

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

NO. 2019-0629

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LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.  
d/b/a LIBERTY UTILITIES – KEENE DIVISION  
PUBLIC UTILITIES COMMISSION CASE DG-17-068

APPEAL OF TERRY CLARK PURSUANT TO SUPREME COURT RULE 10

**APPELLANT'S MOTION TO FILE REPLY TO  
APPELLEE LIBERTY UTILITIES (ENERGYNORTH  
NATURAL GAS) CORP.'S OBJECTION TO APPELLANT'S  
EMERGENCY MOTION FOR SUSPENSION OF COMMISSION ORDERS**

Terry Clark ("Clark"), the appellant in this appeal, pursuant to Sup. Ct. R. 21(3-A) Sup. Ct. R. 21(3-A), hereby respectfully moves this Honorable Court to allow Clark two business days from the allowance of this motion to file an up to seven page reply to Appellee Liberty Utilities (EnergyNorth Natural Gas) Corp.'s Objection to Appellant's Emergency Motion for the Suspension of Commission Orders. As grounds for this motion, Clark states as follows:

1. On January 22, 2020, Clark filed an Emergency Motion of Appellant for Immediate Suspension of Commission Orders Pursuant to RSA 541:18.
2. On January 27, 2020, the appellee filed a preliminary objection to Clark's motion for suspension and on February 3, 2020 filed its "complete" objection to the motion, which included a 117-page affidavit in addition to the objection.
3. Particularly given the great public interest concerns at issue in this appeal, it would be fair, appropriate and just to allow Clark two business days from the allowance of this motion to file up to a seven page response to the appellant's filings: this would not only provide Clark a (minimally) reasonable opportunity to respond to the assertions,

issues and positions raised in the appellee's filings, it would also provide this Court with that valuable input necessary to a fully informed decision.

4. Counsel for the appellee was consulted on its position on this motion and indicated that the appellee will not assent. Specifically, the appellee indicated that it would only assent to Clark's proposed reply if Clark assents to the filing of a surreply by the appellee (if the appellee deems it necessary), which Clark cannot agree to given (a) the time and breadth of response the appellee has already been allowed to address Clark's initial motion, (b) this will be Clark's only response to the appellee's filings, (c) surreplies do not even seem to be allowed under this Court's rules and (d) for the reasons already expressed by Clark and for the further concerns raised by the appellee's filings which Clark will address in his reply, a prompt decision on the matter is needed.

WHEREFORE, for the reasons expressed, Clark respectfully requests that this Honorable Court:

- A. Grant this motion; or
- B. Schedule a hearing on this matter; and
- C. Provide such other relief as is just and reasonable.

Respectfully submitted,

Terry Clark,

Dated: February 4, 2020

By: /s/ Richard M. Husband  
Richard M. Husband, Esquire  
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**CERTIFICATE OF SERVICE**

I, Richard M. Husband, Esquire, hereby certify that on the 4<sup>th</sup> day of February, 2020, I served copies of the foregoing motion and this notice of filing on the Attorney General and all counsel and parties registered with the electronic filing system via the system, and on the Public Utilities Commission via first-class mail, postage prepaid and the Commission e-mail address of Attorney Fabrizio and Executive Director Howland.

/s/ Richard M. Husband  
Richard M. Husband, Esquire