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**From:** Richard Balagur <richardbalagur@gmail.com>  
**Sent:** Tuesday, January 24, 2017 11:28 AM  
**To:** PUC - Executive.Director; Noonan, Amanda; Stachow, Leszek; Michael Sheehan; PUC - OCA Litigation; Dexter, Paul; Chagnon, Richard; Richard Balagur; Frantz, Tom  
**Subject:** DE 16-835

Dear Ms. Howland,

I would like to defer the hearing scheduled for next week for several reasons:

- 1) Discovery is not complete - among other items we don't know the dates of transfer of some property, the voltage of the distribution line and the adjacent distribution lines are undefined, the dates and customers at the time of installation, and how many other parties may be effected by this decision. Even if we assume the customers were the major tenants were their actions to bury low voltage service lines a part of a joint effort by the municipality to bury distribution lines.
- 2) I expect the City of Lebanon to intervene in this process. At a minimum they should be represented as the determination that they own and are responsible for on going maintenance has a significant effect on them.
- 3) I had expected a staff hearing prior to the Board hearing this case. An important legal question for me is who bears the burden of proof in this case - the utility which should have documented the process of installing the lines and turning them over to a new owner, the landowner or the third parties who are being asked to prove a negative. Other questions I expect to be answered are whether the initial responsibility for repairs should always belong to the utility given the urgency of this situation and others that involve multiple customers. What would happen if a medical facility was involved?

Michael Sheehan has indicated he does not object to this request although he may object to further discovery.

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Richard Balagur  
20 West Park Street  
Lebanon, NH 03766  
(603) 448 - 1100 Work  
(802) 785 - 4514 Home