

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 17-198

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
d/b/a LIBERTY UTILITIES**

**Petition to Approve Firm Supply and Transportation Agreements
and the Granite Bridge Project**

Order Granting Petitions to Intervene

ORDER NO. 26,135

May 18, 2018

In this order, the Commission grants all pending petitions to intervene.

I. PROCEDURAL HISTORY

On December 22, 2017, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) filed a petition for approval of certain firm supply and transportation agreements and its proposed Granite Bridge Project. The Office of the Consumer Advocate (OCA) filed its letter of participation pursuant to RSA 363:28, on January 2, 2018. An order of notice was issued on February 8, 2018, scheduling a prehearing conference that was held on March 9, 2018.

Timely petitions to intervene pursuant to N.H. Code Admin. Rules Puc 203.17 were filed by Conservation Law Foundation (CLF); Pipe Line Awareness Network for the Northeast, Inc. (PLAN); Repsol Energy North America Corporation (Repsol); ENGIE Gas and LNG, LLC (ENGIE); United Steelworkers of America Local 12012 (Local 12012); Mark Vallone, a resident of the Town of Epping; and jointly by the Greater Manchester, Greater Nashua, and Greater Concord Chambers of Commerce (the Chambers). On April 25, 2018, the Town of Epping (Epping or the Town) filed a late petition to intervene with the assent of Liberty.

On March 8, 2018, Liberty filed responses, supporting the joint intervention of the Chambers; objecting to the intervention of CLF, PLAN, and Repsol; and supporting with conditions the intervention of ENGIE. Liberty subsequently withdrew its objection to CLF's petition on March 15, 2018. On March 16, 2018, Liberty filed a letter stating that it had no objection to the intervention of Mr. Vallone.

The petition and other docket filings, except any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2017/17-198.html>.

II. POSITIONS

A. Town of Epping

Liberty is proposing a new liquefied natural gas (LNG) storage facility in the Town of Epping. The proposed storage facility is a substantial piece of utility infrastructure that could affect the rights of Epping's residents, taxpayers, and businesses, as well as the Town's tax base and resources. The Town, while acknowledging the petition's untimeliness, maintains that its intervention will not impair the orderly and prompt conduct of these proceedings as its request was filed early in the proceeding.

B. The Chambers

The Chambers state that their members include commercial and industrial customers of Liberty who are not represented by the OCA; and that Liberty's petition may affect the cost of energy, which could have a direct impact on the economic well-being of their members.

C. Mark Vallone

Mr. Vallone seeks intervention as a resident of Epping. Mr. Vallone states his concerns regarding the economics of the proposed storage facility and pipeline projects in Epping, and the environmental impact of that infrastructure.

D. Local 12012

Local 12012 is the collective bargaining representative for certain Liberty employees whose rights and duties may be affected by the outcome of this proceeding. Local 12012 maintains that its members are knowledgeable about issues of safety and efficiency and have a substantial interest in Liberty's petition.

E. CLF

CLF asserts that it has expertise and experience in the subjects at issue, including environmental, economic, and health-related impacts of natural gas, storage, and non-gas alternatives, as well as energy projects and markets. It has participated in prior dockets before the Commission, involving New Hampshire's natural gas market, energy efficiency, and other energy matters. CLF maintains that its members have a strong interest in ensuring sound planning and investments by New Hampshire's natural gas utilities, including Liberty.

F. PLAN

PLAN asserts that some of its members are Liberty customers and residents in Liberty's existing and proposed franchise service areas. PLAN maintains that this proceeding will affect its Liberty customer-members through rates, financial impacts associated with the development of demand-side/energy efficiency programs, and supply choices. Although PLAN's Liberty customer members have standing to intervene individually, PLAN provides a single, unified voice on their behalf.

G. Repsol

Repsol is a party to long-term contracts to supply natural gas to New England markets. As a gas supplier who can supply gas service to Liberty, Repsol questions whether Liberty reasonably investigated and analyzed long-term supply requirements and alternatives. Repsol believes that its knowledge and expertise concerning market costs and supply contracts are relevant to the assessment of Liberty's proposals.

H. ENGIE

ENGIE is a party to the delivered-supply contract submitted for approval in this docket and could be substantially affected by the outcome of this proceeding. ENGIE seeks to protect the confidentiality of its business information and to avoid competitive injury if information is improperly disclosed.

I. Liberty

Liberty does not object to the intervention of Epping, the Chambers, Mr. Vallone, Local 12012, and CLF. Furthermore, Liberty does not object to ENGIE's intervention provided ENGIE is precluded from access to confidential information other than its own.

Liberty does object, however, to the intervention of PLAN and Repsol. According to Liberty, PLAN's environmental impact concerns regarding the proposed projects are irrelevant to this proceeding and the proper forum for such concerns is the New Hampshire Site Evaluation Committee. Liberty claims that PLAN's intervention is redundant with the OCA's representation of ratepayer interests. Liberty asserts, in the alternative, that if PLAN's intervention is granted, its participation should be limited to economic issues and that PLAN should submit member affidavits attesting to their status as Liberty customers.

Liberty characterizes Repsol as a “mere competitor” whose interest in this proceeding is to maintain its market power by defeating the proposed project.

As stated above, Liberty objected to the intervention of CLF at the prehearing conference, but later withdrew its objection by letter filed on March 15, 2018.

J. OCA

At the prehearing conference, the OCA assented to all pending intervention requests. The OCA disagreed with Liberty’s position that the participation of PLAN and CLF is redundant with the OCA’s, noting that the OCA’s role is limited to the economic interests of New Hampshire ratepayers, specifically the cost and impact on residential customers’ use of utility services.

K. Staff

Staff did not object to any of the intervention requests. At the prehearing conference, Staff said that the participation of Repsol and ENGIE could be useful to the Commission, based on their specialized knowledge.

III. COMMISSION ANALYSIS

We grant the late intervention request of the Town of Epping, finding that its interests may be affected because, as proposed, the Town would host the LNG storage facility and a portion of the proposed pipeline. We also find that the Town’s late intervention will not impair the orderly and prompt conduct of the proceeding. We grant the request of Mr. Vallone, whose interests as an Epping resident may be affected by this proceeding. Similarly, we grant the requests of the Chambers, CLF, and PLAN based on the standing of their members who are customers of Liberty. We grant the request of Local 12012, whose members are employees of Liberty with interests that may be affected by Liberty’s petition. Finally, we grant the requests

of ENGIE as a party to a contract at issue in this proceeding, and to Repsol as a participant in the regional gas market with knowledge of the issues raised by Liberty's petition.

As stated in the order of notice issued on February 8, 2018, Liberty's petition in this docket includes four requests: approval of a delivered supply contract with ENGIE; approval of a precedent agreement with Portland Natural Gas Transmission System for firm transportation capacity; a Commission finding of prudence for Liberty's decision to build an in-state pipeline from Stratham to Manchester; and a finding of prudence for its decision to build an on-system LNG storage facility located in Epping. As outlined in the order of notice, the petition raises, among other things, issues under RSA Chapters 374 and 378 including, but not limited to, whether Liberty reasonably investigated and analyzed its long-term supply requirements and their alternatives.

Accordingly, while we acknowledge the claimed expertise of CLF and PLAN regarding gas and energy markets, infrastructure, and non-gas alternatives, as well as in environmental and public health issues related to the gas industry and markets, we will not allow this proceeding to be used as an opportunity to "educate the public," as PLAN suggests in its petition, on any and all issues related to the broad topics of fossil fuel infrastructure and its alternatives. All the parties will be limited in discovery requests, testimony, cross-examination, and legal briefings, to the evaluation of Liberty's analysis and support for its proposed contracts and projects, and the interest of Liberty customers in the prudence, justness, and reasonableness of those contracts and projects.

Confidential treatment of any filings made in this docket will be addressed in a separate order.

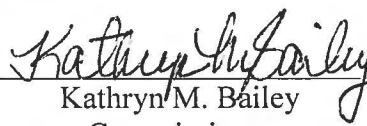
Based upon the foregoing, it is hereby

ORDERED, that petitions to intervene of the Town of Epping, Mark Vallone, the Chamber of Commerce of Greater Manchester, the Chamber of Commerce of Greater Concord, the Chamber of Commerce of Greater Nashua, United Steelworkers of America Local 12012, Conservation Law Foundation, Pipe Line Awareness Network for the Northeast, Inc., Repsol Energy North America Corporation, and ENGIE Gas & LNG, LLC are granted subject to the conditions stated above.


By order of the Public Utilities Commission of New Hampshire this eighteenth day of May, 2018.



Martin P. Honigberg
Chairman

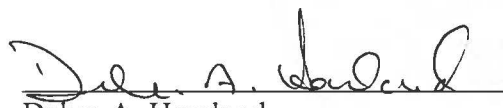


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director