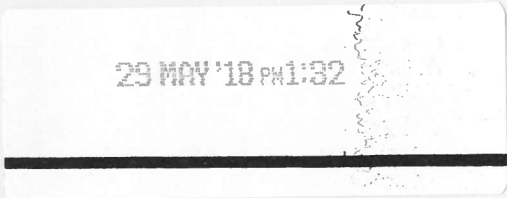




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May 29, 2018

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



Re: Docket No. DG 17-198
Energy North Natural Gas Corp. d/b/a Liberty Utilities
Petition for Approval of Granite Bridge Project and Supply Contracts
Pending Confidentiality Motions

Dear Ms. Howland:

On March 6, 2018, Pipe Line Awareness Network for the Northeast, Inc. (“PLAN”) filed a Motion to Intervene in this matter. On April 16, 2018, pending the Public Utilities Commission’s (“Commission”) ruling on its motion, PLAN and Energy North Natural Gas Corp. d/b/a Liberty Utilities (“Liberty”) executed Liberty’s form of Non-Disclosure Agreement (“NDA”) prohibiting PLAN and its consultants from publicly disclosing confidential information in this case (and in the related docket DG 17-152). On May 17, 2018, Repsol Energy North America Corporation (“RENA”) filed an Amended Motion in Support of Liberty Utilities’ Motion for Protective Order and Reply to Opposition of the Office of Consumer Advocate (“OCA”) (the “Amended Motion”). On May 18, 2018, the Commission granted PLAN’s Petition to Intervene. This letter is in response to RENA’s Amended Motion.

In its Amended Motion, RENA asserts that confidential information in this docket should be available only to “the New Hampshire Public Utilities Commission (Commission), its Staff and the OCA”. Amended Motion at 1, 14. Without citing any applicable precedent, RENA asserts that relevant and material confidential information submitted to Liberty and used by Liberty in support of its filing in this case (e.g., contractual and pricing terms) should not be available to PLAN and to other non-institutional intervenors such as Conservation Law Foundation (“CLF”). *Id.* at 2. Specifically, at this stage, RENA objects to data requests filed by PLAN (and to CLF) relating to and requesting RENA information relied upon by Liberty in this case. *Id.* at 5. RENA seemingly (and mistakenly) suggests as a basis for its objection that PLAN (and CLF), both non-profit entities, are “competitor or potential competitor intervenors”. *Id.* at 5-6. PLAN, as set forth in its Motion to Intervene, is a duly constituted non-profit entity organized exclusively for charitable, scientific, and educational purposes, and as such, can hardly be characterized as a competitor or potential competitor. Motion to Intervene at 3 (para. 5).

RENA’s objection is without merit and should be rejected by the Commission. There is no basis or legal authority, as RENA asserts, to restrict PLAN’s access to the full and complete record in this case. PLAN joins with the OCA, in its filing submitted this date in response to the Amended

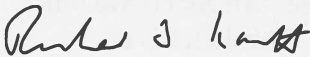
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Motion, in urging the Commission to allow all intervenors (who are not actual or potential competitors of RENA and Engie Gas & LNG, LLC (“ENGIE”)) to receive all discovery, along with an unredacted version of the petition--upon executing a suitable a nondisclosure agreement. Protective orders limiting access to competitively sensitive materials should be applicable only to intervenors that are actual or potential competitors of RENA and ENGIE. The Commission should determine that PLAN is not an actual or potential competitor of RENA and acknowledge that PLAN has executed an NDA under which, as required by applicable rules and ethical obligations, PLAN is bound by its terms.

In addition, PLAN joins with the OCA in its request that the Commission explicitly reject RENA’s contention that “disclosure of [RENA’s] Confidential Information to community action groups who oppose natural gas infrastructure development such as PLAN and CLF, increase the likelihood that this information will be made available to the public through inadvertent disclosure.” Amended Motion at 12. Specifically, as OCA correctly states, there is no basis to conclude that the intervenors, represented by counsel and subject to an NDA, will publicly disclose otherwise protected information in this case.

Accordingly, PLAN requests that the Commission reject RENA’s request to restrict access to confidential information in this docket.

Very truly yours,



Richard A. Kanoff
Counsel for PLAN

cc: Service List