



**Roach Hewitt Ruprecht
Sanchez & Bischoff, P.C.**

William D. Hewitt
whewitt@RoachHewitt.com

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VIA E-MAIL AND OVERNIGHT DELIVERY

August 17, 2015

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

Re: DG 15-121, *Northern Utilities, Inc. Request for Hearing*

Dear Ms. Howland:

On August 13, 2015, Designated Commission Staff ("Staff") filed with the Commission a Motion to Strike, which seeks to strike a single question and answer presented on page 19 of the pre-filed testimony of Christopher LeBlanc and Jonathan Pfister.

Except as discussed further below, Northern Utilities, Inc. ("Northern" or the "Company") does not oppose the Motion. As Staff points out, the question and answer at issue refers to an oral communication between the Company and the Pipeline and Hazardous Materials Safety Administration ("PHMSA") during which PHMSA representatives confirmed that the worker and monitor regulator set points and regulator performance described in Staff's NOV related to the New Hampshire Avenue regulator station (PS1502NU) were in compliance with Federal Code requirements. As Staff further observes, PHMSA has issued a formal written interpretation to the Company (Motion at 2), and that interpretation also confirms that the Company's regulators at New Hampshire Avenue Station complied with the Code. (*See* Attachment N to Testimony of LeBlanc/Pfister.)

Moreover, the Company acknowledges Staff's arguments that statements by unidentified PHMSA personnel may be "hearsay within hearsay" and if admitted into the record could create challenges for meaningful cross-examination. (Motion at 2.) Staff asserts that "such testimony should not be allowed from either party." (*Id.* at 3.)

If the Commission strikes the question and answer as requested in the Motion to Strike, then the Company agrees with Staff that the Commission should apply the same standard to the Staff's evidence. Specifically, Staff has included similar statements they attribute to PHMSA on page 4 of 6 of the NOV related to the New Hampshire Avenue Regulator Station:

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“PHMSA within recent years encourages states to exercise strict adherence to the code”; and

“The Safety Division state they had sent three individuals to PHMSA’s Training and Qualification course regarding pressure regulation over a period of time and taught on different dates by a different team of instructors, and PHMSA has never represented that MAOP can be exceeded.”

For these reasons, the Company has no objection to striking the question and answer identified in Staff’s Motion to Strike related to oral statements attributed to PHMSA, provided that the same standard is applied to Staff and similar statements are struck from the NOV and any other evidence they may seek to introduce into the record.

Thank you for your assistance with this matter.

Very Truly Yours,



William D. Hewitt

WDH:bmh

cc: Susan Chamberlin, Office of Consumer Advocate (via e-mail only)

Service List (via e-mail only)

Gary Epler, Esq. (via e-mail only)