

**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 PIPE LINE AWARENESS NETWORK FOR THE NORTHEAST, INC.**

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, Pipe Line Awareness Network for the Northeast, Inc. ("PLAN") hereby respectfully petitions for leave to intervene in the above-captioned proceeding. In support of its petition, PLAN states the following:

1. 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.
2. 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.

3. 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.”

4. PLAN is a not for profit corporation organized exclusively for charitable, scientific, and educational purposes. PLAN is incorporated in Massachusetts and registered to do business in the state of New Hampshire.
5. A primary purpose of PLAN – as set forth in its organizational documents – is to engage in legal and regulatory advocacy on behalf of its members in connection with fossil fuel infrastructure and its alternatives.
6. PLAN is also dedicated to educating the public about fossil fuel infrastructure and the alternatives; protecting the environment, climate, and public health from proposed and existing fossil fuel infrastructure; promoting efficiency measures, expansion of programs that manage “peak use”, and other lower impact energy solutions; and promoting, coordinating and assisting the activities of other organizations and groups whose purposes are similar.
7. The members of PLAN include customers and ratepayers of Eversource in New Hampshire. As part of its mission, PLAN is dedicated to representing the economic and property rights, privileges and interests of its members before the Commission, and ensuring that local distribution companies such as Eversource have reasonably and diligently investigated all feasible solutions for satisfying existing and future supply needs.
8. 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. Members of PLAN represent the “customers” to which Eversource refers; as such, PLAN and its members will be subject to any rate and cost implications as set forth in the ANE Contract.

9. 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 PLAN members 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 PLAN and its members. As the representative of ratepayers ultimately affected by this proceeding, PLAN 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.
10. As end users who will be financially impacted by the outcome of this proceeding, the individual members of PLAN would have a *per se* right to intervene in this action and accordingly, intervention by PLAN on its members’ behalf is therefore proper in this case. *See* Reconciliation of Energy Service and Stranded Costs for Calendar Year 2012,

Docket No. 13-108, 2013 N.H. Puc. LEXIS 105, \*4 (July 9, 2013) (“We find that the substantial interests of [the Conservation Law Foundation] may be affected by this proceeding, through its members that are [] ratepayers”); Petition for Approval of Power Purchase Agreement with Laidlaw Berlin Biopower, LLC, Docket No. 10-195, 2010 N.H. Puc. LEXIS 97, \*14-15 (October 15, 2010) (ratepayers affected by the costs incurred from power agreements granted intervention on mandatory basis); Petition for General Rate Increase Order Approving Procedural Schedule, Docket No. 99-057, 1999 N.H. Puc LEXIS 62, \*5 (August 12, 1999) (representative of constituents affected by rate changes granted full intervener status).

11. The Commission previously granted PLAN the right to intervene on behalf of its members in the recent DG 15-494 and DG 14-380 proceedings, which involved similar utility requests for approvals of gas transportation agreements that impacted ratepayers, noting that those customers would bear the costs of such approvals. The determination that PLAN and its members met the intervention standard of RSA 541 –A:32, I (b) in DG 15-494 and DG 14-380 is appropriate in the present case as well. As in DG 15-494 and DG 14-380, PLAN and its members, as 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.
12. Intervention will allow PLAN and its members to protect their interests given the financial impacts resulting from Eversource’s ANE Contract with Algonquin. Intervention will serve the interests of justice and will not impair the orderly and prompt conduct of the proceedings, and therefore PLAN seeks to participate as a full

intervenor in this matter and as appropriate file comments, attend conferences, participate in hearings and submit briefs.

13. Based on the above, it is clear that the rights, privileges and interests of PLAN and its members will be directly and substantially impacted by this proceeding in their capacity as ratepayers of Eversource.
14. Alternatively, the facts and circumstances surrounding Eversource's Petition establish that PLAN's intervention should be granted pursuant to the Commission's discretionary authority under RSA 541-A32 II. PLAN has timely requested intervention in this proceeding, and PLAN has identified the specific interests of its members that will be affected by the Commission's ultimate determination – which members each would have standing to intervene individually had they so petitioned. PLAN speaks as a single, cohesive, and unified voice on behalf of its members concerning these issues. PLAN's interests in the outcome of this proceeding will not be adequately represented by any other party hereto, nor will PLAN's participation delay this proceeding as PLAN does not request any changes to the schedule as set forth in this docket.
15. Under these circumstances, the Commission has routinely permitted intervention of such organizations through its discretionary authority to speak on behalf of itself and its affected members. *See Determination Regarding PSNH's Generation Assets*, Docket No. 14-238, Order No. 25,733 (November 6, 2014) (Commission permitted discretionary intervention to business organization that “represents the interests of commercial ratepayers” where the organization's “stated economic interests in this docket are consistent with the interests its members would likely raise.” Moreover, the

Commission found it prudent to “hear from a single voice speaking on behalf of that constituency.”); Petition to Establish 2014 Energy Service Rate, Docket No. 13-275, 2013 N.H. Puc LEXIS 161, \*7-8 (November 15, 2013), (even where an organization’s rights are not immediately implicated by the proceeding, intervention is permitted on a discretionary basis for organization representing the interests of its ratepayer members).

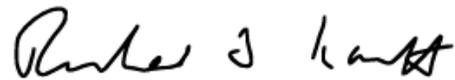
16. For these reasons, and in the alternative, PLAN requests that it be allowed to intervene pursuant to the Commission’s discretionary authority.

**WHEREFORE**, PLAN respectfully requests that the New Hampshire Public Utilities Commission grant its timely Petition to Intervene and permit PLAN to participate in this proceeding with full rights as a party.

Respectfully Submitted,

**Pipe Line Awareness Network for  
the Northeast, Inc.**

By its attorneys,



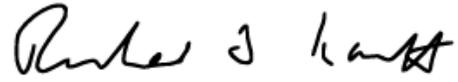
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Date: April 11, 2016

**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.



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Richard A. Kanoff