

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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October 11, 2018

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Re: DG 18-092 - Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
Granting Intervention and Limiting Scope

To the Parties:

The August 1, 2018, order of notice issued in this matter established September 3, 2018, as the deadline for filing requests to intervene. Terry Clark, a resident of Keene, filed a petition to intervene on June 21, 2018. During the September 5, 2018, prehearing conference, the Commission suggested that the Ashuelot River Local Advisory Committee (ARLAC) consider seeking intervenor status. On September 10, 2018, ARLAC filed a petition to intervene. No objection has been filed to Mr. Clark's or ARLAC's requests to intervene.

Mr. Clark stated that he is a longtime resident of Keene whose rights may be affected by this proceeding. He did not elaborate in his petition or during the September 5th prehearing conference on how he would be affected by the proposed crossing. Mr. Clark also stated that he was presently involved in other proceedings before the Commission that are related to this proceeding. ARLAC stated that it represents ten towns within the Ashuelot River corridor and acts in an advisory capacity to the New Hampshire Department of Environmental Services (NHDES). ARLAC stated that it has concerns regarding Liberty's ability to construct the proposed crossing without affecting public rights in the Ashuelot River.

The Commission has determined that Mr. Clark's petition did not satisfy the standard for mandatory intervention contained in RSA 541-A:32, I. The Commission has, however, decided to permit his intervention pursuant to RSA 541-A:32, II. The Commission has waived the deadline stated in the order of notice for ARLAC and granted intervention to ARLAC pursuant to RSA 541-A:32, I, after determining that ARLAC had demonstrated that it has substantial interests which may be affected by the proceeding and that its intervention would be in the interests of justice and would not impair the prompt and orderly conduct of the proceeding.

At the hearing, the Commission brought the parties' attention to the limited scope of review in crossing proceedings. Under RSA 371:20, the Commission examines whether the license requested by a utility "may be exercised without substantially affecting the public rights in said waters." Such examination focuses on the "functional use and safety of the proposed crossings." *Northern Pass Transmission, LLC*, Order No. 25,910 (June 28, 2016) at 11. As in *Northern Pass Transmission, LLC*, the Commission will not adjudicate environmental concerns that are appropriately decided by other agencies. *Id.*

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

Cc: Service List
Docket File

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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Docket #: 18-092-1 Printed: October 11, 2018

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
EXECUTIVE 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.**