

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

Docket No. DG 21-036

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS)

d/b/a LIBERTY UTILITIES

Petition for Approval of a Renewable Natural Gas Supply and Transportation Agreement

**CONSERVATION LAW FOUNDATION
PETITION TO INTERVENE**

The Public Utilities Commission (“Commission”) has initiated a proceeding to consider Liberty Utilities’ (“Liberty”) “Petition for Approval of a Renewable Natural Gas Supply and Transportation Agreement.” In the petition, Liberty seeks approval of a 17-year “renewable natural gas” (“RNG”) supply and transportation agreement with RUDARPA, North Country, LLC (“RUDARPA”) for the purchase of all pipeline quality RNG produced from a landfill operated by North Country Environmental Services, Inc. in Bethlehem, New Hampshire (“Bethlehem landfill”). Liberty also seeks approval to pursue a right of first refusal to purchase the RUDARPA RNG production facility outright following four years of RNG facility operation.

In its June 25, 2021 Order of Notice, the Commission directed interested parties to seek intervention by July 8, 2021. Conservation Law Foundation (“CLF”) hereby petitions to intervene in the above-captioned proceeding, pursuant to the Order of Notice and in accordance with N.H. Admin. Rules, Puc 203.17, and RSA 541-A:32. In support of its petition to intervene, CLF avers as follows:

1. CLF is a non-profit organization dedicated to protecting New Hampshire’s and New England’s environment for the benefit of all people. CLF uses the law, science, and markets to create solutions that build healthy communities, sustain a vibrant economy, and preserve natural

resources, including resources affected by the generation, transmission, and distribution of electric power and the transportation and use of natural gas. Consistent with its mission to promote thriving, resilient communities, CLF advances sound clean energy policies that strengthen New Hampshire's, and the region's, economic vitality. CLF has approximately 5,275 members in New England, including over 735 members in New Hampshire.

2. In this docket, the Commission will review Liberty's petition for approval of (1) a supply and transportation agreement with RUDARPA and (2) Liberty's pursuit of a right of first refusal to purchase the RUDARPA RNG production facility in four years. CLF's participation in Docket No. DG 21-008 will uniquely aid in the consideration of Liberty's petition. CLF has extensive expertise concerning natural gas, natural gas storage, and non-gas alternatives, as well as energy projects and markets. As a participant in the NEPOOL stakeholder process, CLF has participated in the formation and refinement of New England's energy markets and planning of the region's electric transmission grid. An active voting member of NEPOOL, CLF previously represented its end-user sector in the ISO-NE Natural Gas Electric Coordination working group. CLF's expertise in the energy arena extends to, *inter alia*, natural gas and electricity coordination, natural gas energy efficiency and conservation, natural gas supplies, natural gas distribution infrastructure, greenhouse gas emission reduction requirements, electrification, grid modernization, and the economic and environmental impacts of natural gas pipelines.

3. CLF's substantial involvement in New Hampshire natural gas, energy efficiency, and other energy matters has spanned two decades. This involvement includes intervention in numerous dockets before the Commission, such as Docket Nos.: DR 97-211, DE 01-057, DE 07-064, DE 08-103, DE 08-145, DE 09-033, DE 10-160, DE 10-188, DE 10-261, DE 11-215, DE 11-250, DE 13-108, DE 13-275, DE 14-120, DE 14-238, IR 15-124, IR 15-137, IR 15-296, DE 16-

241, DE 16-693, DE 16-817, DE 17-124, DE 17-136, DE 17-189, DE 19-104, IR 20-004, DE 20-092, DE 20-166, DE 20-170, and DE 21-030. Moreover, CLF has intervened in several natural gas related dockets involving Liberty including Commission Docket Nos. DG 17-152, DG 17-198, and DG 21-008. CLF has also participated in natural gas-related proceedings before numerous other state agencies in New England, as well as the Federal Energy Regulatory Commission.

4. Further, CLF has been actively engaged in advocacy related to solid waste management in New Hampshire, including the expansion of the Bethlehem landfill that will supply Liberty with RNG under the proposed contract with RUDURPA. CLF currently has an appeal pending before the New Hampshire Waste Management Council related to a permit issued by the New Hampshire Department of Environmental Services authorizing North Country Environmental Services, Inc. to expand the Bethlehem landfill.

5. CLF and its members, including members who are Liberty gas customers, have a strong interest in ensuring that the facts of the agreements and expenditures proposed in this proceeding are fully aired, and that adequate consideration is given to potential alternatives, including non-gas alternatives that may entail lower costs and fewer environmental impacts. CLF and its members have an interest in ensuring that non-gas alternatives are given adequate consideration in part because natural gas is a major contributor to climate change and impacts the health and welfare of CLF's members and their children, as well as the resilience of the local economy. Because Liberty asserts that the proposed RNG transportation and supply agreement, which will source RNG from the Bethlehem landfill, will have environmental benefits, CLF and its members have an interest in ensuring that the agreement has actual environmental benefits when compared to either non-gas alternatives or the use of anaerobic digestion facilities as a source of biogas. CLF and its members also have an interest in ensuring that the proposed transportation and

supply agreement does not incentivize further expansion and development of landfills in New Hampshire, which New Hampshire's solid waste statute considers the least favorable method of solid waste management. *See* RSA 149-M:3. Additionally, given that Liberty seeks Commission approval to sell RNG from the Bethlehem landfill to its customers through an RNG Opt-In tariff by emphasizing the "sustainable" attributes of RNG, CLF and its members, including those who are Liberty gas customers and may be interested in participating in the proposed RNG Opt-In tariff, have an interest in verifying any environmental and sustainable attributes of RNG sourced from the Bethlehem landfill.

6. CLF and CLF's New Hampshire members have a direct and substantial interest in the outcome of this proceeding. CLF's members are extremely interested in sustainability and, thus, CLF's members who are Liberty customers will be affected by Liberty's proposed development of a new tariff that is marketed as sustainable. CLF also has members who live in and around Bethlehem and who would be affected by use of the Bethlehem landfill as a source of RNG. Finally, CLF's members who are Liberty customers will be affected by Liberty's proposal to include the balance of unsold RNG, subject to a five percent cap, in Liberty's overall cost of gas. Intervention in this proceeding will allow CLF to represent the interests of CLF members who will be directly impacted by Liberty's proposed purchase of RNG from RUDARPA and use of the Bethlehem landfill as the source of that RNG.

7. CLF also respectfully submits that its intervention as a party in this proceeding is likely to elucidate important issues and facilitate an expeditious and just resolution of this proceeding, as a result of CLF's special expertise and experience.

8. CLF's participation is in the interests of justice and the orderly and prompt conduct of the proceeding. CLF's participation will neither delay nor disrupt this proceeding. The interests of CLF and its members are not adequately represented by any other party.

WHEREFORE, CLF respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

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