

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 23-087**

**NORTHERN UTILITIES, INC.**

**Petition for Expedited Approval of Empress Capacity Agreements**

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING  
AND NOTICE OF PREHEARING CONFERENCE**

On October 6, 2023, Northern Utilities, Inc. (Northern) filed a petition requesting that the Commission approve its natural gas capacity agreements with Portland Natural Gas Transmission System (PNGTS) and TransCanada Pipelines Limited (TCPL) on an expedited basis. In support of its petition, Northern submitted the pre-filed direct testimony of Unitil Service Corp. employee Francis X. Wells, Manager of Energy Planning (Wells Testimony), and related attachments. In addition, Northern filed a motion for protective order and confidential treatment. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at [www.puc.nh.gov/Regulatory/Docketbk/2023/23-087.html](http://www.puc.nh.gov/Regulatory/Docketbk/2023/23-087.html).

**I. BACKGROUND AND PROCEDURAL HISTORY**

Northern entered into a firm transportation agreement with PNGTS for additional natural gas capacity beginning on April 1, 2024. See Attachment 2. Mr. Wells testified that Northern has the option of terminating this agreement without penalty, if it does not obtain acceptable regulatory approvals from the Commission and the Maine Public Utilities Commission, which it must exercise by February 1, 2024. Wells Testimony at 4-5. Accordingly, Northern has requested the Commission to complete its review in this matter by January 26, 2024. Petition (Pet.), ¶¶ 1, 3 and 8.

Northern also entered into precedent agreements and a firm transportation service agreement with TCPL. See Attachments 4-6. Together, the PNGTS and TCPL agreements would provide Northern with a firm natural gas pipeline transportation path from Empress, Alberta to Granite State Gas Transmission, Inc. interconnects (collectively, the Empress Capacity Agreements). Wells Testimony at 2. According to Mr. Wells' testimony, the Empress Capacity Agreements would enable Northern to transport 12,500 dekatherms of natural gas per day for a thirty-year term. *Id.* He stated that Northern's acquisition of this capacity is intended to reduce its reliance on imported liquified natural gas used to meet demand during periods of cold weather. *Id.* at 3-4. Northern determined that the Empress Capacity Agreements, among other benefits, would provide its customers with a cost-effective and reliable natural gas supply. Pet., ¶ 8; Wells Testimony at 8-9.

## **II. ISSUES PRESENTED**

The filing presents, *inter alia*, the following issues: whether the terms of the Empress Capacity Agreements are reasonable; whether Northern's decision to enter into the Empress Capacity Agreements is prudent, reasonable, and consistent with the public interest; whether entering into the Empress Capacity Agreements will enable Northern to provide reasonably safe and adequate service at just and reasonable rates in accordance with RSA 374:1, RSA 374:2, and RSA 378:7; and whether the incurred costs associated with the Empress Capacity Agreements are reasonable and appropriate for recovery through Northern's gas supply rates. In addition, in the event the Commission's investigation in this docket is not completed before January 26, 2024, and Northern does not terminate its agreement with PNGTS by February 1, 2024, this filing raises the issue of who bears the risk of a subsequent imprudence

finding. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

**Based upon the foregoing, it is hereby**

**ORDERED**, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:1, RSA 374:2, RSA 378:7, and the Commission's procedural rules; and it is

**FURTHER ORDERED**, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on November 9, 2023, at 1:00 p.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

**FURTHER ORDERED**, that the New Hampshire Department of Energy shall file its position regarding Northern's petition, including the reasons for this position, on or before October 30, 2023; and it is

**FURTHER ORDERED**, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

**FURTHER ORDERED**, that, immediately following the prehearing conference, Northern shall make appropriate personnel available for the parties to hold a technical session to review the filing; and it is

**FURTHER ORDERED**, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

**FURTHER ORDERED**, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Northern and any other parties on the service list, on or before October 27, 2023. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

**FURTHER ORDERED**, that any party objecting to a petition to intervene make said objection on or before November 6, 2023; and it is

**FURTHER ORDERED**, that the parties may submit a stipulation containing a discovery schedule, statement of any additional issues not identified in this order of

notice, and at least three dates on which they would be available for a final hearing in this matter, including how much time will be required, with a request that the prehearing conference and technical session be cancelled, on or before November 2, 2023. The Commission may cancel the prehearing conference and technical session upon approval of such a stipulation; and it is

**FURTHER ORDERED**, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is


**FURTHER ORDERED**, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov). All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

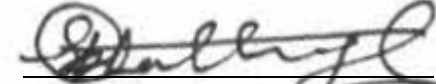
**FURTHER ORDERED**, that pursuant to N.H. Admin. R., Puc 203.12, Northern shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before October 23, 2023. In addition, the Clerk shall publish this

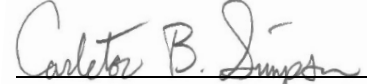
order of notice on the Commission's website no later than two business days after the date of issue; and it is

**FURTHER ORDERED**, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this twelfth day of October, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

# Service List - Docket Related

Docket#: 23-087

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