

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DE 22-xxx

LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY

and

WOODSVILLE WATER AND LIGHT DEPARTMENT

Joint Petition to Alter Franchise Areas in the Town of Bath

Liberty Utilities (Granite State Electric) Corp., d/b/a Liberty (“Liberty”), and Woodsville Water and Light Department (“Woodsville”) jointly request that the New Hampshire Public Utilities Commission issue an order approving a change in the franchise areas served by the two companies to accommodate a request to have Liberty provide electric service to a customer on Monroe Road in Bath, a location that is currently within Woodsville’s franchise area.

In support of this petition, Liberty and Woodsville state the following:

1. Portions of the Town of Bath are served by Liberty, a public utility as defined in RSA 362:2, I, and by Woodsville, a “municipal corporation” providing electric service and largely exempt from Commission regulation but still subject to the franchise provisions of RSA 374. See RSA 362:4-a.¹
2. Mary Ann and Stephen Rood (the “Customer”) are seeking electric service to their new home now under construction at 781 Monroe Road in Bath (the “Property”).

¹ “A municipal corporation furnishing electric utility services shall not be considered a public utility under this title if it serves customers outside of its municipal boundaries and charges such customers a rate no higher than that charged to its customers within the municipality, and provides those customers a quantity and quality of electricity equal to that served customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.” (Emphasis added.)

3. Attached as Exhibit A is a map of the Town of Bath with Liberty's existing service territory shaded and marked "GSECO" (for the Granite State Electric Company). This is an accurate representation of Liberty's current franchise area in Bath.
4. Exhibit A also shows the location of the Property, which is within Woodsville's franchise area and adjacent to Liberty's service area.
5. The Property is approximately one quarter mile from Woodsville's existing electric facilities. The Customer asked Woodsville to provide service to the Property but Woodsville's governing body declined the request.
6. The Property is approximately one quarter mile from Liberty's closest facilities. Liberty has agreed to provide service to the Customer and the Customer has agreed to contribute the appropriate amount toward Liberty's cost of extending service as calculated under Liberty's tariff. Thus, this request complies with Liberty's applicable tariff for new service connections and will not burden Liberty's other customers.
7. Before Liberty can provide service, however, it is necessary for the Commission to approve this request and modify Liberty's franchise in Bath to include the Property. *See RSA 374:22, I* ("No person or business entity ... shall engage in such business ... in any town in which it shall not already be engaged in such business, ... without first having obtained the permission and approval of the commission").
8. Exhibit B shows the proposed change to the franchise map.
9. Due to the specific physical location of the Property and Woodsville's decision not to extend service to the Property, Liberty and Woodsville agree that only Liberty can provide electric service to the Property. Absent approval of this request, the Customer will not be able to obtain electric service to the Property.

10. In light of the specific circumstances described above, Liberty and Woodsville agree to adjust their respective franchise areas in Bath as shown in Exhibit B.
11. The Commission may adjust a franchise border if it finds the change “would be for the public good.” RSA 374:26. In *Public Serv. Co. of N.H.*, Order No. 24,525 (Sept. 30, 2005), the Commission approved a similar franchise border adjustment where the customer would otherwise be without electric service. “[G]uided by RSA 374-F:3, V(a) which states that ‘electric service is essential and should be available to all customers’,” and since the customer “has not been able to obtain electric service from [the incumbent utility] because a third-party does not consent to the necessary easement across that third-party’s land,” the Commission found that the franchise boundary adjustment was “for the public good.” *Id.* at 2.
12. Amending the franchise border between Liberty and Woodsville to enable Liberty to serve the Customer as described above services the public interest and meets that public good standard.
13. Finally, the franchise statute expressly authorizes the Commission to grant this petition without hearing, as was done in the *PSNH* case above, when all interested parties are in agreement on the request. “Such permission may be granted without hearing when all interested parties are in agreement.” RSA 374:26. Here, the Customer, Liberty and the Customer all support and request Commission approval of this petition without hearing.


WHEREFORE, Liberty and Woodsville respectfully request that the Commission:

- A. Grant this petition to amend the parties’ franchise areas in Bath as depicted on Exhibit B; and
- B. Grant such further relief as is just and equitable.

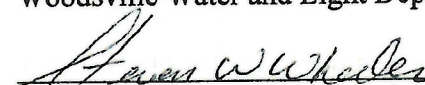
Respectfully submitted,

Liberty Utilities (Granite State Electric) Corp., d/b/a
Liberty
By its Attorney,

Date: February 28, 2022



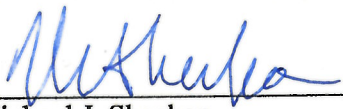
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Woodsville Water and Light Department
By: 

Steven W. Wheeler, Commissioner

Certificate of Service

I hereby certify that on February 28, 2022, a copy of this petition has been forwarded to the Department of Energy and the Office of the Consumer Advocate.



Michael J. Sheehan



