

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 17-152**

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

**2017 Least Cost Integrated Resource Plan**

**Order Granting Petitions to Intervene**

**ORDER NO. 26,134**

**May 11, 2018**

In this order, the Commission grants the petitions to intervene of Conservation Law Foundation, Pipe Line Awareness Network for the Northeast, Inc., and Terry Clark.

**I. PROCEDURAL HISTORY**

On October 2, 2017, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) filed its 2017 Least Cost Integrated Resource Plan (LCIRP) for approval, pursuant to RSA 378:38 and Order No. 25,762 (February 9, 2015) (2013 LCIRP Order). The Office of the Consumer Advocate (OCA) filed its letter of participation the next day. An order of notice, issued on February 8, 2018, set the filing deadline of March 7, 2018, for petitions to intervene. Parties had until March 9 to object. A prehearing conference before the Commission and a technical session with the Commission Staff (Staff) were also scheduled for March 9.

Conservation Law Foundation (CLF), Pipe Line Awareness Network for the Northeast, Inc. (PLAN), and Terry Clark, filed timely petitions to intervene. Liberty objected to CLF and PLAN's intervention at the prehearing conference, but took no position on Mr. Clark's intervention. On March 26, 2018, Liberty withdrew its objection to CLF's intervention.

The petitions and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2017/17-152.html>.

## **II. POSITIONS**

### **A. CLF**

CLF asserts that it has expertise in the subjects at issue, including the environmental, economic, and health-related impacts of natural gas, natural gas pipelines, natural gas storage, and non-gas alternatives, as well as energy projects and markets. CLF has participated in prior dockets before the Commission involving natural gas, energy efficiency, and other energy matters.

CLF says its members have a strong interest in ensuring sound planning and investments by New Hampshire's natural gas utilities, including Liberty. According to CLF, natural gas is a major contributor to climate change, affecting its members' health, welfare, and economic well-being, including those members within Liberty's territory. CLF claims its intervention is consistent with RSA 378:39, and is likely to elucidate important issues and facilitate an efficient and just resolution.

### **B. PLAN**

PLAN's membership includes customers and ratepayers of Liberty, as well as residents in Liberty's existing and proposed franchise service areas. PLAN states that this proceeding affects its members through rate and cost implications associated with the development of demand-side energy efficiency programs and supply choices. Although its members who are Liberty's ratepayers have standing to intervene individually on the issues raised in the LCIRP, PLAN provides a single, unified voice on their behalf.

### **C. Terry Clark**

Terry Clark, a resident of Keene, bases his intervention request on Keene being an area where Liberty plans to expand natural gas service. Mr. Clark states his concerns regarding the economic and environmental effects of the proposed Granite Bridge gas pipeline and liquefied natural gas (LNG) storage facility. According to Mr. Clark, Liberty's expansion plans do not comport with New Hampshire's energy policy under RSA 378:37 to meet energy needs "at the lowest reasonable cost," while protecting the environment, natural resources, and public safety and health.

### **D. Liberty**

As stated above, Liberty objected to PLAN's intervention at the March 9 prehearing conference. Liberty argued, given the OCA's participation, that PLAN's intervention would be redundant and would be an impediment to the orderly conduct of this proceeding. Liberty asserted in the alternative that if PLAN's intervention is granted, PLAN's participation should be limited specifically to LCIRP issues and that PLAN should submit member affidavits attesting to their status as Liberty customers. Liberty also objected to the intervention of CLF at the prehearing conference, but later withdrew its objection by letter filed on March 26, 2018.

### **E. OCA**

The OCA assents to all intervention requests. The OCA refuted Liberty's belief that PLAN's intervention would be redundant with the OCA's, because the OCA generally confines its positions to the economics of proposed utility actions and their direct impact on residential ratepayers.

## **F. Staff**

Staff does not object to any of the interventions. At the prehearing conference, Staff noted that the order of notice delineated the scope of this docket to include discussion of all LCIRP factors required by law, which now encompass environmental and public health concerns.

## **III. COMMISSION ANALYSIS**

We grant Mr. Clark's intervention request based on his status as a resident within Liberty's franchise territory whose interests may be affected by this proceeding. Similarly, we grant CLF's and PLAN's requests based on the standing of their members who are customers of Liberty and whose interests may be affected. To ensure "the orderly and prompt conduct" of this docket, we provide the following further guidance.

As stated in the order of notice issued on February 8, 2018, the LCIRP filing raises, among other things, issues related to whether Liberty's planning process is adequate as defined by the requirements set forth in RSA 378:38 and RSA 378:39, and whether the filing adequately addresses the Commission's requirements set forth in the 2013 LCIRP Order approving Liberty's last LCIRP filing in Docket No. DG 13-313. By their own terms, the statutes require a focus on how Liberty's plans would affect the State of New Hampshire and its citizens.


Accordingly, while we acknowledge the claimed expertise of CLF and the advocacy role of PLAN regarding gas and energy markets, infrastructure, and non-gas alternatives, as well as in environmental and public health issues related to the gas industry and markets, we will not allow this proceeding to be used as an opportunity to "educate the public," as PLAN suggests in its petition, on any and all issues related to the broad topics of fossil fuel infrastructure and its

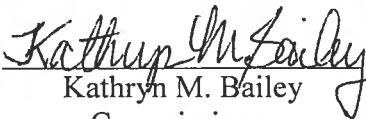
alternatives. Participation, including discovery requests, cross-examination, and legal briefings, shall be restricted to the evaluation of the LICRP under New Hampshire law.


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

**ORDERED**, that the petitions to intervene of Conservation Law Foundation, Pipe Line Awareness Network for the Northeast, Inc., and Terry Clark, are granted subject to the conditions sated above.

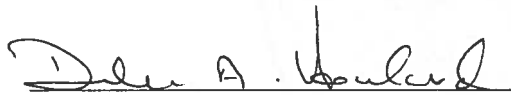
By order of the Public Utilities Commission of New Hampshire this eleventh day of May, 2018.

  
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Martin P. Honigberg  
Chairman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director