

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

**DG 17-068**

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

**Petition for Declaratory Ruling**

**ORDER OF NOTICE**

On April 26, 2017, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities -- Keene Division (Liberty) filed a petition for declaratory ruling pursuant to N.H. Code of Admin. Rules Puc 203 and Puc 207. In its petition, Liberty requests a ruling that it need not seek permission under RSA 374:22 and 374:26 to distribute gas by means of compressed natural gas (CNG) and liquefied natural gas (LNG) within the City of Keene. Liberty contends that its existing franchise to distribute “gas,” pursuant to which it has distributed coal gas, butane, and propane-air, permits it to distribute natural gas without further franchise approval.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at <http://www.puc.state.nh.us/Regulatory/Docketbk/2017/17-068.html>

On October 20, 2017, the Commission issued Order No. 26,065, in which it granted Liberty’s petition. In that order, the Commission ruled that Liberty has the existing authority to offer CNG and LNG service to customers in Keene, albeit with conditions imposed pursuant to the Commission’s general authority regarding engineering and operational safety. On November 16, 2017, members of the NH Pipeline Health Study Group (as a group and individually) and Terry Clark, individually, filed a joint motion for rehearing of Order No. 26,065. Liberty

objected to the motion. On December 18, 2017 the Commission issued Order No. 26,087, in which it granted the joint motion for rehearing, in part. In that order, the Commission found that of all the movants, only Mr. Clark has a direct interest in the outcome of this proceeding. The Commission determined to afford Mr. Clark and any other person with a direct interest in the outcome of the proceeding the opportunity to present legal arguments in the form of legal briefs. The Commission further ruled that the conditions related to safety and operations imposed on Liberty in Order No. 26,065 will remain in place, noting that neither Mr. Clark nor Liberty have raised any issue with these conditions.

Liberty's petition for declaratory ruling raises, inter alia, issues related to the scope of Liberty's existing gas franchise and whether RSA 374:22 and RSA 374:26 require Liberty to obtain additional franchise permissions from the Commission before converting the type of gas Liberty delivers from propane, mixed with air to a strength and pressure suitable for distribution, to CNG and LNG, decompressed to a suitable pressure for local distribution. Liberty is not seeking new franchise permissions under RSA 374:22 and RSA 364:26 at this time.

Each party has the right to have an attorney represent the party at the party's own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on April 6, 2018 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15. Parties should be prepared to present argument regarding interventions and regarding the status and conduct of the docket; and it is

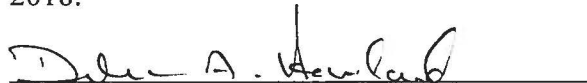
**FURTHER ORDERED**, that, immediately following the Prehearing Conference, Liberty, the Staff of the Commission, and any Intervenors hold a Technical Session to discuss the rules for submitting legal briefs and public comments and to establish a schedule for the submission of legal briefs for Commission's consideration; and it is

**FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.12, Liberty shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than March 15, 2018, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before April 4, 2018; and it is

**FURTHER ORDERED**, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Liberty and the Office of the Consumer Advocate on or before April 4, 2018, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rule Puc 203.17; and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before April 6, 2018.

By order of the Public Utilities Commission of New Hampshire this first day of March, 2018.

  
Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

## SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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### **FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.