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April 18, 2017

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

Re: Docket No. DG 16-852, Liberty Utilities (EnergyNorth Natural Gas) Corp.

Dear Ms. Howland:

Jonathan Chaffee and I are *pro se* intervenors in the above-captioned docket. We request that the Commission revise the procedural schedule set by Staff, and perhaps suspend the schedule until they have ruled on our objection (Objection) to Liberty Utilities' Motion for Protective Order and Confidential Treatment (Motion).

The history of this issue follows:

Liberty has filed attachments to testimony in this docket that have extensive redactions. Liberty's Motion seeks confidential treatment of the redacted material and entire appendices. At the pre-hearing conference on March 23, 2017, I declared my intention to file an objection to the Motion. On March 23, Staff proposed a procedural schedule to the service list, which would have set a deadline of April 5 for the filing of data requests. On March 24, I sent an email to Staff Attorney Speidel and requested a change in the schedule. I wrote,

*Given that our motion to object to Liberty's Motion for Confidential Treatment is due April 3, can you give me some idea of when that motion might be ruled on?*

*We feel we cannot concur with the proposed revised schedule emailed yesterday, since in order to write meaningful data requests, we need first to know what materials we have at hand to consider, and then give them due consideration. Since the first set of Data Requests to the Company is due April 5, this seems impossible.*

On Mar. 30 Mr. Speidel wrote to the service list with a proposed a schedule revision, explaining that the change was in response to my request. The schedule was revised so that data requests are now due on April 26.

On April 3, we filed an Objection to Liberty's Motion. On April 4, the Office of the Consumer Advocate filed a letter in support of our Objection.

In our Objection we wrote of Liberty's request for confidential treatment,

*... in at least several instances, its assertions of harm that would result in disclosure demonstrably*

*fail to meet the burden of proof for qualifying for any exemption from disclosure, as provided by RSA 91A:5, IV. Much of the data that they claim as non-public, proprietary or commercially sensitive is in the public record, and in fact some of it appears in Liberty's testimony in this docket and in a docket previously before the Commission. Some information for which Liberty claims confidentiality, ostensibly to protect a potential customer, has been previously disclosed to the public by the very same potential customer. Some information is being withheld by Liberty simply because it was provided by a third party contractor based on an unsubstantiated claim that disclosure would cause financial harm. There is also the alarming claim that disclosure of data relating to a "fatal flaw" analysis "may publicize the Company's planned infrastructure".*

With only eight days remaining until the current deadline for data requests we have not received a ruling on our objection from the Commission. At this point we believe that we will have insufficient time to review unredacted material and draft data requests before the deadline.

We believe that our Objection provides compelling evidence that Liberty has improperly concealed information that is already in the public record, through previous filings with the Commission and independent disclosures by customers. In addition, we have shown that information that Liberty seeks to conceal is neither non-public, proprietary nor commercially sensitive. We believe it is likely that the Commission will order Liberty to reveal some or all of the material for which they are seeking protection.

We are aware that we can seek disclosure of the redacted information through a protective agreement with Liberty. Our objection addresses why that avenue is not appropriate:

*... as we have demonstrated, much of the data Liberty claims as confidential is already in the public record. Were we to have access to information only pursuant to a non-disclosure agreement with Liberty, we would be in violation of that agreement if we were to "disclose" information that is already public. That is an unacceptable situation.*

Therefore, in the interest of the integrity and fundamental fairness of its adjudicative process we respectfully request that the Commission revise the procedural schedule, or suspend it until they have ruled on our objection, to give us time to prepare data requests.

Sincerely,

/s/  
Ariel Arwen

/s/  
Jonathan Chaffee

cc: Service List