

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

DG 18-092

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

**Petition for a License to Construct and Maintain a Natural Gas Pipeline
Beneath the Ashuelot River in Keene**

ORDER OF NOTICE

On May 31, 2018, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) filed a petition pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath the Ashuelot River in Keene New Hampshire. On June 21, 2018, Terry Clark of Keene filed a Petition to Intervene. Several residents of nearby towns filed comments in response to Liberty's petition. Liberty's petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2018/18-092.html>.

RSA 371:17 requires any utility, corporation, or individual desiring to cross any public water to petition the Commission for a license. Pursuant to RSA 371:20, the Commission shall grant a requested license if the petitioner demonstrates that the license may be exercised without substantially affecting the public rights in such waters. RSA 371:21 requires the Commission to determine the compensation, if any, to be paid to owners bordering on such public waters for damage thereto occasioned by the structures for which the license is granted, subject to an appeal as provided in RSA 371:10. RSA 371:21 also requires the Commission to determine the amount of compensation to be paid to the state for rights on public lands.

The filing raises, inter alia, issues related to whether the crossing is needed for Liberty to meet the reasonable requirements of reliable public service; whether the license may be exercised without substantially affecting the public rights in the Ashuelot River; whether the crossing will be constructed and maintained according to the standards contained in N. H. Code Admin. Rules Puc Rule 500 - Rules for Gas Service, and in U.S. Department of Transportation, Transportation of Natural and Other Gas by Pipeline, Title 49 CFR, Subtitle B, Chapter 1, Parts 191-192 ; and whether and what amount of compensation Liberty should pay to bordering landowners. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on September 5, 2018, at 1:30 pm, at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Liberty, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition; and it is

FURTHER ORDERED, that pursuant to RSA 371:19, Liberty shall notify the new Hampshire Attorney General, each town where the crossing will be constructed, and all owners of lands within 100 feet of either side of the crossing by providing a copy of the Order of Notice and attachment by United States Certified Mail, return receipt requested no later than August 17, 2018, such notice to be documented by affidavit listing the name and address of persons to

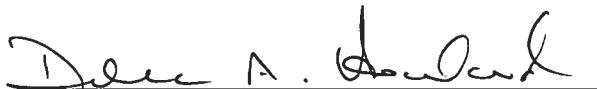
whom notice was sent along with copies of the return receipts, filed with the Commission on or before September 3, 2018; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Liberty shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than August 10, 2018, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before September 3, 2018; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Liberty and the Office of the Consumer Advocate on or before September 3, 2018, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before September 5, 2018.

By order of the Public Utilities Commission of New Hampshire this first day of August, 2018.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, 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.