



THOMAS B. GETZ  
Direct Dial: 603.230.4403  
Email: thomas.getz@mclane.com  
Admitted in NH  
11 South Main Street, Suite 500  
Concord, NH 03301  
T 603.226.0400  
F 603.230.4448

February 4, 2022

Mr. Daniel C. Goldner  
Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: Docket No. DG 21-144  
Northern Utilities, Inc.  
Request to Approve Special Contract**

Dear Chairman Goldner:

Foss Performance Materials, LLC (“Foss”) is a manufacturer of specialty fibers and textiles for the automotive and flooring industries with 300 employees at its plant in Hampton, New Hampshire. On December 29, 2021, Northern Utilities, Inc. (“Northern”) filed a petition in the above-captioned proceeding asking the New Hampshire Public Utilities Commission (“PUC” or “Commission”) to approve an amendment to a special contract for the delivery of natural gas to Foss at a discounted rate. As required by Puc 1606.02 (a) (1), Northern filed the amended special contract “at least 30 days before its proposed effective date” of March 1, 2022.

Among other things, Northern pointed out in its petition that, pursuant to RSA 378:18, the Commission may approve the special contract with Foss without a hearing, as decided by the New Hampshire Supreme Court in *Appeal of the Office of the Consumer Advocate*. See, 148 N.H. 134, 138-139 (2002). Furthermore, Northern provided the information required for approval of a special contract as set forth in the Commission’s Checklist for Economic Development and Business Retention Discounted Rates (“Checklist”). See Order No. 20,882 (June 23, 1993) in Docket No. DR 91-172, 78 NH PUC 316.

Included with Northern’s filing is a letter from Foss’ Vice President of Operations, Mr. Dean Landry, which describes in detail the competitive pressures faced by Foss (and aggravated by the pandemic in what is an increasingly global market) and its commitment to retain jobs as well as create jobs in New Hampshire. See Northern’s Petition, Schedule NU-9. Foss further notes that, as part of its Checklist for special contracts, the Commission committed to “use its best efforts to complete all [special contract] reviews expeditiously, which the Commission considers [to be] within 60 days from the filing date.” In this instance, such review would be completed by February 28, 2022.

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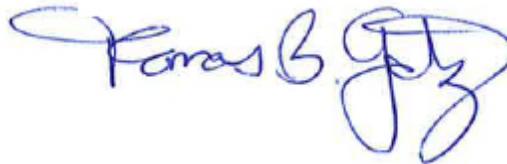
As the Commission found in Order No. 26,107, at p. 4, (February 28, 2018) in Docket No. DG 16-855, “Foss represents an important firm load for Northern and the special contract has made a meaningful contribution to Northern’s fixed costs, which, in turn has lowered costs for other Northern customers. We maintain our conclusions...that Foss is an important employer in the Hampton area and that Foss’s continued operation in New Hampshire depends, in key part, on its ability to continue its special contract with Northern.” The Commission hence concluded that the special contract satisfied its Checklist and therefore approved it. For additional supporting background, see also PUC Staff’s Recommendation in that docket, dated January 31, 2018, submitted by Mr. Al-Azad Iqbal.

Foss believes that Northern has faithfully satisfied the procedural and substantive requirements of the Commission’s Checklist for Economic Development and Business Retention Discounted Rates. Accordingly, because the special contract filing complies with the PUC’s established procedure, and because Foss will experience economic harm if there is a lapse in the special contract, Foss asks the Commission to approve the proposed special contract no later than February 28, 2022.

This letter is filed electronically only consistent with the Commission’s March 17, 2020 suspension of the requirement to file paper copies. Copies have been provided to the Office of Consumer Advocate and the service list.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Thomas B. Getz". The signature is written in a cursive, flowing style.

Thomas B. Getz

cc: Mr. Jared S. Chicoine, Commissioner, Department of Energy  
Mr. Taylor Caswell, Commissioner, Department of Business and Economic Affairs

TBG:cs