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NHPUC 17OCT19PM3:10

October 17, 2019

Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities  
Docket DG 17-198 – Granite Bridge Project  
Objection to and Recommendation re: Revised Procedural Schedule Proposed by Liberty

Dear Ms. Howland:

By letter filed with the Commission on October 15, 2019 (and revised on October 16, 2019), Liberty Utilities (Liberty) has requested a delay of approximately 8 weeks for the submittal of its rebuttal testimony in this proceeding. The undersigned representatives of participants in this docket object to the requested extension for the reasons stated below.

In its revised motion, Liberty seeks to extend the current, approved deadline for its rebuttal testimony by 53 days, from October 21 to December 13. Liberty complains that the Commission approved a "6-week" extension for Staff and Parties to prepare testimony that was filed in September. We note, however, that the parties requested extensions to file that testimony due to the Company's March 2019 supplemental filing, which was so different from its original filing that it warranted a supplemental Order of Notice, issued by the Commission on April 3, 2019. In its most recent motion seeking an extended delay to file rebuttal testimony, Liberty again requests an opportunity to make significant changes to its proposal at this final stage of preparation for hearings. The Commission should not allow the Company to change its proposal again, particularly at this late date, through rebuttal testimony.

We also note that a revised schedule was issued on May 3, 2019, establishing a date of September 20, 2019, for Liberty's rebuttal testimony. On July 30, 2019, that deadline was extended to the current deadline of October 21, 2019, pursuant to Liberty's request on July 26, 2019, for a suspension of the procedural schedule. The Company has therefore had ample time to prepare its rebuttal.

Based on the record established in this docket to date, the undersigned believe that additional time for the filing of rebuttal testimony is unwarranted. With respect to Liberty's insistence that it needs the requested additional 53 days in order to "conduct the supporting analyses" discussed in the testimony of Staff and other parties, those analyses should have been undertaken as part of Liberty's consideration of alternatives before filing its original proposal. Moreover, such analyses have been

raised and requested throughout this proceeding through discovery efforts and technical session discussions. Staff's testimony, as mischaracterized by Liberty, did not ask for more analyses to be filed in this proceeding. Rather, it clearly recommended denial of both the pipeline and the LNG storage tank, as proposed in the initial, supplemented petition.

In addition, Staff recommended that if Liberty wished to continue to seek approval of those projects, it should conduct the recommended analyses in a new proceeding in which such analyses would be subject to the same thorough examination as was carried out in this proceeding. Liberty should not be allowed to significantly extend its time to prepare rebuttal testimony at this late stage in the proceeding to prepare *new* analyses and support for its petition – in effect, yet another supplement to its petition. If the Commission were to grant such a lengthy extension for Liberty to prepare the new analyses at this time, it likely will result in motions for dismissal or yet further postponement requests for extensions of the procedural schedule to permit all parties to evaluate the new, supplemental filing that Liberty seeks to submit, possibly through sur-rebuttal testimony.

In effect, Liberty's request for an extension is a clear admission that the analyses recommended by the parties to this docket were not performed, that those analyses are indeed necessary for the Commission's decision in this case, and that Liberty needs an additional two months to conduct the required analyses, which is an improper use of rebuttal testimony. At the same time, Liberty proposes just one week for Staff and the parties to the docket to review the new, previously requested analyses prior to hearing. This unfairly burdens Staff and the parties, who have expended significant resources, including consultant budgets, reviewing the Company's original and revised proposals. The undersigned therefore respectfully request that the Commission deny Liberty's request for an extension and reaffirm the current, approved schedule. However, if the Commission does grant an extension as a courtesy, we respectfully request that it approve the schedule set forth below, as the one proposed by Liberty does not work for several of the parties.

<b>DG 17-198 - Proposed Revised Procedural Schedule</b>	
11/1/2019	Petitioner's Rebuttal Testimony
11/8/2019	Deadline for Rolling Discovery on Rebuttal Testimony
11/15/2019	Petitioner Responses to Discovery Due
11/20/2019	Technical Session/Settlement Conference, if needed
12/2-4/2019	Hearing

Please let us know if you have any questions.

Sincerely,

*/s/ Lynn Fabrizio*

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Lynn Fabrizio, Esq.  
N.H. Public Utilities Commission  
on behalf of Commission Staff



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D. Maurice Kreis, Esq.  
The Office of the Consumer Advocate

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Meredith Hatfield, Esq.  
Conservation Law Foundation

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Sandra Levine, Esq.  
Conservation Law Foundation



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Richard A. Kanoff, Esq.  
Burns & Levinson, LLP  
on behalf of  
Pipe Line Awareness Network for the Northeast, Inc.

cc: Service Lists for DG 17-198 and DG 17-152 (by electronic mail)

Please let us know if you have any questions.


Sincerely,

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Lynn Fabrizio, Esq.  
N.H. Public Utilities Commission  
on behalf of Commission Staff

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D. Maurice Kreis, Esq.  
The Office of the Consumer Advocate



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Meredith Hatfield, Esq.  
Conservation Law Foundation



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*for* Sandra Levine, Esq.  
Conservation Law Foundation

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Richard A. Kanoff, Esq.  
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on behalf of  
Pipe Line Awareness Network for the Northeast, Inc.

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