

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

**DG 15-289**

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

**Valley Green Natural Gas, LLC's Petition for Late Intervention**

NOW COMES, Valley Green Natural Gas, LLC ("VGNG"), and, pursuant RSA 541-A:32 and N.H. Admin. R. Rule Puc 203.17, respectfully petitions the New Hampshire Public Utilities Commission ("Commission") for intervention in the above-captioned proceeding. In support of this petition, VGNG states as follows:

1. On May 15, 2015, VGNG filed for franchise approval and the Commission docketed that proceeding as Docket No. DG 15-155. Later, on July 24, 2015, Liberty Utilities ("Liberty") filed on behalf of EnergyNorth Natural Gas, Inc., a franchise petition for the same area sought by VGNG.
2. At the time of the prehearing in Docket No. DG 15-155, the majority of parties objected to consolidation of the two proceedings. VGNG still holds that position and argues that the two proceedings ought to be determined on the merits of the individual filings.
3. Notwithstanding the separate dockets and different states of project development, Staff propounded discovery on VGNG on November 20, 2015 requesting VGNG opine on issues relevant to Docket No. DG 15-289. For example, Staff 3-2 requests VGNG to specify its "breakeven point", which is an issue in Liberty's docket but not VGNG's docket.
4. Because it is evident that Staff is comparing VGNG's proposal to Liberty's proposal, it is becoming increasingly necessary for VGNG to know to what Staff is comparing VGNG.

Namely, to the extent non-confidential discovery has fleshed out the prospective plans identified in Liberty's franchise filing, that discovery has now become relevant to Staff's analysis of VGNG in Docket No. 15-155. Therefore, it is a matter of due process that VGNG be provided access to the non-confidential discovery in Docket No. 15-289 and to be able to vet at hearing or through testimony, if need be, that discovery in Liberty's docket. A mere request for this information under RSA 91-A would not address VGNG's rights and concerns.

5. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First, a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petitioner qualifies under any provision of law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. *See* RSA 541-A:32, I(b) and (c). Second, the Commission *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." RSA 541-A:32, II.

6. For the following reasons, VGNG believes it qualifies for mandatory and discretionary intervention. VGNG qualifies for mandatory intervention because VGNG is being asked to respond to issues raised in Liberty's docket and these issues are factual nuance of the managerial, technical, financial, and legal test the Commission will apply when determining whether granting VGNG a franchise for gas service it is for the public good. *See* RSA Chapter 374:22-26. This legal test relates to VGNG's due process rights.

7. VGNG qualifies for discretionary intervention because it would be unjust to allow Liberty to intervene in VGNG's proceeding and not allow VGNG to intervene in Liberty's proceeding. VGNG is not aware that a procedural schedule in Liberty's docket has been

approved by the Commission from this date forward but VGNG anticipates one will be approved. VGNG agrees to abide by that schedule so as to not disrupt the orderly and prompt conduct of the proceedings.

8. VGNG respectfully requests the Commission rule on its intervention request as soon as possible because, by agreement of the parties, VGNG is expected to respond to Staff's discovery request no later than December 4, 2015 and it will need time to review the discovery in Docket No. DG 15-289 before that deadline.

WHEREFORE, VGNG respectfully requests

- A. That the Commission grant it full intervenor status in Docket No. DG 15-289; and
- B. Grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

Valley Green Natural Gas, LLC

By its Attorneys,

RATH, YOUNG AND PIGNATELLI, PC

Date: November 24, 2015

By: Marcia A. Brown  
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Certificate of Service

I hereby certify that on this 24th day of November, 2015, a copy of this petition has been forwarded by email to the parties listed on the Commission's service list for this docket.

Marcia A. Brown  
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