

BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DG 14-091

**Liberty Utilities' Petition for Approval of Special Contract and Lease
with Innovative Natural Gas, LLC d/b/a iNATGAS**

PETITION TO INTERVENE OF NG ADVANTAGE LLC

Pursuant to N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, NG Advantage LLC (“NG Advantage”) hereby seeks to intervene in the above-captioned proceeding. NG Advantage further seeks permission from the New Hampshire Public Utilities Commission (“Commission”) to file this petition out of time.

1. On April 4, 2014, Liberty Utilities Corp. (“Liberty”) filed with this Commission a petition for approval of special contract and lease with Innovative Natural Gas (“iNATGAS”), seeking approval of a special contract and lease for the purpose of constructing and operating a compressed natural gas (“CNG”) filling and fueling facility in Concord, New Hampshire on Liberty’s property. Pet. for Approval of Special Contract and Lease, Docket No. DG 14-091 (Apr. 4, 2014) (hereinafter “Liberty Petition”). Liberty requested that its petition be fast-tracked for approval within thirty days of filing because its customer, iNATGAS, wished to be operational by the 2014-2015 winter heating system. *Id.*

2. In its petition, Liberty explained that the CNG facility would be constructed on Liberty’s property on Broken Bridge Road in Concord; that iNATGAS would construct, own, and operate the CNG filling station, including canopy, storage vessels, dispenser, and associated fuel management system; and that Liberty would own the CNG compressor station across the road to supply iNATGAS’s filling station. Liberty Pet. ¶ 3. Further, the petition stated that

iNATGAS anticipated seeking end-use customers to take delivery of CNG in addition to allowing access to other CNG providers. *Id.*

3. Liberty's petition further stated that under the special contract with iNATGAS, Liberty would provide firm transportation of CNG to iNATGAS's fueling station for 15 years at a rate higher than the tariffed rate to compensate Liberty for its investment in the CNG compressor station and related electrical and gas facilities. Liberty Pet. ¶¶ 7-8. Liberty projected its \$2.2 million investment would be recovered in 5.5 years. *Id.* ¶ 10. According to the pre-filed testimony of Stephen R. Hall in support of Liberty's petition, this investment would be included in Liberty's rate base. Pre-Filed Testimony of Stephen R. Hall at 3:23-4:01 (Apr. 4, 2014).

4. NG Advantage delivers CNG to large industrial and institutional customers in New England that do not have access to a natural gas pipeline. It delivers the CNG using specialized tube trailers that are filled at its compressor station in Milton, Vermont, and delivered by truck. At the customer site, the CNG is drawn directly from the trailer to the customer's facility. NG Advantage was first to market in the United States in the business of trucked CNG delivery to end users and has been serving customers since March 2013. NG Advantage is a Delaware limited liability company with its corporate headquarters at 480 Hercules Drive, Suite 1, in Colchester, Vermont.

5. NG Advantage seeks to intervene in this proceeding because it has a substantial interest that may be affected by the proceeding, and because its interest is not adequately represented by any other party to this proceeding. N.H. Code Admin. Rule Puc 203.17; RSA 541-A:32,I(b). Specifically, NG Advantage seeks to intervene in this proceeding for the following three reasons: (1) NG Advantage currently has CNG customers in New Hampshire and an agreement with Clean Energy to take CNG from the compressor station Clean Energy is

building in Pembroke, New Hampshire, just 1.5 miles from Liberty's proposed CNG facility on Broken Bridge Road; (2) NG Advantage is a potential customer of iNATGAS at the CNG facility proposed in Liberty's petition; and (3) NG Advantage, as a trucked CNG delivery company, has an interest in special contracts of this kind considering that it may enter into similar agreements in the future.

6. NG Advantage currently serves one customer in New Hampshire and has other New Hampshire customers under contract that will be served later in 2014. To serve those customers, NG Advantage entered into an agreement with Clean Energy to take CNG from Clean Energy at a compressor station Clean Energy is building in Pembroke, New Hampshire. Clean Energy expects that this facility will be operational in the next 60 days. Because of its presence in the New Hampshire CNG market, NG Advantage has a substantial interest in ensuring an open and competitive marketplace for CNG supply and delivery in New Hampshire. Liberty's petition raises issues regarding the competitiveness of that marketplace in light of its plan to use ratepayer funds to cover its investment in the CNG compressor station and its use of utility property for the facility.

7. NG Advantage is a potential customer of iNATGAS at this proposed CNG facility. As identified during the pre-hearing conference on April 23, 2014, and apparently in other documents filed to which NG Advantage has not had access, Liberty and/or iNATGAS identified NG Advantage as one of its potential customers at the facility. Thus NG Advantage has a substantial interest in these proceedings that are not represented by any other party to these proceedings.

8. As NG Advantage considers its future plans for expansion in New Hampshire, New England, and into other regions, it may enter into similar agreements with organizations

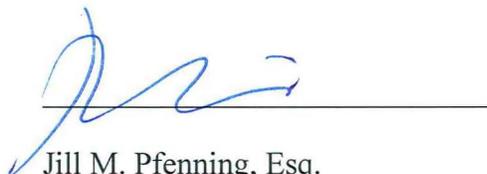
such as Liberty for construction of CNG facilities such as the one at issue in this proceeding. In fact, as stated above, NG Advantage has already entered into a similar agreement with Clean Energy, through which Clean Energy is constructing a CNG facility in Pembroke at which NG Advantage will fill its tube trailers. NG Advantage has a substantial interest in approval of such contracts going forward as a potential future party in a similar agreement.

9. Further, NG Advantage respectfully requests that the Commission grant it permission to file this petition to intervene out of time. The Order of Notice in this matter ordered that any party seeking to intervene in the proceeding do so on or before April 21, 2014. Order of Notice, Docket No. DG 14-091, at 2 (Apr. 14, 2014). At the pre-hearing conference on April 23, 2014, the Commission stated that parties wishing to intervene, namely Clean Energy, could file such petition by the end of the day April 24, 2014, and that any party wishing to object to such petition would have the opportunity to respond in writing. NG Advantage did not express its intention to file a petition to intervene at the pre-hearing conference, even though it appeared at that conference. Upon further consideration, NG Advantage concluded that it has a substantial interest in these proceedings for the reasons stated above and that its interests are not adequately represented by any party to these proceedings. It therefore decided to file this petition to intervene, and respectfully requests that the Commission consider its petition out of time.

WHEREFORE, NG Advantage respectfully requests that the Commission grant it permission to file this petition to intervene out of time and further grant its petition to intervene.

Respectfully submitted,

NG ADVANTAGE LLC



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