

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

DG 22-064

Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities

Least Cost Integrated Resource Plan (2022/2023–2026/2027)

PETITION TO INTERVENE OF TERRY CLARK

Pursuant to the November 7, 2022 [Commencement of Adjudicative Proceeding and Notice of Prehearing Conference](#) (“Order”) issued by the New Hampshire Public Utilities Commission (“Commission”) in the above-captioned matter, N.H. Code Admin. Rules [Puc 203.17](#) and [RSA 541-A:32](#), Terry Clark (“Clark”), by and through undersigned counsel, Richard M. Husband, Esquire, hereby respectfully petitions for leave to intervene in this adjudicative proceeding as a party, with all rights as such to the full extent allowed by law. In support of his petition, Clark states:

1. This proceeding concerns Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities (“Liberty”)’s least cost integrated resource plan (“LCIRP”) pursuant to RSA 378:37–RSA 378:39 for the five-year planning period 2022/2023–2026/2027. *See* [LCIRP](#) at 1.

2. Clark is a long-time resident of the City of Keene (“Keene”) residing at 14 Barrett Avenue, Keene, New Hampshire 03431.

3. Clark has already been allowed to intervene in three Commission proceedings concerning Liberty’s planning, including Liberty’s last LCIRP proceeding, [Docket No. DG 17-152](#), with all intervention rights. *See* [id.](#); *see also* [Docket No. DG 17-068](#) and [Docket No. DG 18-092](#).

4. This petition to intervene is timely under the [Order](#), which allows the filing of such petitions through December 2, 2002. *Id.* at 3.

5. As the [LCIRP](#) for which Liberty seeks approval in this proceeding includes Liberty's planning for Keene within the planning period, Clark has a direct interest in this matter under [Order No. 26,087](#) since he resides in a franchise area (Keene) within the LCIRP which is the subject of this proceeding. *See id. at 4*. This should be considered particularly true of Keene, as it has a particulate/pollution problem whereby PM2.5 particulates, which are a well-established component of Liberty's fracked gas emissions, can be trapped in the Keene valley by air inversions, sometimes rising to a level which may cause respiratory and other health problems. *See [Intervenor, Terry Clark's, Motion to Dismiss and for a Moratorium on Gas Expansion Plans](#)* at ¶¶ 21-22. Moreover, the subject matter of this proceeding includes the continued consideration of issues that Clark has spent more than five years adjudicating before this Commission, including

“issues related to whether Liberty's planning process is adequate in light of the requirements set forth in RSA 378:38 and RSA 378:39; and whether Liberty's filing adequately addresses the Commission's requirements set forth in Order Nos. 26,684 (September 14, 2022) and 26,702 (October 12, 2022).”

[Order](#) at 1. These proceedings also greatly impact Clark's efforts to assist Keene's commitment to transition to renewable energy and 2050 net-zero emissions in accord with the [Paris Agreement](#) emission reduction goals to combat the climate crisis, which Clark and others in Keene have pursued for years. *See [Intervenor, Terry Clark's, Motion to Dismiss and for a Moratorium on Gas Expansion Plans](#)* at ¶¶ 3, 12. On information and belief, if allowed to intervene, Clark would be the only Keene resident in the proceeding and therefore the only party representing Keene's unique resident interests.

6. Thus, Clark has an established, cognizable substantial direct interest in the matter, and otherwise meets the standard for intervention under [RSA 541-A:32](#).

7. Pursuant to [Puc 203.17](#), “[t]he commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.” *Id.*

8. Under [RSA 541-A:32 I\(b\) and \(c\)](#), a petition to intervene *must* be granted if the petitioner states facts demonstrating how his/her rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition otherwise qualifies under the law), and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. Under [RSA 541 -A:32 II](#), the PUC *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” This petition meets both standards given that Clark has substantial interests in this proceeding which will be directly affected by the outcome, justice requires intervention, and there is no reason that such intervention—particularly as it is timely and early in the matter—should impair the orderly conduct of properly conducted proceedings.

9. Accordingly, this petition should be granted.

WHEREFORE, for the reasons expressed, Clark respectfully requests that the Commission:

- A. Grant this petition and allow Clark to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law; or
- B. Schedule a hearing on this matter; and
- C. Grant such other and further relief as is just, lawful and otherwise appropriate.

Respectfully submitted,

The petitioner,

Terry Clark,

By his Attorney:

Dated: December 2, 2022

//s//Richard M. Husband, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 2nd day of December, 2022, served an electronic copy of this pleading on every other person/party identified on the Commission's service list for this docket by delivering the same to the e-mail address identified on the Commission's service list for the docket.

//s//Richard M. Husband, Esquire
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