THE STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.

d/b/a LIBERTY UTILITIES

Docket No. DG 16-xxx

Petition for a License to Construct and Maintain a
Natural Gas Pipeline beneath Soucook River in Two Locations

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) respectfully petitions the Commission pursuant to RSA 371:17 for a license to construct and maintain a natural gas pipeline beneath the Soucook River in two locations within the Town of Loudon.

In support of this petition, Liberty states as follows:

1.   The Tilton Hi-line reliability project is a multi-year capital project to replace the 50-year-old 6-inch steel gas main that runs approximately 22 miles between Concord and Tilton with a 12-inch steel pipe.

2.   Liberty currently operates LNG and propane plants in Tilton that were designed for peaking, but have also been used for pressure support. The project is necessary because the LNG and propane plants have operated more frequently over the last several years, mainly to support low pressure on cold days. The project will improve reliability by reducing the need for pressure support during cold days, and thus increase winter reliability. The new line will also allow Liberty to increase service in the Lakes Region.

3.	Liberty serves approximately 4,500 customers through the Tilton facility, and approximately 130 more customers from the Hi-line in the Towns of Loudon, Canterbury, and Northfield.

4.	Liberty installed about 7 miles of the Hi-line project in 2003 and 2004, from Broken Bridge Road in Concord to the intersection of Josiah Bartlett Road and Route 106 in Loudon. In 2016 Liberty plans to build the next 5.5 mile segment from the existing 12-inch steel gas main at Josiah Bartlett Road, along the east side of Route 106 for approximately 5 miles, then westerly on Shaker Road for another 3,200 feet, ending at an existing regulator station at Old Shaker Road, all within the Town of Loudon.

5.	The planned route requires two separate crossings under the Soucook River that are the subject of this petition. Attachment A provides the details and location for the route of the pipeline and the Soucook River crossings. Attachment B consists of aerial photographs of the two crossing locations. The project will also cross Shaker Brook, but Shaker Brook is not subject to RSA 371:17 because it is not on the list of "public waters" published by NHDES. *See EnergyNorth Natural Gas*, Order No. 25,572 at 3 (Sept. 19, 2013).

6.	Liberty will be responsible for the construction, which will be performed by qualified contractors. Liberty will own and be responsible for maintaining the pipelines after construction.

7.	The crossings beneath the Soucook River will be accomplished using horizontal directional drilling. Attachment A shows profiles of the pipeline beneath the Soucook River at each crossing and aerial views showing the entry and exit points of the directional drills.

8.	The plans show that the location of the pipelines will not interfere with public use of the Soucook River.

9. Liberty obtained Shoreland Permits from the New Hampshire Department of Environmental Services (NHDES). Attachment C. A wetlands permit is not necessary because this project will not disturb any wetlands.

10. At the location of both crossings the pipe will be within state rights-of-way adjacent to State Route 106. Liberty has notified the New Hampshire Department of Transportation (NHDOT) of the intent to use the state rights-of-way and will execute a Use and Occupancy Agreement for the for installation of facilities within the state highway right-of-way

11. To obtain the license, Liberty must demonstrate that the proposed crossings are "necessary for Liberty to meet the reasonable requirements of reliable service to the public as required by RSA 371:17, and that the requested license[s] may be exercised without substantially affecting the public rights in the waters in question, as required for approval under RSA 371:20." Order No. 25,572 at 3.

12. As described above, the crossings are part of the Hi-line project which will allow the de-rating of the existing 6 inch line, increase winter reliability, and allow for future growth. The crossings are thus "necessary … to meet the reasonable requirements of reliable service." Note that the Commission previously found that other crossings related to the Hi-line project satisfied the legal standard. *EnergyNorth Natural Gas*, Order No. 25,572 (Sept. 19, 2013); *EnergyNorth Natural Gas*, Order No. 24,195 (July 28, 2003).

13. Liberty will exercise the rights granted by the licenses sought in this Petition without affecting the rights of the public to use the waters of the Soucook River; the use and enjoyment by the public of the Soucook River will not be diminished as a result of Liberty's plan to construct and maintain the pipeline as proposed. All of the property rights necessary to construct and maintain the pipeline beneath the Soucook River have been or will be obtained, so that no taking of private property or other acquisition of property rights is required.

14.   Liberty requests that an Order *Nisi* be issued approving the petition so that the

construction of the can be commenced as early in 2016 the construction season as possible.

WHEREFORE, Liberty respectfully requests that the Commission:

A. Issue an Order Nisi finding that the two crossing licenses sought by this Petition may be

exercised without substantially affecting the public use of the Soucook River;

B. Grant Liberty a license to construct and maintain the natural gas pipeline beneath the

Soucook River in two locations as requested in this Petition;

C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP. D/B/A LIBERTY UTILITIES

By its Attorney,

Date: February 9, 2016   By: _____
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