

EXHIBIT “A”

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 17-152

Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities
Least Cost Integrated Resource Plan

**INTERVENOR, TERRY CLARK'S, MOTION TO DISMISS
AND FOR A MORATORIUM ON GAS EXPANSION PLANS**

Intervenor, Terry Clark ("Clark"), by and through undersigned counsel, Richard M. Husband, Esquire, hereby respectfully moves that the Public Utilities Commission ("Commission") dismiss this proceeding based upon the Commission's inability to approve the Least Cost Integrated Resource Plan ("LCIRP") submitted by Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities ("Liberty"), as Liberty's gas infrastructure and customer expansion plans under the LCIRP are inconsistent with New Hampshire law, and that the Commission place a moratorium on such plans as consistent with state law. In support of this motion, Clark states as follows:

1. The background of this matter is set forth in the February 8, 2018 [Order of Notice](#):

"Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) is a public utility pursuant to RSA 362:2, that provides natural gas service to customers in southern and central New Hampshire and in Berlin. On October 2, 2017, Liberty filed a petition for approval of its 2017 Least Cost Integrated Resource Plan (LCIRP) pursuant to RSA 378:38 and Order No. 25,762 (Feb. 9, 2015), as updated by a secretarial letter dated June 26, 2017, which set the due date for Liberty's LCIRP filing as October 1, 2017 (a Sunday). Liberty also filed a motion for protective order and confidential treatment regarding the LCIRP."

Id. Since the Order of Notice issued, a prehearing conference and technical session were held on March 9, 2018, and petitions to intervene, including Clark's petition, were just granted.

2. This proceeding, seeking approval of Liberty's 2017 LCIRP for the forecast period 2017/2018 - 2021/2022, is a part of Liberty's aggressive plans to expand its hydraulically fractured ("fracked") gas infrastructure, supply commitments and customer base, as is evidenced

by Commission approvals it has recently obtained for Concord, *see* [Commission Order No. 25,965 \(November 10, 2016\)](#), Pelham/Windham, *see* [Commission Order No. 25,987 \(February 8, 2017\)](#) and Lebanon/Hanover, *see* [Commission Order No. 26,109 \(March 5, 2018\)](#), and is seeking for Keene, *see* [Commission Docket No. DG 17-068](#) (the “Keene case”) and the Granite Bridge Project. *See* [Commission Docket No. DG 17-198](#) (the “Granite Bridge Project case”). In the Granite Bridge Project case, Liberty avers that a moratorium on all of its expansion plans will be necessary if the project is not approved. *See* [Granite Bridge Project case petition, ¶ 4](#). Clark opposes Liberty’s expansion plans and asserts that, under the circumstances, a moratorium on growth—not increasing and extending our fracked gas fuel commitment for decades, as is called for under Liberty’s plans—is, indeed, the proper course under New Hampshire law.

3. As is noted in his petition to intervene, Clark is an approximately 40-year resident of Keene, in his third term as a city councilor representing Ward 3. While he has intervened in this matter solely in his individual capacity and not as a city councilor, Clark believes that a rapid transition to sustainable energy sources is necessary to address the climate change crisis, is working with many citizens from within and outside of his ward who are concerned with climate change and/or the health and safety concerns related to fracked gas use to make solar and other sustainable energy sources available to the city, and is concerned that the approval sought by Liberty to expand its fracked gas services in Keene under the Keene case, as possibly supported by an approval in this proceeding, will likely impede the development and availability of sustainable alternatives in the city for at least another generation. Clark, has also intervened in the Keene case, and opposes Liberty’s expansion plans under that case and through this proceeding as largely creating, not addressing, demand, as being contrary to the public interest, and as not presenting the lowest reasonable cost option for addressing any real demand.

4. Clark moves to dismiss this proceeding for the reason the Commission dismissed the petition in [Commission Docket No. DE 16-241](#): Liberty’s plans are inconsistent with New Hampshire law. See [Commission Order No. 25,950 \(October 6, 2016\)](#).

5. The Commission must act consistent with the public interest and has broad discretion in carrying out this obligation. See, e.g., *Waste Control Systems, Inc. v. State*, 114 N.H. 21, 24 (1974); *Boston & Maine R.R. v. State*, 102 N.H. 9, 10 (1959); *Harry K. Shepard, Inc. v. State*, 115 N.H. 184, 185 (1975); *Browning-Ferris Industries of New Hampshire, Inc. v. State*, 115 N.H. 190, 191 (1975).¹ This requires consideration of not only the needs of the persons and utility directly involved, but also “the needs of the public at large.” See *Waste Control Systems, Inc. v. State, supra*, 114 N.H. at 24)(citing *Boston & Maine R.R. v. State, supra*, 102 N.H. at 10). To meet its charge, the Commission must weigh asserted public benefits against actual costs, including environmental costs. See *Public Service Company of New Hampshire d/b/a Eversource Energy, Commission Docket No. DE 16-241, Order of Notice, at 3-4*.

6. The “needs of the public at large” are obvious: the public demands climate action, particularly energy decision-making that results in fewer greenhouse gas emissions, and has for years, as is shown by:

- the 2001 issuance of "[The New Hampshire Clean Power Strategy](#)" to address, in part, state greenhouse gas emissions and climate change;
- a 2007 state referendum whereby [more than a two-thirds majority of New Hampshire cities and towns \(160+ out of 234\) voted for strong federal climate initiatives](#);²

¹ Of course the Commission must act in the public interest: it would be irrational for the legislature to create a state agency that did not carry such a charge.

² For readers of a non-pdf version of this motion not having blue URL links to sources, please see: http://www.newhampshirelakesandmountains.com/Articles-c-2010-04-15-151000.113119_Plymouth_leads_the_way_to_new_energy_future.html; and http://www.nytimes.com/2007/03/19/us/19climate.html?_r=1.

- the state’s 2008 enactment of the Regional Greenhouse Gas Initiative program under [RSA 125-O:20-29](#) to lower greenhouse gas emissions from large power plants to address climate change;
- the 2009 [New Hampshire Climate Action Plan](#), which reflects the input of public comment sessions, *see id.* at iv, calling for state reductions in greenhouse gas emissions. *See id.* at 1-2;
- the 2014 [“New Hampshire 10-Year State Energy Strategy”](#), which also reflects the public will through public comments, *see id.* at “Acknowledgments,” and emphasizes efficiency, promoting sustainable energy and otherwise diversifying our (gas and other fossil fuel heavy) fuel portfolio, and emissions mitigation, going forward;
- a June 2017 *Washington Post*-ABC News poll, conducted just after President Trump announced his intention to withdraw from the [Paris Climate Accord](#), indicating that an overwhelming majority of registered voters opposed the decision—nearly 60% against to less than half that in favor.³ Grounded in steady emissions mitigating goals, the terms of the [Paris Climate Accord](#) have been accepted by every nation among the nearly 200 in the world, with the possible exception of the United States—the U.S. is a signatory and therefore committed to its terms until such time as it may actually withdraw from the agreement, with the earliest such opportunity not until November, 2020.⁴ Even then, *should* the nation formally withdraw from the [Paris Climate Accord](#), most Americans, including New Hampshire residents, want to abide by the commitments of the agreement, as just noted, New Hampshire millennials, in particular, are clamoring for it (see below), and our state cities are taking the initiative on their own (see below);⁵
- a 2017 nationally representative survey conducted by the Yale Program on Climate Change Communication (climatecommunication.yale.edu) and the George Mason University Center for Climate Change Communication

³ This poll is discussed in the June 6, 2017 online article “Washington Post/ABC poll: Nearly 60% of registered US voters oppose Trump’s decision to leave the Paris agreement,” by Madeleine Sheehan Perkins, in the online edition of the *Washington Post* at <http://www.businessinsider.com/trump-paris-climate-accord-opposition-support-poll-2017-6>. The poll itself is at https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2017/06/05/National-Politics/Polling/question_18757.xml?uuiid=4yijsEohEeeYfEKrV0XbLg.

⁴ *See* https://en.wikipedia.org/wiki/Paris_Agreement.

⁵ Whether the United States ultimately withdraws from it or not, the standard set by the [Paris Climate Accord](#) cannot be ignored, both because we are “in” until we are actually “out” and because so many New Hampshire and other American citizens have committed, or want to commit, to its goals, either way, and because the agreement establishes an objective standard for determining reasonableness, as is discussed below. Dereliction of a world standard of propriety does not create its own lesser standard. As Justice Oliver Wendell Holmes noted:

“What usually is done may be evidence of what ought to be done, but what ought to be done is fixed by a standard of reasonable prudence, whether it usually is complied with or not.”

Texas & Pacific Railway v. Behymer, 189 U.S. 468, 470 (1903).

(climatechangecommunication.org), which shows that [a majority of registered voters believe that government, industry and society as a whole should be doing more to address global warming, and two-thirds of registered voters say the U.S. should reduce its greenhouse gas emissions, regardless of what other countries do;](#)⁶

- a March 1-5, 2017 Gallop poll finding that [a clear majority of Americans prioritize environmental protection over measures designed to grow our energy supplies or economy;](#)⁷
- the 2017 Annual Report from the Governor’s Millennial Advisory Council, which concludes, in relevant part, that:

“It is overwhelmingly clear through polls and studies that a progressive and proactive stance on Climate Change and Climate Policy is important to members of the Millennial Generation. Regardless of background, political affiliation, or other personally-held beliefs, a large majority of Millennials believe that climate change is happening and that the earth’s warming is due to human activity.

Millennials are particularly in favor of sustainable energy generation. Approximately 71% of Millennials believe we should prioritize alternative energy generation over oil, gas, and coal exploration, and 82% favor increased funding for wind, solar, and hydrogen technologies ...

The State of New Hampshire should demonstrate its leadership and dedication to a healthy and viable climate by ... committing to meeting the emissions targets agreed upon in the Paris Climate Accord ...”;⁸

- the fact that over 40% of Americans, through their states or otherwise—including the citizens of Nashua, Portsmouth, Keene, Lebanon and Concord, New Hampshire—have now adopted the emissions reduction goals of the [Paris Climate Accord](#). See https://en.wikipedia.org/wiki/United_States_Climate_Alliance; <http://hippopress.com/read-article/mayors-vs-climate-change>;

⁶ See Leiserowitz, A., Maibach, E., Roser-Renouf, C. Rosenthal, S. & Cutler, M. (2017) *Politics & Global Warming, May 2017*. Yale University and George Mason University, New Haven, CT: Yale Program on Climate Change Communication, “Key Findings,” at 4, available at <http://climatecommunication.yale.edu/wp-content/uploads/2017/07/Global-Warming-Policy-Politics-May-2017.pdf>.

⁷ See <http://news.gallup.com/opinion/polling-matters/207608/public-opinion-context-trump-environmental-actions.aspx>.

⁸ See p. 14 (emphasis added) at http://mediad.publicbroadcasting.net/p/nhpr/files/201712/governor_s_millennial_advisory_council_2017_annual_report_0.pdf.

- the [strong public support in New Hampshire for environmental protection in general](#);⁹
- the state's commitment to reduce greenhouse gas emissions to near net-zero by 2050 as a member of the [Under2Coalition](#);
- the public comments in recent Commission proceedings;
- the public comments submitted in response to the state's recent request for public comments on revisions to the ["New Hampshire 10-Year State Energy Strategy"](#). See generally comments posted on the New Hampshire Office of Strategic Initiatives website at <https://www.nh.gov/osi/energy/programs/energy-strategy-revision.htm>.

7. The public demands climate action because it is one of the all-time greatest "needs of the public at large." *Waste Control Systems, Inc.*, 114 N.H. at 24. The situation is truly dire, with a rapidly closing window for action. Just over nine months ago, climate change experts, including former United Nations climate chief Christiana Figueres and Hans Joachim Schellnhuber of the Intergovernmental Panel on Climate Change, published a letter in the journal *Nature* warning that an immediate, monumental acceleration in climate change efforts is needed to prevent the worst effects of global warming. See <https://www.theguardian.com/environment/2017/jun/28/world-has-three-years-left-to-stop-dangerous-climate-change-warn-experts>. Likewise, two different studies published in the journal *Nature Climate Change* on July 31, 2017 conclude that only a rapid escalation in climate action will prevent rising seas, mass extinctions, super droughts, increased wildfires, more intense hurricanes, decreased crops and freshwater, and the melting of the Arctic. See <https://www.cnn.com/2017/07/31/health/climate-change-two-degrees-studies/index.html>.

⁹ See February 17, 2017 online NHPR article "UNH Poll: There's Strong Support for Environmental Protections in New Hampshire," by Jason Moon, at <http://nhpr.org/post/unh-poll-theres-strong-public-support-environmental-protections-new-hampshire#stream/0>.

8. The crisis is not debatable. We cannot continue to ignore all of the warning signs: record-breaking global temperatures year after year,¹⁰ New Hampshire's own prolonged recent drought, the Santa Rosa wildfires—[the U.S. was hit by three Category 4 hurricanes last year!](#)¹¹ In records going back to 1851, [the contiguous U.S. states had never been struck by two Category 4 hurricanes in one year before.](#)¹² Understandably, as noted by NASA:

"... 97 percent or more of actively publishing climate scientists agree: Climate-warming trends over the past century are extremely likely due to human activities. In addition, most of the leading scientific organizations worldwide have issued public statements endorsing this position."

See <https://climate.nasa.gov/scientific-consensus/>. A 13-agency study recently released by the Trump Administration plainly acknowledges that climate change is real and largely caused by Man:

"This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th Century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence ..."

Please see <https://www.cnn.com/2017/11/03/politics/trump-climate-change-report/index.html> concerning the release of the report and <https://www.nytimes.com/2017/08/07/climate/climate-change-drastic-warming-trump.html> for more on it. If Man is causing climate change by his greenhouse gas producing activities, Man can likewise ameliorate it by cutting back on

¹⁰ 17 of the 18 warmest years on record have occurred since 2001. See January 18, 2018 online article "2017 Was One of the Hottest Years on Record. And That Was Without El Niño.," by Henry Fountain, Jugal K. Patel and Nadja Povovich, in the online edition of *The New York Times* at <https://www.nytimes.com/interactive/2018/01/18/climate/hottest-year-2017.html>.

¹¹ For readers of a non-pdf version of this motion, please see: <https://weather.com/storms/hurricane/news/hurricane-maria-irma-harvey-three-united-states-category-4-landfalls#/>.

¹² For readers of a non-pdf version of this motion, please see: <https://twitter.com/bhensonweather/status/904868150298021888>.

greenhouse gas emissions. These facts should be administratively noticed by the Commission under [Puc 203.17](#).

9. Of course, as emissions of methane, which comprises roughly 94% of today’s fracked natural gas,¹³ are a major greenhouse gas,¹⁴ any sincere effort to climate change must include curtailing reliance on gas to reduce methane emissions. Indeed, as stated on page 10 of former President Obama’s Climate Action Plan from *five years ago*: [“curbing emissions of methane is critical to our overall effort to address global climate change.”](#) *Increasing*, rather than reducing, methane emissions, as New Hampshire is doing by continually approving more gas use through Commission proceedings, brings us that much closer, that much faster, to the edge. Gas is not the “bridge fuel” to carry us to clean, sustainable energy that everyone had hoped. [Original EPA estimates drastically underestimated the impact of the use of gas on climate change](#)¹⁵ and it is not better than using oil or coal, despite cutting back on their greenhouse gas (CO₂) emissions: “[w]hile CO₂ persists in the atmosphere for centuries, or even millennia, methane warms the planet on steroids for a decade or two before decaying to CO₂”—indeed, [86 times as much as CO₂](#). See <https://www.scientificamerican.com/article/how-bad-of-a-greenhouse-gas-is-methane/>.

10. Yet, despite the clear public outcry and need for climate action emphasizing greenhouse gas emissions mitigation, from now through 2038, just 12 years before New Hampshire has pledged to achieve near net-zero greenhouse gas emissions as a member of the [Under2Coalition](#), and while every other nation in the world is working to substantially reduce such emissions under the [Paris Climate Accord](#), Liberty’s LCIRP and overall expansion plans call for it to *increase* its use

¹³ See <https://www.uniongas.com/about-us/about-natural-gas/Chemical-Composition-of-Natural-Gas>.

¹⁴ See <https://www.scientificamerican.com/article/how-bad-of-a-greenhouse-gas-is-methane/>.

¹⁵ For readers of a non-pdf version of this motion, please see: <http://www.theenergycollective.com/david-lewis/48209/epa-confirms-high-natural-gas-leakage-rates>.

of methane gas use—a potent greenhouse gas, as discussed below—by nearly 50%, from a current Design Day demand of 156,822 to a Design Day demand of 229,590 for 2037/2038. This increase is shown by the following table presented by Liberty in the Granite Bridge Project case:¹⁶

Liberty Utilities (EnergyNorth Natural Gas) Corp.
d/b/a Liberty Utilities
Docket No. DG 17-____
Direct Testimony of William R. Killeen and James M. Stephens
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Table 7: EnergyNorth Design Day Resource Shortfall (Dth)⁶³

Split-Year (Nov-Oct)	Design Day Demand	Design Day Resources, including Propane	Reserve / (Deficiency) including Propane	Reserve / (Deficiency) excluding Propane
2017/18	156,822	162,033	5,211	(29,389)
2018/19	160,989	155,033	(5,956)	(40,556)
2019/20	164,640	155,033	(9,607)	(44,207)
2020/21	168,934	155,033	(13,901)	(48,501)
2021/22	173,917	155,033	(18,884)	(53,484)
2022/23	179,382	155,033	(24,349)	(58,949)
2023/24	184,432	155,033	(29,399)	(63,999)
2024/25	188,856	155,033	(33,823)	(68,423)
2025/26	192,933	155,033	(37,900)	(72,500)
2026/27	196,785	155,033	(41,752)	(76,352)
2027/28	199,954	155,033	(44,921)	(79,521)
2028/29	203,491	155,033	(48,458)	(83,058)
2029/30	206,790	155,033	(51,757)	(86,357)
2030/31	210,016	155,033	(54,983)	(89,583)
2031/32	212,972	155,033	(57,939)	(92,539)
2032/33	215,843	155,033	(60,810)	(95,410)
2033/34	218,828	155,033	(63,795)	(98,395)
2034/35	221,631	155,033	(66,598)	(101,198)
2035/36	224,148	155,033	(69,115)	(103,715)
2036/37	226,863	155,033	(71,830)	(106,430)
2037/38	229,590	155,033	(74,557)	(109,157)

¹⁶ The table is found at [page 59 of 104 of the Pre-filed Direct Testimony of William R. Killeen and James M. Stephens, submitted in DG 17-198.](#)

11. The Granite Bridge Project alone renders the LCRIP unapprovable.

12. The Granite Bridge Project calls for the outrageously expensive¹⁷ huge *future* development of, and commitment to, fracked gas infrastructure and supplies—including approximately 27 miles of 16-inch diameter pipeline, a 2 billion cubic feet LNG facility and a 22 year gas supply contract—at a time when the climate crisis and our own energy policies and greenhouse gas reduction commitments compel a freeze on expansion and a reduction in emissions. Liberty’s cost analysis for the project proposes a 55-year life span for the pipeline and 40-year life span for the LNG facility. See [Pre-filed Directory Testimony of Timothy S. Lyons submitted in the Granite Bridge Project case, Commission Docket No. DG 17-198, at pp. 15 and 19 of 22](#). Consequently, if approved, the pipeline will have to be used until at least 2076 and the facility will have to be used until at least 2062 for ratepayers to avoid stranded costs,¹⁸ while at least one government projection, admitted in evidence just over six months ago in [Commission Docket No. DG 16-852](#), shows the price of gas starting to spike about the time the project first becomes operational and continuing to rise into the distant future (as sustainable energy prices almost certainly decrease). See [Exhibit 14 admitted in Commission Docket No. DG 16-852](#). If New Hampshire intends to abide by its commitment as a member of the [Under2Coalition](#) to reduce greenhouse gas emissions to near net-zero by 2050 and otherwise act

¹⁷ Over \$310 million to be passed on to ratepayers. See pp. 15 and 18 of the [Pre-filed Directory Testimony of Timothy S. Lyons, submitted in the Granite Bridge Project case, Commission Docket No. DG 17-198](#). Some reports estimate the total cost of the project to be \$340 million or more. See, e.g., online WMUR article and newscast at <http://www.wmur.com/article/liberty-utilities-proposes-dollar340-million-underground-natural-gas-pipeline-project/14109140>; online seacoast.com article at <http://www.seacoastonline.com/news/20180208/340m-gas-pipeline-planned-along-route-101>; online article at <https://manchesterinklink.com/a-look-at-liberty-utilities-proposed-underground-gas-pipeline/>.

¹⁸ The pipeline is not projected to be operational until late 2021, while the facility will not be running before 2022, at the earliest (both likely subject to the usual project specific and general construction delays). See [Pre-filed Direct Testimony of William R. Killeen and James M. Stephens submitted in the Granite Bridge Project Case, Commission Docket No. DG 17-198, at p. 11 of 104](#).

responsibly in the face of climate change, and adhere to the requirements of [RSA 378:37](#) to make the “lowest reasonable cost” energy choices, protect the environment and health and safety of citizens in the state’s energy choices and diversify our energy portfolio, *see* discussion, *infra*, the Granite Bridge Project pipeline and LNG facility should never be built to begin with—but, if they are, they will have to be abandoned long before the end of their projected lifetimes.

13. An opinion handed down by the Court of Appeals for the District of Columbia Circuit last August establishes that the Commission not only has the authority to consider climate change in its public interest analysis, but the obligation. In *Sierra Club v. FERC*, Court of Appeals for the District of Columbia Circuit, Docket No. 16-1329 (Aug. 22, 2017), the Court vacated and remanded a Federal Energy Regulatory Commission (“FERC”) decision approving a gas pipeline project under FERC’s analogous 15 U.S.C. § 717f(e) public interest analysis for failure to consider the downstream climate impacts of the project. The Court concluded that FERC’s analysis was deficient, noting, in pertinent part:

“... greenhouse-gas emissions are an indirect effect of authorizing this project, which FERC could reasonably foresee, and which the agency has legal authority to mitigate ...”

Id. at 24.

14. The reasoning of *Sierra Club* applies equally here. The Commission has the legal authority—and obligation—under its required public interest analysis to consider the impacts that Liberty’s expansion plans will have on greenhouse gas emissions and the state’s commitments and obligations to address climate change, largely through emissions mitigation, and conclude that a moratorium on Liberty’s expansion plans is called for, accordingly.

15. A recent Arizona regulatory decision, rejecting a gas utility’s growth plans as “too aggressive,” further supports a moratorium here.¹⁹ As reported in the March 9, 2018 online edition of the *Scientific American*:²⁰

“Arizona regulators gave the state’s largest utility the cold shoulder last week, essentially rejecting Arizona Public Service Co.’s plans to double its natural gas fleet over the next 15 years.

Instead, they imposed a temporary freeze on most new natural gas projects and asked the power company to draw up plans for acquiring more renewable energy ...”

Liberty’s aggressive expansion plans are almost as unconscionable as those shot down in Arizona and should similarly be met with rejection, a moratorium on growth, and, to the extent permissible under New Hampshire law, a requirement tethering gas utility planning, including shortfall response measures, to sustainable energy options and a transition to sustainable energy.

16. Even assuming *arguendo* that the public demand and need for climate action, emphasizing emissions mitigation, were not sufficient to invoke the Commission’s obligation to consider the climate crisis, and thus compel a determination that Liberty’s expansion plans are contrary to the public interest, Section VI of [RSA 378:38](#) leads to the same result under its requirement that the LCIRP include:

“An assessment of the plan’s long- and short-term **environmental**, economic, and energy price and supply impact on the state.”

Id. (emphasis added). The climate crisis plainly falls within an “environmental ... impact” required to be considered under the statute. While the LCIRP states that the requirement is inapplicable, *see id. at 57*, it expressly applies to “each ... natural gas utility,” without exception,

¹⁹ The decision had not been published at the time this motion was drafted, but please see Commissioner Burns Proposed Amendment No. 1 at <http://images.edocket.azcc.gov/docketpdf/0000186395.pdf>.

²⁰ See March 19, 2018 online article “Arizona Regulators Want Renewables, Not More Natural Gas,” by Benjamin Storrow, available in the online edition of the *Scientific American* at <https://www.scientificamerican.com/article/arizona-regulators-want-renewables-not-more-natural-gas/>.

there is no rational support for such an exception, and the LCIRP fails to cite any persuasive authority for its position. The statutory requirement cannot be ignored, and does not require a complicated analysis: increasing methane use for decades contrary to emission mitigation goals will come with an enormously negative environmental impact, the exacerbation of climate change, which is not in the public interest. The Commission cannot stand idly by, holding the button on the breaks to a runaway train, blaming the job description or lack of clarity in orders for not doing the obviously **only** right thing—not when it *must* act in the public interest and the button is in its hand. *See, e.g., Waste Control Systems, Inc.* at 24; *Boston & Maine R.R., supra*, 102 N.H. at 10; *Harry K. Shepard, Inc. v. State, supra*, 115 N.H. at 185; *Browning-Ferris Industries of New Hampshire, Inc. v. State, supra*, 115 N.H. at 191. Besides, again, to meet its charge, the Commission *must* weigh asserted public benefits against actual costs, including environmental costs, *see Public Service Company of New Hampshire d/b/a Eversource Energy, [Commission Docket No. DE 16-241, Order of Notice, at 3-4](#)*, and climate change is a well-established environmental cost of methane use.

17. Nor is the expansion of fracked gas use and extension of our reliance on it for decades, as called for under Liberty’s LCRIP and associated future plans, in the public interest from health and safety standpoints.

18. Study after study warns us that fracked gas releases, from gas drilling, production, compressor station, pipeline and other infrastructure leaks and emissions, cause respiratory, heart and other health problems. *See, e.g.,* the following online sources: [Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking \(Unconventional Gas and Oil Extraction\) Fifth Edition March 2018 \(Fifth Edition, March 2018\), by Physicians for Social Responsibility](#); ["Gas Compressors and Nose Bleeds," by Jessica Cohen \(Fall 2015\)](#);

[“Porter Ranch Gas Leak Triggers State of Emergency in California,” January 7, 2016 CNN online news article](#); ["Potential Hazards of Air Pollutant Emissions from Unconventional Oil and Natural Gas Operations on the Respiratory Health of Children and Infants" by Ellen Webb, et. al. \(2014; published in *Reviews on Environmental Health*, 2016\)](#); [“Madison County, New York Department of Health Comments to the Federal Energy Regulatory Committee,” prepared for Madison County Department of Health by Thimble Creek Research \(September 30, 2014\), pp. 14-28](#); [“Gas Patch Roulette: How Shale Gas Development Risks Public Health in Pennsylvania,” by Nadia Steinzor, et. al. \(October 2012\)](#); [“Human Health Impacts Associated with Chemicals and Pathways of Exposure from the Development of Shale Gas Plays,” by Wilma Subra Subra Company \(January 9, 2012\)](#). Besides the 27 miles of pipeline, huge LNG facility and other directly associated infrastructure, Liberty’s plans would seemingly necessitate the addition of at least one compressor station to the distribution system—if not in New Hampshire, then elsewhere. It makes no moral difference if the [injury](#) occurs outside our borders—when we use fracked gas, we are complicit from the cause to the outcome.

19. Nor should it be surprising if health problems are linked to fracked gas releases as fracked natural gas is, unfortunately, *not* the same as conventional, relatively “clean” natural gas.²¹ Rather, fracked gas is comprised of hundreds of chemicals, many of which the industry refuses to disclose. See <https://insideclimatenews.org/news/31032015/fracking-companies-keep-10-chemicals-secret-epa-says>; see also [“Analysis of Hydraulic Fracturing Fluid Data from the FracFocus Chemical Disclosure Registry 1.0,” by the EPA \(March 2015\)](#); [“California’s Fracking Fluids: the Chemical Recipe,” by Tasha Stoiber, et. al. \(EWG; August 2015\)](#).

²¹ Although fracked gas has been around for decades, it has only replaced conventional gas as the market’s “gas” of choice in recent years. See [Tiemann and Vann, "Hydraulic Fracturing and Safe Drinking Water Act Regulatory Issues," Introduction \(Congressional Research Service\)\(2015\)](#).

20. In fact, in addition to harmful particulates, studies and data have associated as many as two dozen or more of the regulated toxic air pollutants identified in [Env-A 1450.01](#) with fracked gas, either as additives or a product of its combustion. The climate issue aside, a moratorium should be placed on gas expansion until the contents of fracked gas are **fully** disclosed, a comprehensive comparison of its ingredients with those in conventional natural gas is made, and the potential health impacts of fracked gas use are analyzed, better understood and properly factored into the equation.

21. Then, there are the safety issues. Perhaps all concerns can be explained away, but it should not be overlooked that the Granite Bridge Project proposal calls for its pipeline to be largely constructed within the NHDOT's right-of-way along one of the busiest conduits of traffic (Route 101) in our state, which itself serves as an emergency evacuation route in the event of an incident at Seabrook, and that some residences and businesses along the pipeline's route will undoubtedly be in its danger zone, as well. Pipelines do explode.²² Nor may the risk associated with the proposed 2 billion cubic feet LNG storage facility in Epping be underestimated: an explosion at a far smaller LNG facility near the town of Plymouth, Washington in 2014 is reported to have propelled 250-pound pieces of steel up to 300 yards through the air, injuring

²² Like the one in New Mexico discussed at <http://abcnews.go.com/US/story?id=96090&page=1>; the one in Illinois discussed at <http://www.chicagotribune.com/news/nationworld/midwest/ct-nachusa-gas-pipeline-explosion-20171206-story.html>; or, the one in California discussed at <http://www.kcra.com/article/pg-e-no-leaks-found-in-fresno-county-gas-line-that-exploded/6421851>—and their “incineration zones” may extend for hundreds of feet. See page 14 chart of explosions at <http://www.pipelinesafetytrust.com/docs/C-FerCircle.pdf>. Since 1987, the PHMSA has identified more than 3,200 gas pipeline accidents deemed serious or significant, with many involving fatalities. See generally https://en.wikipedia.org/wiki/List_of_pipeline_accidents_in_the_United_States_in_the_21st_century.

five, and resulting in an initial two-mile evacuation radius.²³ [Gas utilities, including Liberty, do not always follow safety regulations.](#)²⁴

22. If the climate crisis, health and safety issues, and the potential for enormous stranded costs are properly considered, Liberty’s expansion plans cannot be approved, as they are not in the public interest, but, on their face, irresponsibly responsive to “the needs of the public at large.” *See, e.g., Waste Control Systems, Inc.* at 24. *See also Boston & Maine R.R., supra*, 102 N.H. at 10; *Harry K. Shepard, Inc. v. State, supra*, 115 N.H. at 185; *Browning-Ferris Industries of New Hampshire, Inc. v. State, supra*, 115 N.H. at 191. Indeed, [millions will die from climate change in just the next few decades.](#)²⁵ Plainly, the asserted public benefits are outweighed by the actual costs. *See Public Service Company of New Hampshire d/b/a Eversource Energy, Commission Docket No. DE 16-241, Order of Notice, at 3-4.*

23. [RSA 378:37](#), which sets forth New Hampshire’s official energy policy, mandates the rejection of Liberty’s plans, as well. Besides meeting the public interest requirement, Liberty must also satisfy this statute—as is acknowledged in the LCIRP. *See LCIRP at p. 55* (“The Commission’s charge in this docket, therefore, is to evaluate whether EnergyNorth’s LCIRP is consistent with the state’s energy policy as articulated in RSA 378:37.”).

24. However, Liberty’s expansion plans *do not comport* with [RSA 378:37](#).

²³ *See* April 2, 2014 online article “‘Miracle’ nobody died in blast at Eastern Washington LNG plant” by Jeff Barnard (Associated Press) in the online edition of the *The Seattle Times* at <https://www.seattletimes.com/seattle-news/lsquomiraclersquo-nobody-died-in-blast-at-eastern-washington-lng-plant/> and March 31, 2014 (updated August 24, 2015) online article “UPDATE: Evacuation radius near Plymouth plant to be reduced” in the online edition of *The Tri-City Herald* at <http://www.tri-cityherald.com/news/local/article32173386.html>.

²⁴ For readers of a non-pdf version of this motion, please see: <https://www.puc.nh.gov/Safety/Pipeline%20Safety%20Enforcement/CY%202017/PS1706LU.pdf>.

²⁵ *See* September 23, 2014 online article “Premature Deaths Multiply as Climate Changes,” by Daniel Cusick, available in the online edition of the *Scientific American* at <https://www.scientificamerican.com/article/premature-deaths-multiply-as-climate-changes/>.

25. [RSA 378:37](#) provides:

“378:37 New Hampshire Energy Policy. – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.”

Id. (emphasis added). Under this statute, the Commission is charged with considering the climate, health and safety concerns of fracked gas use as our state policy is to meet energy needs “at the lowest **reasonable** cost” while protecting our environment, safety, health and natural resources. As with other fossil fuels, fracked gas use comes at anything but “the lowest **reasonable** cost” to the citizens and businesses of New Hampshire. Rather, it comes at enormous, largely hidden, costs not associated with sustainable energy:

- (1) **to ratepayers in subsidizing huge infrastructure costs**, for example, the nearly one-third of a billion dollar price tag for the Granite Bridge Project. A study from the University of New Hampshire released last year, generally known as the “[Carsey report](#),” concludes that pipeline expansion projects bring an annual average bill of about \$66 million to ratepayers. See page 6 of Carsey report at <https://scholars.unh.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1296&context=carsey>;
- (2) **to one of our leading industries, tourism**, by the negative impacts of climate change on winter recreation, hunting (by the decimation of the moose population), fishing and foliage—threatening hundreds of millions in annual revenues. See 2008 DES Fact Sheet “Global Climate Change and its Impact on New Hampshire” at <https://www.des.nh.gov/organization/commissioner/pip/factsheets/ard/documents/ard-23.pdf>;
- (3) **to our sugar industry**, again, due to climate change, as “[s]ugar maples are extremely susceptible to mid-winter thaws and summer droughts.” See 2008 DES Fact Sheet “Global Climate Change and its Impact on New Hampshire’s Fall Foliage and Maple Sugar Industry” at <https://www.des.nh.gov/organization/commissioner/pip/factsheets/ard/documents/ard-25.pdf>;
- (4) **to our moose and loon populations (also fueling tourism)**: Moose and loons are climate change “canaries in a coal mine.” See February 22, 2018 online NHPR article at <http://nhpr.org/post/moose-loons-are-climate-change-canaries-coal-mine-say-nh-conservationists#stream/0>. In fact, climate change is the leading cause of their decline.

See August 1, 2017 online NHPR article “Climate Change is the Leading Cause of Moose and Loon Population Decline in New Hampshire” by The Exchange, at <http://nhpr.org/post/climate-change-leading-cause-moose-and-loon-population-decline-new-hampshire#stream/0>. Moose hunters and wildlife watchers inject over \$340 million a year into the New Hampshire economy. See June 1, 2015 *National Geographic* online article “What’s a Ghost Moose: How Ticks Are Killing an Iconic Animal,” by Christine Dell’Amore, at <https://news.nationalgeographic.com/2015/06/150601-ghost-moose-animals-science-new-england-environment/>;

(5) **to our dairy industry**, by [increasing, intensifying droughts](#) (associated with climate change). See August 30, 2016 “Concord Monitor” online article “Dying dairies: How drought, low milk prices lead to decline in N.H. farms” by Elodie Reed, at <http://www.concordmonitor.com/NH-Dairy-Farms-Struggle-Close-Because-of-Drought-Low-Prices-Yeaton-Farm-Epsom-NH-4346716>;

(6) **to agriculture**, an annual \$330 billion U.S. industry, from [climate change induced stresses ranging from extreme weather events to increased insect pests and diseases](#). See National Climate Assessment Report, summarized and available at <https://nca2014.globalchange.gov/report/sectors/agriculture#intro-section-2>;

(7) **to our health and health costs**, for example, by the increase in the tick population caused by climate change and associated increase in Lyme disease, and by all of the respiratory and other health problems caused by breathing the pollutants from fossil fuels. New Hampshire has experienced one of the largest state increases in Lyme diseases since 1991. See EPA online article “Climate Change Indicators: Lyme Disease” at <https://www.epa.gov/climate-indicators/climate-change-indicators-lyme-disease>, see *id.* New Hampshire also has an enormous number of impacted asthma sufferers. In fact, “New Hampshire’s asthma rate is among the highest in the nation. Approximately 110,000 NH adults and 25,000 NH children have asthma.” See page 22 of “Greater Manchester, New Hampshire Health Improvement Plan” online at <https://www.manchesternh.gov/Portals/2/Departments/health/GManCHIP.pdf>;

(8) **to seacoast towns and homes**: one study has determined that it will cost just three New Hampshire coastal towns between \$1.9 and \$2.9 billion to address the impacts of climate change. See p. 23 of “Changing Tides How Sea-Level Rise Harms Wildlife and Recreation Economies Along the U.S. Eastern Seaboard” 2016 National Wildlife Federation, available at http://www.nwf.org/~media/PDFs/Global-Warming/Reports/Changing-Tides_FINAL_LOW-RES-081516.ashx;another. Another concludes that over 7,000 New Hampshire homes could be under water by 2100 due to sea rise caused by climate change. See Nov. 30, 2016 “Union Leader” online article “Study: 7,000 Seacoast properties could be under water by 2100,” by Dave Solomon, at <http://www.unionleader.com/apps/pbcs.dll/article?AID=/20161130/NEWS11/161139963&template=printart>;

(9) **to taxpayers and ratepayers** in cleaning up from ice and other destructive storms caused by climate change, and addressing all of the above other harms.

(10) **to everyone’s cost of insurance** as the price of addressing all of the negatives rise for insurance companies.

26. Add to the above whatever price can be placed on all of the premature deaths caused by climate change, and the still-too-many premature deaths caused by gas safety “incidents.”

27. The costs associated with fracked gas use are plainly not the “lowest reasonable cost” to meet the state’s energy needs, particularly given the availability of sustainable alternatives, which come without such costs—and they are especially not the “lowest reasonable cost” to meet the energy needs of those targeted by the Granite Bridge Project, who currently clearly have no “need” for Liberty’s proposed new fracked gas infrastructure and supply sources, as they are not among its current customers.²⁶

28. Then, of course, there are the astronomical stranded costs of gas projects, like those associated with the Granite Bridge Project—which should be considered *per se* unreasonable under [RSA 378:37](#), as the only way to avoid them, *i.e.*, by committing to exacerbating the climate problem for decades with methane use when we should and could be working to ameliorate it right now, is morally repugnant: indeed, the entire cost of the project should be deemed *per se* unreasonable for compelling ratepayers to make that choice. Again, the Granite Bridge Project, alone, would come with an almost one-third of a billion dollar (or more) price tag, and the average *annual* gas infrastructure bill for ratepayers is roughly \$66 million, much of which will have to be stranded costs going forward, if we are to responsibly address

²⁶ Whether the gas contracts under consideration in the Granite Bridge Project case might provide *some* gas for current customers, and whether that gas could be provided without the project, is unclear from Liberty’s filings. But, it is clear from Liberty’s filings that the project is all about meeting Liberty’s expansion goals, not serving current customers. *See, e.g.*, [Granite Bridge Project petition, ¶¶ 2-4](#). Liberty’s spokesman, John Shore, further confirmed this in a 2017 interview with WMUR, in which he noted that the utility would have to decline *future* customers without the project:

“They’re looking at things like access to natural gas, and if we can’t get more capacity to our service area, **we would have to turn down customers who make requestsm [sic], probably just within a couple years ...**”

See December 5, 2017 online WMUR article “Liberty Utilities proposes \$340 million underground natural gas pipeline project,” by Mike Cronin, at <http://www.wmur.com/article/liberty-utilities-proposes-dollar340-million-underground-natural-gas-pipeline-project/14109140> (emphasis added).

climate change. As is shown by the table reproduced in paragraph 10 above, Liberty's expansion plans will create continuing supply shortages over at least the next two decades which will, in turn, continue to create a demand for gas pipelines and other infrastructure.

29. Again, the touchstone of the "cost" analysis of [RSA 378:37](#) is reasonableness: costs cannot just be the "lowest cost," they must be the "lowest **reasonable** cost." *Id.* (emphasis added). While the statute does not provide a "reasonable cost" standard, such a standard plainly must be objective, not subjective, and can be drawn from jurisprudence. New Hampshire follows the Restatement (Second) of Torts, § 283 (1965). *See Shimkus v. Caesar*, 95 N.H. 286, 288 (1948); *Filip v. Gagne*, 104 N.H. 14 (1962). Section 283 provides the objective standard of the famous, hypothetical "reasonable *man*," and its Comment b is often quoted as the definition of what makes the man reasonable:

"those qualities of attention, knowledge, intelligence and judgment which society requires of its members for the protection of their own interest and the interests of others."

Id. *See also, e.g.*, "Law Dictionary, Second Edition," by Steven H. Gifis (Barron's Educational Series, Inc.; 1984), p. 388 (defining "reasonable man [person]" by quoting Comment b); *Berberian v. Lynn*, 179 N.J. 290, 297, 845 A.2d 122, 126 (N.J. 2004)(quoting Comment b in identifying the qualities of a "reasonable man"). Thus, as a "reasonable *man*" is one who protects the interests of others, not just themselves, at the level society expects of its members, a "reasonable *cost*" must similarly be one that protects the interests of others in the manner society expects. As virtually the entire world has unequivocally rejected the hidden costs of fracked gas use as violative of that standard and is demanding less, not more, of it, the fracked gas fuel option cannot be deemed the "lowest" *reasonable* cost at this point because society clearly does not consider it a "reasonable" price to pay at all. Whether or not the United States as a nation

ultimately remains in or withdraws from the [Paris Climate Accord](#)—and, again, until we actually withdraw, we are still a signatory—a world standard of reasonable prudence has been adopted under that agreement which cannot be ignored, and which establishes the price of Liberty’s future methane commitments as being patently unreasonable.

30. Moreover, our current overdependence on gas is already inconsistent with the energy source diversification requirement of [RSA 378:37](#). [Our gas reliance is usually more than half of the total share of all of the available energy alternatives](#). See current use percentage at <https://www.iso-ne.com/>. Are we trying for 80% reliance? 100%? How “cheap” will gas be when all of the gas contracts term-out, and we have no alternative but to renew them, as everything depends on gas? Those arguing a gas “need” usually point to the gas shortages and price spikes of the winter of 2013-2014 as proof positive. However, the New Hampshire Office of Energy and Planning (“OEP”)²⁷ concluded that “increasing reliance on one fuel, namely natural gas, is what caused the wholesale price spikes in the winter of 2013-2014 in the first place ...” See [October 15, 2015 OEP letter to Commission, p. 2, filed in Commission Docket No. IR 15-124](#). Studies have shown that more large gas projects are not needed to lower energy rates and, indeed, provide no real benefit to ratepayers. See http://www.masslive.com/news/index.ssf/2015/11/ag_healy_grid_reliability_fine.html; <https://www.clf.org/blog/iso-forward-capacity-auction-results-show-inenergy-plant-not-needed/>; <https://www.unh.edu/unhtoday/news/release/2017/03/07/unh-research-finds-increased-energy-use-not-needed-grow-economy>; <http://www.nhbr.com/February-20-2015/Will-NH-really-benefit-from-major-energy-projects/>.

²⁷ Now known as the New Hampshire Office of Strategic Initiatives.

31. The burden is on Liberty to show that its expansion plans committing the state to increasingly more methane use for decades responsibly address the state's climate action commitments and obligations, including greenhouse gas emissions mitigation targets, and that our commitments and obligations will still be met notwithstanding its plans. See [Commission Order No. 26,039 \(July 10, 2017\), at 6](#). Liberty has failed to show this, and cannot show this.

WHEREFORE, for the reasons expressed, Clark respectfully requests that the Commission:

- A. Grant this motion; and
- B. Reject Liberty's LCRIP and other gas infrastructure and customer expansion plans as inconsistent with New Hampshire law and dismiss this proceeding to approve the LCRIP accordingly; and
- C. Place an immediate moratorium on all gas infrastructure and customer growth in the state, including, but not limited to, all such growth associated with the approvals sought under [Commission Docket No. DG 16-852](#) (Lebanon/Hanover), [Commission Docket No. DG 17-068](#) (Keene) and [Commission Docket No. DG 17-198](#) (the Granite Bridge Project); and require that gas utility planning, including shortfall response measures, be tied as closely to sustainable energy options and a transition to sustainable energy as is allowed under New Hampshire law; or
- D. Schedule a hearing on this matter.

Respectfully submitted,

Terry Clark,

By his Attorney:

Dated: April 4, 2018

//s//Richard M. Husband, Esquire

Richard M. Husband
10 Mallard Court
Litchfield, NH 03052
N.H. Bar No. 6532
Telephone No. (603)883-1218
E-mail: RMHusband@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that I have, on this 4th day of April, 2018, submitted seven copies of this motion to the PUC by hand delivery, with copies e-mailed to the petitioner and the Consumer Advocate. I further certify that I have, on this 4th day of April, 2018, served an electronic copy of this motion on every other person/party identified on the PUC's service list for this docket by delivering it to the e-mail address identified on the PUC's service list for the docket.

//s//Richard M. Husband, Esquire
Richard M. Husband, Esquire

EXHIBIT “B”

Jonathan Chaffee
21 Highland Avenue
West Lebanon, NH 03784
March 23, 2018

Via email to executive.director@puc.nh.gov and puc@puc.nh.gov

Debra Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

**RE: DG 16-852 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
Petition for Expansion of Franchise to the Town of Hanover and City of Lebanon**

Dear Ms. Howland:

This is a request for information pursuant to Puc 104, Puc 201.07 and RSA 91-A:4.

I request copies of all documents that Liberty Utilities has submitted in the above-captioned docket in response to [Order No. 26,109](#) Approving Settlement Agreement with Conditions and Granting Franchise. In that order, the Commission found that

... Liberty's request goes too far in seeking to protect the entirety of those documents. Ms. Arwen and Dr. Chaffee adequately demonstrated that some of the information is publicly known and that some of the information is sufficiently aggregated so as not to affect the privacy interests of any party. We find that most of the privacy interests and competitive harm raised by Liberty could be resolved simply by redacting potential customers' names from the documents. In addition, while third-party advisors have an interest in protecting proprietary information and closely guarded methodologies, the fatal-flaw analysis is based primarily on publicly known information about the area and the Lebanon Landfill, and the property appraisal report is based primarily on public land records.

The Commission directed Liberty as follows:

Because Liberty's request is over-inclusive, we direct Liberty to refile the documents with the appropriate redactions and a revised motion for protective treatment within 15 days of this order. Following that filing, other parties will be allowed 10 days to file objections.

More than 15 days have elapsed since the Commission's Order was issued and I have received none of the documents referenced in it. It appears that Liberty is already in violation of at least one of the conditions of the Order. I look forward to your response.

Sincerely,

/s/Jonathan Chaffee
Jonathan Chaffee

EXHIBIT “C”

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Martin P. Honigberg

COMMISSIONERS
Kathryn M. Bailey
Michael S. Giaimo

EXECUTIVE DIRECTOR
Debra A. Howland



PUBLIC UTILITIES COMMISSION
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1-800-735-2964

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Website:
www.puc.nh.gov

March 23, 2018

Jonathan Chaffee
Jonathan.chaffee@valley.net

Re: Request for Information RSA 91-A
Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
DG 16-852 Petition to Expand Franchise to the Town of Hanover and
the City of Lebanon

Dear Mr. Chaffee:

We have received your email dated today, March 23, 2018, requesting disclosure of material contained in a Liberty Utilities filing required by Order No. 26,109 (March 5, 2018). The Commission has not received the additional filing by Liberty, required by Order No. 26,109.

As soon as we receive Liberty's filing we will forward it to you. You appear to be an intervenor in Docket DG 16-852, and therefore you should also receive the filing by Liberty directly when it is made.

Please feel free to contact me should you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross, Esq.
General Counsel

cc: Nancy Smith, Esq.
Claire Howard-Pike