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Litchfield, NH 03052

July 28, 2015

Debra Howland Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord New Hampshire 03301

NHPUC 28.JUL.15 4:10:17

**RE: DG14-380
Liberty Utilities (EnergyNorth Natural Gas) Petition for Approval of
Long-Term Firm Transportation Agreement**

Dear Ms. Howland:

This updates my public comments previously submitted in the above-referenced proceeding.

Since submitting my comments, I have been apprised by a concerned citizen of the following, posted by the Public Utilities Commission ("PUC") on its website at the URL <http://www.puc.nh.gov/Gas-Steam/Public%20Comments%20on%20PA.pdf>:

"...The purpose of the Commission's review in Docket DG 14-380 is to determine whether the terms of the Precedent Agreement are prudent, just, and reasonable, from the perspective of balancing Liberty's shareholders' interests with its customers' interests. The determination will depend on analysis of Liberty's projected service requirements and an economic review. DG 14-380 is not a review of the Northeast [Energy] Direct project proposed by TGP ...

Only those comments related to the terms of the Precedent Agreement or its impact on Liberty rates and service will be considered in this proceeding ..."

(emphasis added)

At the last hearing in this matter, held on July 22, 2015, the PUC Chairman noted that roughly 80 public comments had been received concerning this proceeding, with all but "a handful" of these comments negative. Good, hard-working, tax paying, utility rate paying New Hampshire citizens with a clear interest in this proceeding submitted these comments, which may be found at the URL <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-380.html>. Most of these public comments, including my own previously submitted comments, concern, at least in part, the significant detrimental impacts that the Northeast Energy Direct ("NED") project will have on New Hampshire: to its environment, sensitive conservation areas, drinking water aquifers and other public waters, tourism industry, ratepayers' bills, municipal and private properties (through federal eminent domain takings), the lowering of municipal tax bases and creation of municipal response costs, etc.

As I noted during the oral public comments portion of this proceeding, on the morning of July 21, 2015: the PUC should not fool itself into thinking that this matter does not concern the NED project; but for the NED project, there would not be this proceeding. The agreement at issue in this proceeding is, in fact, directly tied to the NED project, meaning the PUC's decision is tied to NED and must take it into account when considering what is "prudent, just and reasonable" in this case. Indeed, this proceeding has been grounded in the broad claim made by Liberty Utilities in its underlying petition that approval of the agreement at issue is "prudent and consistent with the public interest." This petition may be found at the following URL, with the quoted language found in the very first sentence of the petition:

<http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-380/INITIAL%20FILING%20-%20PETITION/14-380%202014-12-31%20ENGI%20DBA%20LIBERTY%20PETITION%20FOR%20APPROVAL%20OF%20FIRM%20TRANSPORTATION%20AGREEMENT.PDF>

How can the PUC possibly consider whether approval of the agreement at issue is "prudent" and in the best interests of New Hampshire without considering the numerous negative impacts of the NED pipeline that will provide the gas for the agreement?

The PUC is considering this matter too narrowly. The New Hampshire Supreme Court long ago made it clear that "the [PUC] has broad discretion to act in the public interest." *Harry K. Shepard, Inc. v. State*, 115 N.H. 184, 185, 339 A.2d 2 (1975); *Browning-Ferris Industries of New Hampshire, Inc. v. State*, 115 N.H. 190, 339 A.2d 1 (1975). *Waste Control Systems, Inc. v. State*, 114 N.H. 21, 24, 314 A.2d 649 (1974)(the phrase "public good," analogous to "public interest," has been broadly defined by the New Hampshire Supreme Court to include "the needs of the public at large")(citing *Boston & Maine R.R. v. State*, 102 N.H. 9, 10, 148 A.2d 652 (1959)). This matter is not just about "the terms of the Precedent Agreement or its impact on Liberty rates and service."—if it is, then it not about what is in New Hampshire's best interests. This proceeding is really about **all** that may result if the PUC grants the requested approval, and the PUC should and cannot ignore those consequences in its decision-making. If the NED pipeline were planned to run through Winnepesaukee Lake, with even the slightest potential for injury to that body of water and the properties surrounding it, is there any question that these matters would be front and center of this proceeding as to whether the pipeline were in the "public interest," i.e., the best interests of New Hampshire? Why does the rest of New Hampshire merit any less consideration? As I stated in my last written public comments submitted in this matter, I am involved in this proceeding because, at my hometown's initial meeting to discuss the NED pipeline's impact on residents, one noted:

"You work your whole lifetime for retirement, then this."

Why should such concerns not be considered when deciding what is "best" for New Hampshire?

The public comments portion of this proceeding is supposed to allow average citizens a voice in the outcome; do not reject that voice, PUC: read and carefully consider the words of the unrepresented but impacted citizens opposing the NED project and petition before you, as attentively as you will those of the represented parties.

Those being copied on this letter: *if you believe that citizens should have any voice in the matter*, please do your best to see that all New Hampshire interests are considered in this proceeding—and in similar PUC proceedings going forward. Elected representatives at every level should, on their own or at the urging of recipients of this letter, demand that the public comments submitted by citizens in this proceeding be factored into the final decision and, by appropriate legislation, mandate that PUC proceedings from now on consider all factors concerning the best interests of New Hampshire: including matters pertaining to environmental and conservation concerns, drinking water aquifers and other public waters, property interests, tourism, etc. The laws and rules under which the PUC operates are antiquated and do not fairly and properly meet the needs of a far more dense population in ever-increasing competition over water, conservation, environmental and property interests.

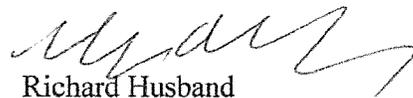
But, just focusing on the Liberty Utilities agreement, it should not be approved, for obvious reasons:

- There is no “need” for the gas at issue. While the NED pipeline is being pushed through federal and state approval processes with less time afforded the opposition than is typically given a defendant in a dog-bite case—as though a 30-year “Winter is Coming” and New Hampshire does not have a stick of kindling—this is not the case. Where are the compelling shortages—past or immediately projected? As has been pointed out by many, New Hampshire is a net exporter of electricity. Liberty Utilities’ expert in this proceeding acknowledged that it does have liquefied natural gas available elsewhere. Moreover, with the anticipated lifting of the Iran sanctions, there will soon be an even greater glut of oil, at even cheaper prices.
- The NED pipeline will not result in cheaper energy for New Hampshire residents and businesses as most such energy users in New Hampshire rely on electricity and the project is proposed to be at least partially funded by increased electric rates—and those who have looked into the matter contend that approval of the NED pipeline will actually increase the price of natural gas. See, e.g., July 16, 2015 letter submitted by New Hampshire State Representative James W. McConnell in the comments section at URL <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-380.html>.
- There are better alternatives. The “real” concern here seems to be addressing the needs of the “Concord Lateral.” The Spectra Energy and/or Portland Natural Gas Transmission System pipelines, both in the approval process, could both do this, with significantly fewer negative impacts. The expert for Liberty Utilities testified that both could be connected to the Dracut terminus. Why could a pipeline not be run the roughly eight miles from there to Interstate 93 and follow that road up to an existing delivery point on the “Concord Lateral” (or the Londonderry power plant)? Such a pipeline—primarily truly “co-located” within the boundaries of the highway, not within the homes of our citizens, environmental, conservation and aquifer areas, as is the real 70 mile “co-location” path of the NED pipeline—would be far less damaging to a lot less people and the State of New Hampshire. I realize that we are talking different pipeline projects, but I would think that the corporations behind them could work out any fair sharing arrangements concerning costs and profits (corporations partner in business ventures—including pipelines, including the NED project—all of the time), if they are truly interested in the best interests of citizens.

Are there not already 20" and 12" pipelines running to the "Concord Lateral"? If so, could not the "12" pipeline just be increased to 20" or some other appropriate size? I am told that this is technically possible, although it would still have negative impacts, including to a school complex in Pelham. Could the larger pipe not be redirected for the relatively small distance (as compared to 70 miles) necessary to safely avoid the Pelham school—or Pelham be given a new, safely located school (certainly cheaper than all of the remedial costs associated with the NED pipeline). Maybe the best alternative would take longer to work out—but what, really, is the compelling "need" for any pipeline right now? Right now, we should not be pushing anything through the PUC (or Federal Energy Regulatory Commission, i.e., "FERC"), but having this dialogue. Perhaps in the upcoming two FERC scoping meetings, in Nashua on July 29th and in Milford on July 30th, generously allotted New Hampshire citizens to make their entire case against the NED pipeline, one or more of our elected representatives can stand up and start this dialogue (being mindful, of course, to not go beyond the 2-3 minutes speaking time allowed each citizen).

- New Hampshire is not getting a "good," "fair" or even "reasonable" price under the agreement before the PUC: it is getting the old cable company "introductory price." What is being committed to New Hampshire under the proposed agreement (Liberty Utilities is the only New Hampshire customer signed on to the NED pipeline), is only roughly 10% of the NED pipeline's capacity. Kinder Morgan ("KM"), a partner in the NED project, has made it clear that the market will dictate what is paid beyond that. In response to the question posed by Brookline, New Hampshire citizens whether at least some of the gas will be exported, KM was blunt: "Kinder Morgan cannot discriminate among customers based on the ultimate destination or use of the gas, such as the Northeast versus Canada or another foreign country ... The ultimate destination of the gas and volumes associated are within the sole control of the project customers." See the question and response beginning at the bottom of (unnumbered) page 5 at the URL <http://static1.squarespace.com/static/50e99f7be4b08880418b9d42/t/54d273fbe4b0e31ab6c33bfa/1423078395112/Brookline+qa.pdf>. In other words: the gas will follow the money, whatever kind, wherever from. As has been established in this proceeding, Liberty Utilities is owned, through one or more entities, by Algonquin Power & Utilities Corp. ("APUC"), a Canadian corporation; and it is commonly known that, from Dracut, the NED pipeline is earmarked for Maine and beyond.

Sincerely,



Richard Husband

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Concerned Citizens