

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DG 15-155
VALLEY GREEN NATURAL GAS, LLC
Petition for Franchise Approval

OBJECTION TO MOTION FOR LEAVE TO FILE SUPPLEMENTAL TESTIMONY

Now comes Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth” or “the Company”), an intervenor in DG 15-155, by and through its attorneys, Orr & Reno, P.A., and pursuant to Admin. Rule Puc 203.07(e) objects to Valley Green Natural Gas, LLC’s (“Valley Green”) Motion for Leave to File Supplemental Testimony (“Motion”) filed on April 27, 2016 in the above-captioned docket. In support of this Objection EnergyNorth states as follows:

1. The original petition was filed in this docket on May 15, 2015. The filing included prefiled testimony submitted on behalf of Valley Green in accordance with Commission practice and rules. By secretarial letter dated December 1, 2015 the Commission approved a procedural schedule that called for rebuttal testimony from Valley Green to be filed on February 12, 2016. This date was later extended to February 18, 2016, by secretarial letter dated January 20, 2016, after Valley Green filed a Motion to Modify Procedural Schedule. On the same day that it filed the Motion for Leave to File Supplemental Testimony Valley Green also filed the supplemental testimony that was the subject of the Motion, even though the Commission had not yet acted on the Motion.

2. Valley Green made a conscious choice, as it explained during the March 2, 2016 hearing, not to file rebuttal testimony in this docket by the date established in the

procedural schedule. When the hearing in this docket commenced on March 2, 2016 Valley Green spent an inordinate amount of time on direct examination of its witnesses trying to introduce and explain responses to discovery requests as a means of supplementing what it had filed in May of 2015. The Chairman in fact questioned Valley Green's counsel whether if Valley Green hadn't had discovery responses, its petition would have been adequate to make their case. Transcript of March 2, 2016, DG 15-155 ("Transcript") at 51. Valley Green's counsel responded that they would have "supplemented the record with a rebuttal testimony" with the discovery responses, but that as "a matter of efficiency" they chose not to file rebuttal testimony. Valley Green's counsel went on to say that "it would have seemed silly to have just taken this and packaged it as our rebuttal testimony." Transcript at 52. In the Motion Valley Green says that although the procedural schedule provided for filing rebuttal testimony "the schedule did not afford an opportunity to file testimony to supplement prior pre-filed testimony." Motion at 2. What they said in the Motion is quite different from what their counsel said at the hearing on March 2, 2016.

3. The Commission suspended the March 2, 2016 hearing before direct examination of Valley Green witnesses had even finished and said that the parties "will discuss and work out the exhibits, exhibit numbering, and see if we can come up with a smooth and efficient way for all of the Parties to make the presentations they want to make..." Transcript at 76. Since that hearing on March 2, 2016 there was no discussion of exhibits or testimony until an email was sent last week. Instead, after waiting almost 8 weeks, Valley Green notified the parties that it was going to file a motion for leave to file supplemental testimony and then filed that testimony with the Motion.

4. Given that the record shows that Valley Green made the conscious choice not to file rebuttal testimony as provided in the procedural schedule for this docket, and that it waited so long after the initial hearing in this docket to file this Motion, the Commission should deny their request as being untimely and inappropriate. Granting the Motion could set a dangerous precedent of letting parties that ignore Commission deadlines create new ones much later in the proceeding, to the prejudice of other parties to the proceeding.

Wherefore, EnergyNorth respectfully requests that the New Hampshire Public Utilities Commission:

- A) Deny Valley Green's request for leave to file supplemental testimony; and
- B) Grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

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

By Its Attorneys

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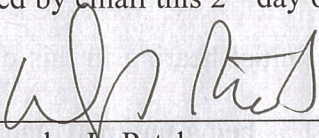
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Dated: May 2, 2016

Certificate of Service

A copy of this Objection has been served by email this 2nd day of May on the service list in DG 15-155.

Dated: May 2, 2016



Douglas L. Patch

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