with

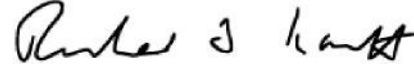
interests who may be affected by Liberty's proposal. The determination that PLAN's members met the intervention standard in past cases involving Liberty is appropriate here as well. In those cases, as is the case here, Liberty asserted that its proposal was least cost, prudent and reasonable and necessary to meet existing and future load requirements. PLAN proposes in this matter, as in prior cases, to actively participate in pre-hearing and technical conferences, file discovery and as appropriate, submit witness testimony as well.

14. Accordingly, 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. 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.

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.**

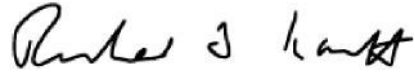


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Dated: March 18, 2021

Certificate of Service

I hereby certify that on March 18, 2021, pursuant to 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