

STATE OF NEW HAMPSHIRE

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February 23, 2015

Debra Howland
Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301-7319

RE: DG 14-380 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
Objection to Staff Recommendation

Dear Ms. Howland:

On February 20, 2015 Staff filed a recommendation in the above-captioned case regarding the intervention of Pipe Line Awareness Network of the Northeast, Inc. (PLAN). Staff recommends that “PLAN be required to coordinate its discovery and testimony on behalf residential ratepayer members with the Office of the Consumer Advocate (OCA), which has intervened on behalf of residential customers.” The Office of the Consumer Advocate (OCA) respectfully objects to this recommendation.

Pursuant to RSA 363:28, the OCA represents the interests of residential utility consumers as a collective group of interests, not the interests of a particular subclass of consumers within the larger group. Staff relies on RSA 541-A:32 III as the basis for requiring “PLAN to coordinate its discovery and testimony on behalf of residential ratepayers with the OCA.” *Id.* However RSA 541-A:32 III is limited by section IV. (“Limitations imposed in accordance with paragraph III shall not be so extensive as to prevent the intervenor from protecting the interest which formed the basis of the intervention.”)

Without taking a position on PLAN’s ability to represent its member interests as proposed by Staff, the OCA cannot accept the proposed limitation to its ability to represent consumer interests. As stated in its Petition to Intervene, PLAN members are ratepayers, customers and “private landowners whose property will be adversely impacted (affecting their community, environment and safety) and taken by Tennessee to construct the natural gas pipeline that will provide the capacity Liberty seeks to purchase by way of the Precedent Agreement.” PLAN Petition to Intervene at 3 para 10 (Feb 11, 2015). This smaller group of ratepayers has interests that are independent and possibly conflicting with the interests of other Liberty Utility residential ratepayers.

The OCA does not object to PLAN's intervention. PLAN is represented by experienced and capable counsel, Richard A. Kanoff, Esq. of the respected Boston, Massachusetts law firm Burns & Levinson LLP. Mr. Kanoff is able to represent the interests of his clients pursuant to the rules and orders of the Commission. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by PLAN's participation. As stated in PLAN's Petition to Intervene "PLAN's interests in the outcome of this proceeding will not be adequately represented by any other party hereto, nor will PLAN's participation delay this proceeding..."

Therefore the OCA requests the Commission deny the staff recommended limitations of RSA 541-A:32 (III) on PLAN's intervention in the above-captioned docket.

Respectfully,



Susan W. Chamberlin
Consumer Advocate

cc: Service list via electronic mail