

# APPENDIX A

## BURNS & LEVINSON LLP

125 SUMMER STREET BOSTON, MA 02110

T 617.345.3000 F 617.345.3299

WWW.BURNSLEV.COM

RICHARD A. KANOFF  
617.345.3210  
RKANOFF@BURNSLEV.COM

April 29, 2015

### VIA EMAIL ONLY

Sarah B. Knowlton  
Assistant General Counsel  
Liberty Utilities (EnergyNorth Natural Gas) Corp.  
15 Buttrick Road  
Londonderry, NH 03053  
Email: sarah.knowlton@libertyutilities.com

RE: DG 14-380 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a/ Liberty Utilities)  
EnergyNorth's Responses to PLAN Data Requests

Dear Sarah:

I am writing regarding EnergyNorth's objections to certain of PLAN's data requests in NHPUC Docket No. DG 14-380. EnergyNorth has objected to the following questions in PLAN's Second Set of Data Requests: Nos. 2-26, 2-27 and PLAN 2-28 through 32 relating respectively to the consortium of local LDC companies ("LDC Consortium"), environmental impacts, and EnergyNorth's affiliates ownership interest in the NED project. Pursuant to Rule Puc 203.09 (i)(4), PLAN is hereby making a good faith effort to resolve its dispute concerning the questions objected to by EnergyNorth.

### Standard of Review

The standard for discovery in Commission proceedings is broad and extends to information that is relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence. *Re Investigation into Whether Certain Calls are Local*, 86 NH PUC 167, 168 (2001). The Commission will typically allow "wide-ranging discovery" and will deny discovery requests only when it "can perceive of no circumstance in which the requested data would be relevant." *Re Lower Barilett Water Precinct*, 85 NH PUC 371, 372 (2000). A party in a legal proceeding in New Hampshire is entitled to "be fully informed and have access to all evidence favorable to his side of the issue. This is true whether the issue is one which has been raised by him or by his opponent, and whether the evidence is in the possession of his opponent or someone else." *Scotsas v. Citizens Insurance Co.*, 109 N.H. 386, 388 (1969). *See also, Public Service Co. of New Hampshire*, Order No. 25,398 (August 7, 2012).

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**Request No. PLAN 2-26**

EnergyNorth objected to PLAN 2-26. The question requested information relating to the LDC Consortium. Information relating to the LDC Consortium is relevant given Mr. DaFonte's explicit testimony (and associated data request responses) relating to the specific involvement of the LDC Consortium in negotiating the terms and conditions of the Precedent Agreement at issue here. Among other things, the unique circumstances of this case, and EnergyNorth's placement of great importance on the LDC Consortium distinguish this case from the orders you provided. EnergyNorth has introduced information relating to the LDC Consortium voluntarily and further discovery and explanation relating to the LDC Consortium is warranted and appropriate.

In addition, EnergyNorth's assertion of an attorney-client privilege is unsupported as a matter of fact and unsupportable as a matter of law. Nor has EnergyNorth explained how responding fully to this request will be burdensome or why it is overly broad.

**Request No. PLAN 2-27**

EnergyNorth objected to PLAN 2-27. The question requested information relating to statements made Mr. DaFonte at the March 17, 2015 technical conference with respect to the "impacts of the KM Pipeline with respect to other competing pipeline proposals." Mr. DaFonte's discussion of environmental impacts at the technical session opened the door to further inquiry, particularly relating to information referenced by EnergyNorth directly. While EnergyNorth may wish to constrain the scope of this proceeding, further consideration of environmental impacts associated with the NED project and alternatives is within the scope of the proceeding, not precluded under applicable law, and is an important point to be addressed by the Commission in this case. Moreover, the Precedent Agreement itself references costs associated with environmental impacts. This information should be provided.

**Request Nos. PLAN 2-28, 2-29, 2-30, 2-31 and 2-32**

EnergyNorth objected to PLAN 2-28 through 2-32. These questions requested information relating to a Company Release dated November 24, 2014 and particularly with respect to affiliate company transactions involving Kinder Morgan and the NED project. Information requested relating to the specific affiliate ownership interest in the NED project and a consideration of shared interests or common ownership among the identified companies is clearly relevant to allow full consideration of the implications of common ownership on the NED project selection process. Moreover, requested information relating to the Company Release of November 24, 2014 (and requested in PLAN 2-28 (d)-(f)) will provide important information with respect to the involvement and influence of other LDCs and EnergyNorth's evaluation of the NED project as compared to alternatives.

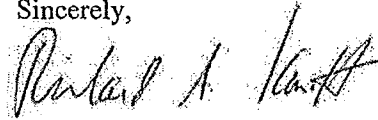
April 29, 2015

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PLAN requests that EnergyNorth reconsider its objections to PLAN's questions and provide full, accurate and complete answers as required by Commission rules and precedent. As any motion to compel must be made within 15 business days of receiving the applicable response or objection, PLAN requests that you respond as soon as possible as PLAN must file a motion on or before May 1, 2015.

We look forward to hearing from you and anticipate that we can resolve this matter amicably and without the need to file a motion to compel.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Kanoff". The signature is written in a cursive, somewhat stylized font.

Richard A. Kanoff

cc: Discovery Service List

4851-9758-3907.2

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Sent from my iPhone

Begin forwarded message:

From: Sarah Knowlton <[Sarah.Knowlton@libertyutilities.com](mailto:Sarah.Knowlton@libertyutilities.com)>  
Date: May 1, 2015 at 8:13:47 AM EDT  
To: "Richard A. Kanoff" <[rkanoff@burnslev.com](mailto:rkanoff@burnslev.com)>  
Cc: "Discovery@puc.nh.gov" <[Discovery@puc.nh.gov](mailto:Discovery@puc.nh.gov)>, "[al-azad.m.iqbal@puc.nh.gov](mailto:al-azad.m.iqbal@puc.nh.gov)" <[al-azad.m.iqbal@puc.nh.gov](mailto:al-azad.m.iqbal@puc.nh.gov)>, "[amanda.noonan@puc.nh.gov](mailto:amanda.noonan@puc.nh.gov)" <[amanda.noonan@puc.nh.gov](mailto:amanda.noonan@puc.nh.gov)>, "[apereira@lacapra.com](mailto:apereira@lacapra.com)" <[apereira@lacapra.com](mailto:apereira@lacapra.com)>, Chico DaFonte <[Chico.DaFonte@libertyutilities.com](mailto:Chico.DaFonte@libertyutilities.com)>, Karen Anne Sinville-Dupuis <[KarenAnne.Sinville@libertyutilities.com](mailto:KarenAnne.Sinville@libertyutilities.com)>, "[mark.naylor@puc.nh.gov](mailto:mark.naylor@puc.nh.gov)" <[mark.naylor@puc.nh.gov](mailto:mark.naylor@puc.nh.gov)>, "[mwhitten@lacapra.com](mailto:mwhitten@lacapra.com)" <[mwhitten@lacapra.com](mailto:mwhitten@lacapra.com)>, "[ocalitigation@oca.nh.gov](mailto:ocalitigation@oca.nh.gov)" <[ocalitigation@oca.nh.gov](mailto:ocalitigation@oca.nh.gov)>, "[pradip.chattopadhyay@oca.nh.gov](mailto:pradip.chattopadhyay@oca.nh.gov)" <[pradip.chattopadhyay@oca.nh.gov](mailto:pradip.chattopadhyay@oca.nh.gov)>, "[rorie.patterson@puc.nh.gov](mailto:rorie.patterson@puc.nh.gov)" <[rorie.patterson@puc.nh.gov](mailto:rorie.patterson@puc.nh.gov)>, "[steve.frink@puc.nh.gov](mailto:steve.frink@puc.nh.gov)" <[steve.frink@puc.nh.gov](mailto:steve.frink@puc.nh.gov)>, "[susan.chamberlin@oca.nh.gov](mailto:susan.chamberlin@oca.nh.gov)" <[susan.chamberlin@oca.nh.gov](mailto:susan.chamberlin@oca.nh.gov)>  
Subject: RE: Data Request Resolution Letter

Richard,

I have not had the opportunity to respond to your letter yet and am tied up out of the office all day today. In order for you to meet your deadline, I will respond briefly now.

First, I would note that the Company responded to PLAN's second set of data requests on April 14. I do not understand why PLAN waited until April 29 - two days before a motion to compel was due - to follow up on the objections. Regardless, I will address the substance of your April 29 letter:

Regarding PLAN 2-26: The issue in this docket is whether the PA and its terms as negotiated by Liberty and as before the Commission regardless of how it was negotiated. The Company raised the issue of participation in the LDC consortium to point out that all of the participating members negotiated substantially similar terms. I do not believe that information regarding other members of the LDC consortium and their communications is relevant to whether EnergyNorth's PA is in the public interest. The Commission's task is to evaluate the terms as presented in the signed contract.

PLAN 2-27: For the reasons stated in the objection, the Company does not believe that environmental issues are within the scope of this docket. The Commission does not authority over environmental issues relating to siting of the NED project and has previously indicated in its order on PLAN's intervention that such issues are outside the scope of PLAN's participation in this docket.

PLAN 2-28 through 2-32: The Company has responded to data requests delineating the relationship between various affiliates of EnergyNorth. I do not believe that information and communications among other EnergyNorth affiliates is relevant to the Commission's consideration in this docket.

Sarah

Sarah B. Knowlton | Liberty Energy Utilities (New Hampshire) Corp. | Assistant General Counsel  
O: 603-216-3631 | C: 603-327-9155  
E: [sarah.knowlton@libertyutilities.com](mailto:sarah.knowlton@libertyutilities.com)  
15 Buttrick Road, Londonderry, NH 03053

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# APPENDIX B

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast ("PLAN") Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-26

Date of Response: 4/10/15  
Respondent: Francisco C. DaFonte

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**REQUEST:**

With respect to the LDC Consortium please provide the following information:

- a) all documentation and other materials relating to correspondence with and documentation received from the LDC Consortium with respect to the KM Pipeline and/or preparation of filing in this proceeding.
- b) the identity of the 10 individuals in the working group from the various member LDC Consortium as referenced in PLAN 1-3 b.
- c) a complete description of the LDC Consortium negotiation process as referenced in PLAN 1-9. Please provide any documentation relating to the negotiations including minutes of meetings, handouts and notes.

**OBJECTION:**

- a) through c): Liberty Utilities (EnergyNorth Natural Gas) Corp. objects on the basis that the request is overly broad and unduly burdensome and seeks voluminous documents to the extent that it seeks all documents received by EnergyNorth as a member of the LDC Consortium with respect to the pipeline that it is the subject of the Precedent Agreement and/or the preparation of this filing.

The Company further objects on the grounds that the request seeks production of information regarding negotiation of the Precedent Agreement that is not relevant to the Commission's determination of whether the proposed transaction is in the public interest. The purpose of this docket is to determine whether EnergyNorth's Precedent Agreement with Tennessee Gas Pipeline Company, LLC as executed is in the public interest. The particulars of the negotiation that led to the final Precedent Agreement are not relevant to the Commission's determination of whether the Precedent Agreement is in the public interest. *See Pub. Serv. Co. of N.H.*, Order No. 25,174 (DE 10-195); *Pub. Serv. Co. of N.H.*, Order No. 24,895 (DE 08-077); *City of Nashua*, Order No. 24,671 (DW 04-048).



The Company also objects on the basis that the request seeks information protected by the attorney-client privilege. The Company further objects on the basis that PLAN's intervention is limited to "the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers." PLAN's inquiry in this request seeking information about non-EnergyNorth participants in the LDC Consortium negotiation process is similarly not relevant and beyond the scope of its limited intervention.

**RESPONSE:**

- b) Subject to and notwithstanding the above objection, EnergyNorth answers as follows: Representatives from the following utilities developed the pricing forecast on behalf of the LDC Consortium: Connecticut Natural Gas, Eversource, National Grid, NiSource, Unitil and Westfield Gas and Electric.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-27

Date of Response: 4/10/15  
Respondent: None

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**REQUEST:**

In the technical session of March 17, 2015, Mr. DaFonte discussed the relative environmental impacts of the KM Pipeline with respect to the other competing pipeline proposals. Please provide any analyses or other documentation that EnergyNorth considered, prepared, and/or reviewed with respect to the environmental impacts of the KM pipeline and/or other pipelines proposed in New England, including the C2C and Spectra proposals.

**OBJECTION:**

The Company objects on the basis that the request seeks information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence. The purpose of this docket is to determine whether EnergyNorth’s Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of environmental impacts associated with the construction of the NED natural gas pipeline project.

The Company further objects on the basis that PLAN’s intervention is limited to “the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” The Commission expressly denied PLAN’s “...intervention on behalf of landowners along the proposed TGP route who are not EnergyNorth customers. Only EnergyNorth-customer members possess “rights, duties, privileges, immunities or other substantial interests [that] may be affected by the proceeding.”” RSA 541-A:32, I (b). It will be EnergyNorth customers who will bear the costs of the Precedent Agreement if the Commission approves it. PLAN’s landowner members possess no such direct interest or cost responsibility; their interests, while important, are not pertinent to the Commission’s determinations in this proceeding. Consequently, it is likely that the participation of PLAN landowner members would “impair the orderly and prompt conduct of [these expedited] proceedings.” RSA 541-A:32, II. To ensure an orderly and focused proceeding, we limit PLAN’s participation to the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” Order No. 25,767 at 4.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-28

Date of Response: 4/10/15  
Respondent: Francisco C. DaFonte

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**REQUEST:**

In its Order of Notice, the NHPUC stated: “Although not mentioned in the filing, EnergyNorth’s affiliate, Algonquin Power and Utilities Corp (“APUC”) announced on November 24, 2014, that it plans to invest in the development of the NED pipeline project through Liberty Utilities (Pipeline and Transmission) Corp., a wholly owned subsidiary of APUC and Kinder Morgan Operating L.P.” The Order of Notice referenced the Company Release (11/24/15) at link: <http://investors.algonquinpower.com/file.aspx?IID=4142273&FID=26297428>. With respect to the NHPUC statement and the Company Release, please provide the following:

- a) An organizational chart showing corporate structure of and the relationship between APUC, Northeast Expansion, LLC, Liberty Utilities (Pipeline and Transmission) Corp and Liberty Utilities (EnergyNorth Natural Gas) Corp and Liberty Energy Utilities (New Hampshire) Corp. (the “Affiliated Entities”) (to the extent not provided in Staff 1-17).
- b) A list of key corporate officers and the Board of Directors for each entity listed in 28 a. above.
- c) Any and all agreements between Liberty Utilities (Pipeline & Transmission) Corp and/or APUC and/or Northeast Expansion LLC, and/or Kinder Morgan and/or any of their subsidiaries or affiliates with respect to pipeline capacity including the agreement (s) referenced in the Company Release, as well as any joint venture, development services agreement or other documentation related to the development, construction and ownership of the NED project.
- d) A listing of the local distribution companies referenced in the Company Release “with contracts” with the KM pipeline or that are in discussions regarding contracts for pipeline capacity with a description of their interests and a copy of each contract.
- e) the other customers or prospective customers referenced in the Company Release with contracts for pipeline capacity and a copy of each contract.
- f) An explanation of how this pipeline will “help ease constraints on natural gas supply in the northeast U.S. and help ensure much needed reliability to the power generation grid.”
- g) The Operating Agreement for Northeast Expansion, LLC.

**RESPONSE:**

- a) Please see the response to Staff 1-19.
- b) The board of directors of Liberty Utilities (EnergyNorth Natural Gas) Corp. consists of Ian Robertson, Gregory Sorenson and Richard Leehr; the officers are Daniel Saad (President) and Sarah Knowlton (Secretary). The board of directors of Liberty Utilities (Pipeline and Transmission) Corp. consists of Ian Robertson, Gregory Sorenson and Richard Leehr; the officers are Richard Leehr (President) and Gregory Sorenson (Treasurer and Secretary). The board of directors for Algonquin Power & Utilities Corp. consists of Kenneth Moore, Christopher Huskison, Ian Robertson, Dilek Samil, Christopher Jarratt, Christopher Ball, George Steeves, and Masheed Saidi; the officers are Ian Robertson (Chief Executive Officer), David Bronicheski (Chief Financial Officer), and Linda Beairsto (General Counsel & Corporate Secretary).

**OBJECTION:**

The Company objects on the basis that the requests (c) through (g) seek information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks contracts between Algonquin Power & Utilities Corp. and/or Liberty Utilities (Pipeline and Transmission) Corp. and third parties, or information about press releases or other business dealings of these entities which are not the subject of this docket or under the regulation of the Commission. The purpose of this docket is to determine whether EnergyNorth's Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of APUC's or Liberty Utilities (Pipeline and Transmission) Corp.'s initiatives. The Company further objects on the basis that PLAN's intervention is limited to "the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers." PLAN's inquiry in this request regarding APUC's initiatives is also beyond the scope of its limited intervention.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-29

Date of Response: 4/10/15  
Respondent: None

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**REQUEST:**

With reference to the Company Release, please explain the circumstances under which APUC will increase its 2.5% interest in Northeast Expansion LLC to “up to 10%” as stated therein.

**OBJECTION:**

The Company objects on the basis that the request seeks information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information regarding a transaction between Liberty Utilities (Pipeline and Transmission) and Kinder Morgan Operating Limited Partnership A. The purpose of this docket is to determine whether EnergyNorth’s Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of the terms and conditions associated with the construction of the NED natural gas pipeline project. The Company further objects on the basis that PLAN’s intervention is limited to “the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” PLAN’s inquiry in this request is beyond the scope of its limited intervention.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-30

Date of Response: 4/10/15  
Respondent: None

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**REQUEST:**

Please provide all documentation, correspondence and communications by and between Affiliated Entities (as defined above) regarding participation in the development of the Kinder Morgan NED natural gas pipeline project. Include all submittals (including without limitation any memorandum, risk assessments, power point or related submittals) to and approvals by any of the Affiliated Entities’ Board of Directors or Members.

**OBJECTION:**

The Company objects on the basis that the request seeks information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information regarding a transaction between Liberty Utilities (Pipeline and Transmission) Corp. and Kinder Morgan Operating Limited Partnership A. The purpose of this docket is to determine whether EnergyNorth’s Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of the terms and conditions associated with the construction of the NED natural gas pipeline project. The Company further objects on the basis that PLAN’s intervention is limited to “the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” PLAN’s inquiry in this request regarding APUC’s initiatives or those of Liberty Utilities (Pipeline and Transmission) Corp. is also beyond the scope of its limited intervention.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-31

Date of Response: 4/10/15  
Respondent: None

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**REQUEST:**

If not previously provided, please provide any documentation regarding APUC’s strategic initiative to “connect our generation and distribution businesses across the utility value continuum” as quoted in the Company Release. Include any documentation prepared for or prepared by Ian Robertson with respect to the NED project and/or the strategic initiative.

**OBJECTION:**

The Company objects on the basis that the request seeks information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information regarding Algonquin Power & Utilities Corp. (“APUC”) which is not a party to this docket or subject to the Commission’s jurisdiction. The purpose of this docket is to determine whether EnergyNorth’s Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of APUC’s “strategic initiatives.” The Company further objects on the basis that PLAN’s intervention is limited to “the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” PLAN’s inquiry in this request regarding APUC’s initiatives is also beyond the scope of its limited intervention.

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

DG 14-380

Petition for Approval of a Firm Transportation Agreement with the Tennessee Gas Pipeline Company, LLC

Pipeline Awareness Network of the Northeast (“PLAN”) Data Requests – Set 2

Date Request Received: 4/1/15  
Request No. PLAN 2-32

Date of Response: 4/10/15  
Respondent: Francisco C. DaFonte

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**REQUEST:**

If not previously provided, please any documentation by and between APUC and/or Liberty (Pipeline and Transmission) Corp. and/or Northeast Expansion, LLC, with Liberty Utilities (EnergyNorth Natural Gas) Corp and Liberty Energy Utilities (New Hampshire) Corp regarding participation in the development of Kinder Morgan’s proposed NED pipeline.

**OBJECTION:**

The Company objects on the basis that the request seeks information that is not relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information regarding Algonquin Power & Utilities Corp. (“APUC”) or Liberty Utilities (Pipeline and Transmission) Corp. which are not parties to this docket or subject to the Commission’s jurisdiction. The purpose of this docket is to determine whether EnergyNorth’s Precedent Agreement with Tennessee Gas Pipeline Company, LLC is in the public interest, not an examination of APUC’s or Liberty Utilities (Pipeline and Transmission) Corp.’s initiatives. The Company further objects on the basis that PLAN’s intervention is limited to “the interests of its EnergyNorth-customer members in the prudence, justness and reasonableness of the Precedent Agreement and its associated costs, to EnergyNorth and its customers.” PLAN’s inquiry in this request regarding APUC’s initiatives is also beyond the scope of its limited intervention.

**RESPONSE:**

Subject to and notwithstanding this objection, there are no documents responsive to this request.