

November 7, 2014

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

NHPUC NOV12'14 AM11:31

Re: Request for Information Related to DE 11-216, Amended Rate DE

Dear Secretary Howland:

Pursuant to RSA § 91-A and Rule Puc 104.01, Freedom Logistics, LLC ("FEL") requests copies of all documents, records, and communications in the possession of the Staff of the New Hampshire Public Utilities Commission ("the Staff") related to communications with PSNH pertaining to PSNH's Request to Amend Alternate Default Service Rate (the "Filing") filed on September 15, 2014 in Docket No. DE 11-216.

This request for documents and records related to the Filing is intended to encompass all internal communications, communications with PSNH, and includes, but is not limited to, all minutes, notes, memoranda, draft documents, correspondence, electronic correspondence, electronic mail, reports, calculations, spreadsheets, abstracts, materials, records of telephone conversations and meetings, handwritten notes and observations, and any other information, documents, or records of any type in the possession, custody, or control of the Staff. The timeframe of this request is limited to the period beginning June 1, 2014 through to the date of receipt of this request.

RSA § 91-A "ensure[s] both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." *38 Endicott St. N., LLC v. State Fire Marshall*, 44 A.3d 571, 574 (N.H. 2012) (quoting *Murray v. N.H. Div. of State Police*, 154 N.H. 579, 581 (2006)). The Right-to-Know Law and New Hampshire case law give PSNH the right to examine documents on the record, which "are available for policy-making consideration or have been already acted upon"

To the extent that Staff seeks to exclude any records or documents from the response, please provide a summary with the response describing each record withheld and stating the legal grounds for this withholding. Government policies favor a presumption of openness, which is confirmed by opinions of the New Hampshire Supreme Court strongly favoring disclosure. ("Thus, while the statute does not provide for unrestricted access to public records, provisions favoring disclosure are broadly construed and exemptions are interpreted restrictively." *Union Leader Corp. v. New Hampshire Haus. Fin. Auth.*, 142 N.H. 540 (1997)).

FEL understands that among the withheld documents are records subject to exemptions within the Right-to-Know law, including preliminary drafts and notes (RSA 91-A:5, IX), notes and materials that do not have an official purpose (RSA 91-A:5, VIII), confidential, commercial or financial information (RSA 91-A:5, IV), and attorney-client privileged communication or attorney work product.

Pursuant to RSA 91-A:4 and Rule Puc 104.01(f), please respond to this request within the statutory five-day timeframe.

Sincerely,



A handwritten signature in blue ink, appearing to read "Howard Plante", is written over a horizontal line.

Howard Plante
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