

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Liberty Utilities (EnergyNorth Natural Gas) Corp.
d/b/a Liberty Utilities

Docket No. DG 18-xxx

Petition for a License to Construct and Maintain a
Natural Gas Pipeline beneath Ashuelot River in Keene

Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a Liberty Utilities (Liberty), respectfully asks the Commission pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath the Ashuelot River in the City of Keene.

In support of this petition, Liberty states as follows:

1. Liberty's planned upgrade of its distribution system in Keene requires the crossing of a new pipe beneath the Ashuelot River where it travels under Winchester Street, which crossing is the subject of this petition. This new pipe will provide an additional loop and thus improved reliability for the existing system, and will allow for the City's repair and upgrade to the West Street bridge
2. The Ashuelot River is on the list of "public waters" published by New Hampshire Department of Environmental Services (NHDES).¹ See Order No. 25,925 (Jul. 26, 2016).
3. The crossing will consist of a 700 foot horizontal directional drill underneath the Ashuelot River. Attachment A shows profiles of the pipeline beneath the Ashuelot River and aerial views showing the entry and exit points of the directional drill.

¹Available at: <https://www.des.nh.gov/organization/commissioner/pip/publications/wd/documents/olpw.pdf>

4. Liberty will be responsible for the construction, which will be performed by qualified contractors, and Liberty will own and be responsible for maintaining the pipeline after construction.

5. The location of the pipeline will not interfere with public use of the Ashuelot River.

6. The location of the proposed crossing requires one easement. The easement is necessary at the eastern limit of the directional drill, which lies within property owned by the City of Keene (owner of Tax Map 51, Lot 13). The rest of the directional drill will be within the Public Right of Way. The Company will have the easement in place prior to construction.

7. The crossing also requires a Shoreland Permit through NHDES, which is in process and will be finalized before construction. A wetlands permit is not necessary because this project will not disturb any wetlands.

8. To obtain the license, Liberty must demonstrate that the proposed crossing is “necessary for Liberty to meet the reasonable requirements of reliable service to the public as required by RSA 371:17, and that the requested license[s] may be exercised without substantially affecting the public rights in the waters in question, as required for approval under RSA 371:20.” Order No. 25,572 at 3.

9. As described above, the crossing is critical to the economic and safe upgrade and repair of the existing river crossing at West Street. The existing pipeline that crosses the river at this location cannot be shut down for repair because it is a one-way feed. The planned installation of a pipe across the Ashuelot River at the Winchester Street bridge will allow a temporary shutdown to permit the repair of the West Street bridge. The installation of pipe across the Ashuelot River at the Winchester Street Bridge will also increase the reliability of the Keene distribution system by providing another main across the river. The crossing is thus “necessary ...

to meet the reasonable requirements of reliable service.” *See EnergyNorth Natural Gas*, Order No. 25,572 (Sept. 19, 2013).

10. Liberty will exercise the rights granted by the license sought in this petition without affecting the rights of the public to use the waters of the Ashuelot River; the use and enjoyment by the public of the Ashuelot River will not be diminished as a result of Liberty's plan to construct and maintain the pipeline as proposed. All of the property rights necessary to construct and maintain the pipeline beneath the Ashuelot River have been acquired so that no taking of private property or other acquisition of property rights is required.

11. Liberty requests that an Order *Nisi* be issued approving the petition so that the construction of the gas main beneath the Ashuelot River can be commenced forthwith and completed before the City begins its repair of the drainage at the Winchester Street bridge at the Ashuelot River in September of 2018.

WHEREFORE, Liberty respectfully requests that the Commission:

A. Issue an Order *Nisi* finding that the crossing license sought by this Petition may be exercised without substantially affecting the public use of the Ashuelot River;

B. Grant Liberty a license to construct and maintain the natural gas pipeline beneath the Ashuelot River as requested in this Petition;

C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP. D/B/A LIBERTY UTILITIES

By its Attorney,



Date: May 31, 2018

By: _____

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Certificate of Service

I certify that on May 31, 2018, a copy of this petition has been provided to the Office of the Consumer Advocate.



By: _____

Michael J. Sheehan