

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

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 ASHUELOT RIVER LOCAL ADVISORY COMMITTEE

Pursuant to the Public Utilities Commission (“Commission”) Order of Notice dated August 1, 2018 issued in the above-captioned matter, N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, the Ashuelot River Local Advisory Committee (ARLAC), hereby respectfully petitions to be allowed to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law, on grounds as follows:

1. The ARLAC convened in 1994 with the acceptance of the Ashuelot River into the NH Rivers Management and Protection Program. Appointed by the Commissioner of the NH Department of Environmental Services (NHDES), ARLAC represents the ten corridor towns of the Ashuelot River and acts in an advisory capacity to NHDES. ARLAC has implemented a river monitoring program since 2001 with the assistance of the NH Volunteer River Assessment Program. We have established within the river corridor a management plan that proposes the protection of plentiful clean water, thriving riparian and aquatic habitat for wild plants and animals, and providing balance for continued development of land use and water uses, recreation, and other public needs.
2. As Chairman of ARLAC, I had submitted comments on July 30, 2018 to NHPUC. I attended the pre-hearing held September 5, 2018 and at that time the importance for

ARLAC to become an intervenor in this petition became apparent. At the pre-hearing conference, the Commission stated that I should file this petition on behalf of ARLAC if it wanted to participate in the proceeding, even though it is being filed after the September 3, 2018 deadline for filing petitions to intervene set forth in the Order of Notice.

3. We have reviewed the petition noted above as well as plans submitted to NHDES Shoreland Program and have found the jurisdiction of the Shoreland program inadequate to address our concerns. We have been told by the Water Bureau of NHDES that the jurisdiction for our concerns is that of NHPUC. Without oversight by the PUC our concerns will not be addressed.
4. We have concerns regarding the ability for Liberty Utilities to construct the crossing without affecting the public rights in the Ashuelot River and environment, and believe that there must be a hearing on this matter, with the opportunity for discovery and testimony, before a decision can be made on the petition filed in this matter. The ARLAC petitions to intervene, with all intervention rights, accordingly. Allowance of this petition would be in the interests of justice and would not impair the prompt and orderly conduct of the proceedings, which have just begun.

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

- A. Grant this petition and allow the Ashuelot River Access Advisory Committee to intervene in this proceeding as a party, with all rights as such to the full extent allowed by law; and
- B. Schedule a hearing on this matter; and

C. Grant such other and further relief as is just, lawful and otherwise appropriate.

Respectfully submitted,

The petitioner,

ASHUELOT RIVER LOCAL
ADVISORY COMMITTEE

Dated: September 7, 2018

By //s//Barbara Skuly
Chairman
Ashuelot River Local Advisory Committee
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CERTIFICATE OF SERVICE

I, Barbara Skuly, hereby certify that I have, on this 7th day of September, 2018, mailed seven copies of this petition to the Commission, with copies e-mailed to the petitioner, Liberty Utilities, and the Consumer Advocate, Donald Kreis. I further certify that I have, on this 7th day of 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//Barbara Skuly
Barbara Skuly