

STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

July 27, 2018

NHPUC 27JUL'18PM3:04

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities  
Docket No. DG 17-152 Least Cost Integrated Resource Plan  
Docket No. DG 17-198 Petition to Approve Firm Supply and  
Transportation Agreements and the Granite Bridge Project  
Request for Modification of Procedural Schedules

Dear Ms. Howland:

On July 26, 2018, Staff filed a letter requesting cancellation of the technical session scheduled for August 2, 2018, in this docket. On July 27, 2018, Liberty Utilities (the Company) filed a letter objecting to the cancellation of the August 2 technical session and proposing an additional technical session to address Staff's discovery requests and the Company's responses to those requests.

Staff does not object to the Company's request that the August 2 technical session be held as planned, although we suggest that a technical session without all parties present to participate may not be an optimal use of parties' time and resources and may be of limited value to the proceeding overall. That said, Staff would like to correct the following apparent misunderstandings that are articulated in the Company's "note" in the final paragraph of its letter.

The Company states as follows:

Note that the timing of the Company's prior responses as referenced in Staff's letter was done in communication with Staff, that the Company offered to postpone the August 2 tech session by a week (which Staff's consultants could not accommodate), and that only three requests will remain unanswered as of August 2. These three requests asked the Company to perform a significant number of additional SENDOUT runs in two weeks and are the subject of ongoing discussions over their scope. The Company is confident that an agreement can be reached to provide for another tech session to accommodate the needs expressed in Staff's letter with minor adjustments to the procedural schedule.

Staff respectfully clarifies those statements as follows:

Staff seeks responses to the SENDOUT runs requested in two data requests (Staff 5-17 and Staff 5-18) sent out on July 9, 2018. A third data request (Staff 5-19) asked for a detailed explanation of the operating (non-capital) costs of the proposed Granite Bridge Pipeline and LNG facility, including staffing levels and justification for those staffing levels, used in the requested SENDOUT runs. The final date for submission of responses in this round of discovery was July 23. Staff has received responses to all but these three requests to date. In total, thus far in the proceeding, Staff has requested only the SENDOUT runs asked for on July 9.

Finally, while the Company proposed that the scope of the requests be limited in order to provide Staff with adequate information to go forward with the August 2 technical session, Staff concluded that responses to the requests as submitted are required for meaningful discussions. The Company has indicated that responses cannot be provided for at least another two weeks – that is, not before August 2. The Company proposed that the August 2 technical session be rescheduled for August 8, 9, or 10; however, Staff's consultant is not available on those days.

While Staff does not object to the August 2 technical session being held as scheduled, Staff notes that technical sessions are a critical component of the discovery process and most productive when all parties participate and have had adequate time to thoroughly review all discovery responses in advance, as intended when setting the procedural schedule. It is also worth noting that participating in technical sessions can involve significant costs related to travel, consultants and legal representation. Staff recommends that a secretarial letter requiring a second technical session emphasize that the second technical session is open to all parties and that the schedule will be adjusted to allow for follow up questions, responses, and additional time for testimony and hearings, if necessary. Furthermore, as all parties may not have the opportunity or resources to attend both technical sessions, the Staff recommends that the Commission provide for, and make available, either a recording or transcript of the technical sessions.

Staff looks forward to rescheduling a date that is convenient for the Company and all other parties, once complete responses to Staff's remaining data requests have been submitted and that provides at least 10 days for review of those requests.

Sincerely,



Lynn Fabrizio  
Staff Attorney

cc: Service Lists - DG 17-152 and DG 17-198

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Executive.Director@puc.nh.gov	
al-azad.iqbal@puc.nh.gov	rmhusband@gmail.com
alexander.speidel@puc.nh.gov	shossain@burnslev.com
amanda.noonan@puc.nh.gov	Stephen.Hall@libertyutilities.com
aperry@scottmadden.com	steve.frink@puc.nh.gov
bill.killeen@libertyutilities.com	steven.mullen@libertyutilities.com
chico.dafonte@libertyutilities.com	tirwin@clf.org
donald.kreis@oca.nh.gov	
drosen@kwplaw.com	
jroberge@clf.org	
jvanrossum@clf.org	
karen.sinville@libertyutilities.com	
kerri-lyn.gilpatric@puc.nh.gov	
kimdao@scottmadden.com	
Liz.stanton@aeclinic.org	
lynn.fabrizio@puc.nh.gov	
maureen.karpf@libertyutilities.com	
mbirchard@clf.org	
michael.licata@libertyutilities.com	
michael.sheehan@libertyutilities.com	
michael@libertyconsultinggroup.com	
mkoehler@kwplaw.com	
ocalitigation@oca.nh.gov	
pradip.chattopadhyay@oca.nh.gov	
rkanoff@burnslev.com	

Docket #: 17-152-1      Printed: July 27, 2018

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Executive.Director@puc.nh.gov	michael.licata@libertyutilities.com
administrator@townofpepping.com	michael.sheehan@libertyutilities.com
akahn@foleyhoag.com	michael@libertyconsultinggroup.com
al-azad.iqbal@puc.nh.gov	mikes@manchester-chamber.org
alexander.spidel@puc.nh.gov	mkoebler@kwplaw.com
amanda.noonan@puc.nh.gov	nhatlasman@comcast.net
aperry@scottmadden.com	ocalitigation@oca.nh.gov
bill.killeen@libertyutilities.com	pradip.chattopadhyay@oca.nh.gov
brian.buckley@oca.nh.gov	randy.knepper@puc.nh.gov
chico.dafonte@libertyutilities.com	rkanoff@burnslev.com
donald.kreis@oca.nh.gov	robert.neustaedter@repsol.com
drosen@kwplaw.com	shossain@burnslev.com
emaher@dtclawyers.com	sjs@sjsullivanlaw.com
james.brennan@oca.nh.gov	Stephen.Hall@libertyutilities.com
jonathan.hoff@repsol.com	steve.frink@puc.nh.gov
jratigan@dtclawyers.com	steven.mullen@libertyutilities.com
jshope@foleyhoag.com	stracy@pierceatwood.com
jvanrossum@clf.org	thatch@nashuachamber.com
karen.sinville@libertyutilities.com	tsink@concordnhchamber.com
kerri-lyn.gilpatric@puc.nh.gov	
kimdao@scottmadden.com	
Liz.stanton@aeclinic.org	
lynn.fabrizio@puc.nh.gov	
maureen.karpf@libertyutilities.com	
mbirchard@clf.org	

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