

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

2016 TERM

No. 2016-0002

APPEAL OF PIPE LINE AWARENESS NETWORK FOR THE NORTHEAST, INC.

**OBJECTION TO MOTION FOR REMAND**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth” or the “Company”) hereby objects to the motion for remand filed by Pipe Line Awareness Network for the Northeast, Inc. (“PLAN”). In support of this objection, the Company states as follows:

1. This case arises out of PLAN’s appeal of the New Hampshire Public Utilities Commission (the “Commission”) Orders 25,822 and 25,845 (the “Orders”) in which the Commission authorized EnergyNorth to enter into a twenty year contract with Tennessee Gas Pipeline, LLC to purchase capacity (the “Precedent Agreement”) on the Northeast Energy Direct pipeline (the “NED Pipeline”) which was to be constructed from Wright, New York to EnergyNorth’s distribution system in New Hampshire. Since PLAN filed its appeal, Tennessee Gas announced that it would not be building the NED Pipeline, and as a result, the Precedent Agreement was terminated. *See* Exhibit A to PLAN’s Motion for Remand. PLAN asks that this Court remand its appeal to the Commission so that the Commission can rescind the Orders.

2. EnergyNorth objects to PLAN’s request as there is no need to remand the case to the Commission for further action. Because the NED Pipeline will not be constructed, the Precedent Agreement that was the subject of the Orders has no effect. Order 25,822 plainly states that “[t]he Precedent Agreement is not effective unless the NED Pipeline is approved,

constructed, and providing service.” Order 25,822 at 24. The Court can simply dismiss PLAN’s appeal since the issues on appeal – whether the Commission’s decision to conduct a prudence review of the NED Pipeline contract was unlawful, unjust or unreasonable and whether the Commission erred as a matter of law in making certain factual findings, PLAN Appeal at 3-4 – are moot. There are no new facts for the Commission to consider or any further action that is required by the Commission given that the NED Pipeline is not proceeding.

WHEREFORE, EnergyNorth respectfully requests that the Court:

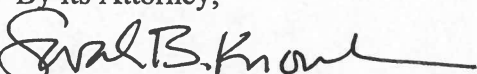
- A. Deny Plan’s Motion to Remand;
- B. Dismiss PLAN’s appeal, and;
- C. Grant such other relief as is just and equitable.

Respectfully submitted,

LIBERTY UTILITIES (ENERGYNORTH NATURAL  
GAS) CORP. D/B/A LIBERTY UTILITIES

By its Attorney,

Date: June 7, 2016

By:   
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Certificate of Service

I hereby certify that on June 7, 2016, I forwarded a copy of this Objection to Motion to Remand by first class mail, postage prepaid, to counsel for the parties of record at their addresses of record, and to the Attorney General of the State of New Hampshire, 33 Capitol Street, Concord, NH 03301.

A handwritten signature in black ink, appearing to read "Sarah B. Knowlton", written over a horizontal line.

Sarah B. Knowlton