

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No.: DG 16-241

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

**Petition for Approval of Gas Capacity Contract with Algonquin Gas Transmission, LLC,
Gas Capacity Program Details, and Distribution Rate Tariff for Cost Recovery**

**PETITION TO INTERVENE
OF THE NEW HAMPSHIRE MUNICIPAL PIPELINE COALITION**

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice ("Order") dated March 24, 2016, N.H. Code Admin. Rules Puc 203.17, and RSA 541-A:32, the New Hampshire Municipal Pipeline Coalition ("Coalition"), on behalf of its member towns of Brookline, Fitzwilliam, Greenville, Litchfield, Mason, Milford, New Ipswich, Pelham, Richmond, Rindge, Temple, Troy, and Winchester individually (collectively, "Towns"), hereby petitions for leave to intervene in the above-captioned proceeding. In support of its petition, the Coalition states the following:

1. The Coalition is a voluntary unincorporated association of municipalities with the purpose of preserving and protecting the interests of our residents, including health and welfare concerns, potential costs and other likely impacts associated with the ANE project (as defined below).
2. The Towns are municipal corporations duly organized pursuant to New Hampshire state law.
3. On February 18, 2016, Public Service Company of New Hampshire d/b/a Eversource ("Eversource") filed with the Commission a petition for approval (the "Petition") of a gas transportation and storage agreement on the proposed Access Northeast ("ANE") project between Eversource and Algonquin Gas Transmission, LLC ("Algonquin").

As set forth in the Petition, Eversource seeks approval of a 20-year contract between Eversource and Algonquin pursuant to which Eversource would purchase from Algonquin on a firm basis up to 66,600 MMBtu/day or 7.4% of the total capacity of the ANE project (the “ANE Contract”). Eversource is seeking final approval from the Commission of its decision to enter into the ANE Contract by October 1, 2016.

4. As set forth in the Order, this proceeding will require the Commission to address issues related to whether Eversource has the corporate authority to enter into the ANE Contract under RSA 374-A and RSA 374:57; whether Eversource's entering into the ANE Contract, development of the Electric Reliability Service Program (“ERSP”), and assessment of the Long-Term Gas Transportation and Storage Contract (“LGTSC”) would violate the Restructuring Principles of RSA Chapter 374-F, or any other New Hampshire law, or any federal law, including the Federal Power Act; whether the LGTSC assessment would be permitted under RSA 374-A, RSA 374:57, and RSA 378, and Commission precedential standards for ratemaking, as just, reasonable and in the public interest; whether the RFP process presented by Eversource in support of its selection of the ANE Contract comports with the requirements of N.H. Code Admin. Rules Puc 2100. Order No. 25,860, and the standards of prudence applied by the Commission for such contracting; whether the assertions made by Eversource regarding expected benefits and costs of its participation in the ANE Contract are supported by the evidence, including evidence of economic, engineering, and environmental costs, benefits, and feasibility; and whether ERSP and companion FERC tariff filing comport with relevant federal law, including the Natural Gas Act,

and whether FERC approval should be a condition precedent for the enactment of any Commission approval.

5. New Hampshire Code of Administrative Rules, Puc 203.17 states that the Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32. Pursuant to RSA 541-A: 32 I (b) and (c), a petition *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition qualifies under any provision of the law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention.

Alternatively, RSA 541-A:32 II states that the Commission *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.”

6. Eversource states that the ANE Contract “will provide significant value to New Hampshire electricity customers” because it “results in net benefits for Eversource customers at a reasonable cost” and “compares favorably to the range of alternative options reasonably available to Eversource as a result of the competitive solicitation.”

See Petition at Bates 000005. The Towns and their citizens as members of the Coalition represent the “customers” to which Eversource refers; as such, the Towns and their citizens will be subject to any rate and cost implications as set forth in the ANE Contract.

7. Moreover, in evaluating the net benefits of the ANE project, Eversource asserts that the “price associated with the ANE Contract is competitive and that the proposed ANE Contract satisfied other non-price factors, such as reliability, diversity of supply and

the ability to directly serve electric generation facilities having a material impact on electricity prices.” *See* Petition at Bates 000006. Eversource’s evaluation process and financial analysis – which have been redacted from its filings and are not otherwise available to non-parties to this action – will dictate the rates charged to the Towns and their citizens as customers of Eversource; therefore, the Commission’s determination as to the reasonableness and prudence of the ANE Contract will have a *de facto* impact on the rights and interests of the Towns and their citizens. Accordingly, the Coalition on behalf of the Towns and their citizens is entitled to participate in the Commission’s review of Eversource’s assertion that the “best way to improve the reliability and cost of electric supply for retail electric customers is to participate in [the ANE project].”

Testimony of James G. Daly at Bates 000030.

8. Each of the Towns and their citizens are existing Eversource ratepayers¹ and therefore as end users who will be financially impacted by the outcome of this proceeding have a *per se* right to intervene in this action. Intervention will allow the Coalition on behalf of its member Towns and citizen customers to protect its interests in the financial impacts resulting from Eversource’s ANE Contract with Algonquin and will serve the interests of justice. Intervention from the Coalition will not impair the orderly and prompt conduct of the proceedings, and therefore the Coalition seeks to participate as a full intervenor in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs. *See* Joint Petition for Approval of Sale to Village District of Eastman and Exemption from Further Regulation, Docket No. 13-

¹ *See* Public Service Company of New Hampshire, Electricity Delivery Service Tariff – NHPUC No. 8 Issued in Lieu of Electricity Delivery service Tariff NHPUC No. 7, at 5 (July 2, 2010).

171 (customers affected by the sale of the sewer company were granted intervention as an unincorporated association, the “Eastman Sewer Users Coalition”).

9. The Commission previously granted intervention of the Coalition on behalf of certain member Towns in the recent DG 15-494 proceeding, which involved a similar utility request for approval of a gas transportation agreement that impacted ratepayers. Specifically, the Commission permitted intervention of the Coalition on behalf of member Towns that were advocating “on behalf of the Town as a customer and on behalf of any other [T]own citizens that are customers” of the utility. *See* Clarification of Ruling on Municipal Coalition Intervention in DG 15-494 (February 16, 2016). The determination that the Coalition on behalf of its ratepayer member Towns and their citizen customers met the intervention standard of RSA 541-A:32, I and II in DG 15-494 is appropriate in the present case as well. *Id.* As in DG 15-494, the Towns and their citizens who are existing customers of Eversource, will be subject to the prices negotiated in the ANE Contract in this case or any other restructuring of the ANE project by Algonquin thereto, if approved by the Commission.
10. Alternatively, the facts and circumstances surrounding Eversource’s Petition establish that the Coalition’s intervention should be granted pursuant to the Commission’s discretionary authority under RSA 541-A32 II. The Coalition on behalf of its member Towns has timely requested intervention in this proceeding, and has identified specific interests that will be affected by the Commission’s ultimate determination. Moreover, under a general principle of state and municipal comity, the Coalition, on behalf of its member Towns, ought to be granted intervention in this proceeding in order to have real time access to the record and the ability to examine issues of concern to them.

11. By filing for intervenor status together as the Coalition, the Towns will further promote efficiency in the progress of this docket.

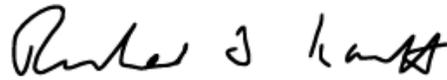
12. For the above reasons, the Coalition on behalf of its member Towns request that it be allowed to intervene as the Coalition.

WHEREFORE, the Coalition on behalf of its member Towns respectfully requests that the New Hampshire Public Utilities Commission grant its timely Petition to Intervene and permit the Coalition on behalf of its member Towns to participate in this proceeding with full rights as a party and grant such other relief as may be just and reasonable.

Respectfully Submitted,

New Hampshire Municipal Pipeline Coalition.

By its attorneys,

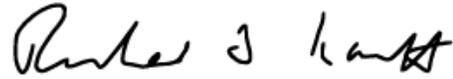


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Date: April 11, 2016

Certificate of Service

I hereby certify that on April 11, 2016, pursuant to Puc 203.02 & 203.11, I served an electronic copy of the foregoing document on each person identified on the Commission's service list for this docket and with the Office of the Consumer Advocate, by delivering it to the email address specified on the Commission's service list for the docket.



Richard A. Kanoff