

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

Docket No. DG 18-092

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

**Petition for a License to Construct and Maintain a Natural Gas Pipeline beneath the
Ashuelot River in Keene**

PETITION TO INTERVENE OF TERRY CLARK

Terry Clark (“Clark”), by and through undersigned counsel, Richard M. Husband, Esquire, hereby respectfully petitions for leave to intervene in this proceeding before the Public Utilities Commission (“Commission”) as a party, with all rights as such to the full extent allowed by law. In support of his petition, Clark states:

1. This matter concerns the petitioner, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty”)’s, [petition](#) for an order nisi allowing Liberty to undertake substantial “upgrades” and other construction relative to its Keene natural gas distribution system, including installing a new pipeline under the Ashuelot River.

2. Liberty’s petition is filed pursuant to [R.S.A. 371:17](#), which requires a finding that the proposed construction is “necessary , in order to meet the reasonable requirements of service to the public ...” *Id.* Such necessity obviously requires a factual determination. Likewise, Liberty’s petition makes a number of supporting claims requiring a factual determination. The statutory obligation to confirm these claims prior to considering the requested relief must be met, especially as Liberty’s claims, on the face of its petition, are not consistent with the facts. For example, while Liberty asserts that the new pipeline is necessary as it is “critical to the economic and safe upgrade and repair of the existing river crossing at West Street,” [see Liberty’s petition at ¶ 9](#), plans for the new pipeline were already in the works by last December, while the need for

the West Street repairs was not known until April of this year. *See* April 24, 2018 sentinelsource.com article “Gas leak on Keene’s West Street repaired,” by Sierra Hubbard, available at http://www.sentinelsource.com/news/local/gas-leak-on-keene-s-west-street-repaired/article_30b6a32e-5e2b-535b-9400-a891b7233eb3.html. Beyond the repairs, clearly a second pipeline is not “necessary” to Liberty’s current service or every gas utility river crossing would require two pipelines—and plainly seems really about furthering Liberty’s expansion plans for its Keene franchise territory.

3. Clark, a long-time resident of the City of Keene, opposes Liberty’s expansion plans as an intervenor in Docket Nos. [DG 17-068](#) and [DG 17-052](#), having been granted intervention in both matters based on his status as a resident in the Liberty franchise territory whose rights may be affected by the proceeding. *See* [Commission Order No. 26,087 \(December 18, 2017\), p. 4](#) and [Commission Order No. 26,134 \(May 11, 2018\), p. 4](#).

4. As a resident of the City of Keene, whose rights may be affected by this proceeding, Clark also has standing and the right to intervene in this proceeding. While Clark does not take a position at this time as to whether Liberty’s petition should be approved, he believes that approval should not be granted without affording notice and a fair opportunity for public input and intervention,¹ that an order nisi is therefore inappropriate, that Liberty is putting the cart way before the horse to the extent that its proposed new pipeline and other construction goes to Liberty’s expansion plans, and that Liberty should itself show cause why it is not appropriate to await the result of Clark’s challenges to Liberty’s expansion plans in Docket Nos. [DG 17-068](#) and [DG 17-052](#) before taking up Liberty’s petition, given that an adverse ruling to

¹ For example, Clark understands that the Ashuelot River Local Advisory Committee may be considering intervention at its meeting next month.

Liberty in one or both cases may preclude at least some of the authorization requested under the petition in this proceeding.

5. As Liberty's petition was not filed as an emergency petition, Liberty clearly does not consider the construction proposed under its petition to be needed on an emergency basis. Thus, there appears to be no reason why an order nisi is necessary or appropriate for this proceeding.

WHEREFORE, for the reasons expressed, Clark respectfully requests that the Commission:

- A. Issue notice providing a fair opportunity for public input, and intervention, in this proceeding; and
- B. Grant this petition and allow Clark to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law; or
- C. Schedule a hearing on this matter; and
- D. Grant such other and further relief as is just, lawful and otherwise appropriate.

Respectfully submitted,

The petitioner,

Terry Clark,

By his Attorney:

Dated: June 21, 2018

//s//Richard M. Husband, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 21st day of June, 2018, submitted seven copies of this petition to the Commission by hand delivery, with copies e-mailed to the petitioner and the Consumer Advocate. I further certify that I have, on this 21st day of June, 2018, served an electronic copy of this petition on every other person/party identified on the Commission's service list for this docket by delivering it to the e-mail address identified on the Commission's service list for the docket.

//s//Richard M. Husband, Esquire
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