

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

Docket No. DE 17-124

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Sale of Generating Facilities

**TOWN OF BRISTOL'S PETITION TO INTERVENE AND MOTION FOR LATE
FILING**

The Town of Bristol ("Town"), by and through its attorneys, Gardner Fulton & Waugh, PLLC, petitions the Public Utilities Commission ("Commission") to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and NH Admin. Rule Puc 203.17 as well as leave for the late filing, stating as follows in support thereof:

PETITION TO INTERVENE:

1. The Commission issued an Order of Notice, on or about August 3, 2017, which set forth a new docket in order to address the final bid review associated with the sale of Eversource's generation assets. One of the generation properties being auctioned is a hydroelectric facility, commonly known as Ayers Island, located in both the municipalities of New Hampton and Bristol, New Hampshire. As part of that Order, any party with a substantial interest in such a proceeding is required to file a request to intervene. The Town received approval to intervene, from the Commission, in the prior docket (DE #16-817) regarding this same matter and now seeks to intervene in the new docket.

2. The Town of Bristol asserts that it possesses statutory rights, duties, privileges and other substantial interests in the above-captioned matter to qualify as an intervenor. *See N.H. Rev. Stat. Ann. 541-A:32 & NH Admin Rule Puc 203.17.* The Town is statutorily obligated to tax the real property associated with the Ayers Island facility, located within the boundaries of the Town, which requires assessing a fair market value of such and then applying the Town's tax

rate to same in order to generate the taxes owed for such property on an annual basis. *See N.H. Rev. Stat. Ann. §72:6, §72:8 and §72:9.* The recommendation for the sale of Ayers Island, by the auction advisor, may involve a possible sale of said generation facility as part of a portfolio of assets. As such, the Commission will likely have to consider and decide how to allocate values to each individual asset if said property is sold by and through a group of assets. Given the Town's statutory obligation to assess a market value on said property for taxation purposes, it has a clear interest in addressing the manner by which such values may be assigned in order to ensure that any allocation of value remains consistent with market value.

3. It is also understood that the City of Berlin and Towns of Gorham and New Hampton are either already intervenors or are seeking said status. As such, the Town of Bristol maintains the same interest as these other municipalities (who also have generation facilities within their respective borders) from which the Town's inclusion in this proceeding should not impose any prejudice or impairment to the prompt and orderly proceeding of this matter. For all the reasons articulated within this Petition as well as its qualification for intervenor status under both New Hampshire law and the State's administrative rules, the Town of Bristol seeks permission of the Commission to intervene as a party in the above-captioned matter.

MOTION FOR LATE FILING:

4. While the above-referenced Order was issued on August 3, 2017, the undersigned counsel did not receive such or know of its existence until receiving an electronic message from Attorney Anne F. Ross on August 16, 2017. It is understood that the Commission has already been provided with this same information and background by other municipal counsel so, this Motion simply incorporates those exhibits by reference.

5. The Order set forth a deadline of August 15, 2017 for the filing of any petition to intervene. Unfortunately, the undersigned counsel was away on vacation at the time of the Ross e-mail on August 16th and did not return to the office until just recently. As a result, this request for a late filing comes a short while after the others for the municipalities of New Hampton, Berlin and Gorham. Despite this, the reasoning behind this request remains the same as those other municipalities in that the Town was unaware of the August 3rd Order until the August 16th e-mail and undersigned counsel was unavailable, due to a previously scheduled vacation, to address this matter until now. Consequently, good cause and the interest of justice exist to allow the Town's late filing of its Petition to Intervene.

WHEREFORE, the Town of Bristol respectfully requests that the Public Utilities Commission:

- A. Grant the Town of Bristol's Motion for Late Filing of its Petition to Intervene;
- B. Grant the Town of Bristol's Petition to Intervene;
- C. Grant the Town of Bristol full intervenor and/or party status; and
- D. Grant such other and further relief as may be just.

Respectfully Submitted,

TOWN OF BRISTOL
By and through its attorneys,

GARDNER FULTON & WAUGH, PLLC

August 23, 2017

By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2017, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket pursuant to N.H. Code of Admin. Rule Puc 203.11(a)(1).

By:

A handwritten signature in black ink, appearing to read "Shawn M. Tanguay", is written over a horizontal line.

Shawn M. Tanguay