

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

Docket No. DG 21-036

**Re: Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
Petition for Approval of a Renewable Natural Gas Supply and Transportation Agreement**

PETITION TO INTERVENE OF JONATHAN CHAFFEE

Pursuant to the New Hampshire Public Utilities Commission (“Commission”)’s [Order of Notice](#) dated June 25, 2021 (“Order”) issued in the above-captioned matter and N.H. Code Admin. Rules [Puc 203.17](#) and [RSA 541-A:32](#), Jonathan Chaffee (“Chaffee”), by and through undersigned counsel, Richard M. Husband, Esquire, hereby respectfully petitions for leave to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law. In support of his petition, Chaffee states:

1. Chaffee is a New Hampshire citizen residing at 21 Highland Avenue, West Lebanon, a village in Lebanon, New Hampshire, whose background and interests are discussed in his (joint) [petition for intervention](#) filed in [Docket No. DG 16-852](#), in which he was allowed as an intervenor and litigated the case to its conclusion. Chaffee is a customer of the petitioner, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty”).

2. Although Liberty was granted a natural gas franchise in Lebanon under [Docket No. DG 16-852](#), the company failed to exercise its franchise rights within two years of the grant, resulting in the docket being closed under [Order No. 26,399 \(Aug. 28, 2020\)](#), which provides, in relevant part:

“... [I]f Liberty wishes to renew its requests for authority to serve natural gas in Windham, Hanover, or Lebanon, it must submit new petitions requesting such authority; and it is

FURTHER ORDERED, that any such new petition for renewed authority to serve natural gas in Windham, Hanover, or Lebanon shall

include a report of its discussions with each municipality, as applicable, and new settlement agreements, if reached; and it is

FURTHER ORDERED, that Liberty support any such new petition for franchise authority in Windham, Hanover, or Lebanon with a business plan and demonstration of current customer interest in natural gas service ...”

Id. at 3-4. The order’s requirements were largely grounded in Staff’s recommendations. *See id.*

3. In this new case, Liberty seeks Commission approval of a proposed 17-year renewable natural gas (“RNG”) supply and transportation agreement, to provide RNG, *inter alia*, to one commercial customer located in West Lebanon. *See* [Order of Notice; Direct Testimony of William J. Clark and Mark R. Stevens \(Mar. 4, 2021\)](#) at 16, 20. Liberty’s filing does not include a petition for the proposed new RNG franchise in Lebanon, business plan or other evidence of satisfaction of the requirements of [Order No. 26,399 \(Aug. 28, 2020\)](#) for the consideration of the grant of any kind of natural gas franchise in Lebanon, be it RNG or otherwise.

4. Pursuant to [Puc 203.17](#), “[t]he commission shall grant one or more petitions to intervene in accordance with the standards of R.S.A. 541-A:32 ...” *Id.* 2

5. Under [RSA 541-A:32, I\(b\) and \(c\)](#), a petition to intervene must be granted if the petitioner states facts demonstrating how his/her rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition otherwise qualifies under the law), and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. Under [RSA 541-A:32, II](#), the PUC may grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” *Id.*

6. Chaffee should be allowed to intervene in this case under either standard, minimally because he is a Liberty customer residing in the proposed franchise area, which alone establishes a sufficient interest for intervention. *See, e.g.,* [Order dated March 22, 2021](#) entered in

DW 20-156. However, his allowed intervention and participation in [Docket No. DG 16-852](#) also provides sufficient interest to support Chaffee's intervention in this matter.

WHEREFORE, for the reasons expressed, Chaffee respectfully requests that the Commission:

- A. Grant this petition and allow Chaffee to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law; or
- B. Schedule a hearing on this matter; and
- C. Grant such other and further relief as is just, lawful and otherwise appropriate.

Respectfully submitted,

The petitioner,

Jonathan Chaffee,

By his Attorney:

Dated: July 8, 2021

//s//Richard M. Husband, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 8th day of July, 2021, served a copy of this petition by electronic mail on all individuals and parties identified on the service list for this proceeding, including Liberty and the Consumer Advocate.

//s//Richard M. Husband, Esquire
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