

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DG 15-155
Valley Green Natural Gas, LLC Petition for Franchise Approval

MOTION TO COMPEL RESPONSE

Pursuant to N.H.Admin. Rules, Puc 203.07 and 203.09(i), Ariel Arwen ("Intervenor") respectfully moves the New Hampshire Public Utilities Commission ("Commission") to compel Valley Green Natural Gas, LLC ("Valley Green") to provide to Intervenor a full response to Staff's data request No. 3-10.

In support of this Motion, Intervenor states the following:

1. The Commission has granted Intervenor full party status in the docket.
2. On 11/20/2015, Commission Staff ("Staff") made the following data request of Valley Green:

"Ref. Staff DR 1-2. Please calculate the revenue requirement and rates using the attached Excel format and a 40 year average service life to calculate depreciation on structures. Please provide the response in both hard copy and electronic (Microsoft Excel) formats, with all data and formulas intact."

See attached Excel file.

Valley Green responded to the data request on 12/7/2015 as follows:

"See CONFIDENTIAL Supplemental Staff 1-2, attached

"Valley Green understands that staff seeks to have Valley Green provide for future test years 2017 and 2020 and complete Schedule 1, Revenue Requirement; Schedule 2, Revenue, Expenses and Income; Schedule 3, Working Capital; and Schedule 4 Rate of Return."

That is the entirety of the response received by Intervenor from Valley Green. Intervenor was not provided with either the supplemental response to Staff 1-2 or the requested calculations in Excel format.

3. On 12/23/2015 Intervenor sent an email to Attorney Marcia Brown, counsel for Valley Green, requesting "a full and nonredacted copy of Valley Green's response to Staff 3-10 (which incorporates Staff 1-2)."

Attorney Brown and Intervenor exchanged emails the following day. Attorney Brown said:

"As you know, this is competitively sensitive information and we'll have to discuss this internally on how to give you access."

Intervenor requested an explanation of "the basis for not responding to my request by sending a full and nonredacted copy of the response to Staff 3-10". (See attached email thread.) Since that request on 12/24/2015, Intervenor has not received a response from Attorney Brown.

4. On 12/24/2015 Valley Green sent an email to the docket's service list with the subject line "DG 15-155 Supplemental Discovery". The email contained a single sentence:

"Valley Green has forwarded its confidential supplemental responses (financial spreadsheets) to Staff for Staff 3-10, Staff 3-2, and Staff 1-7."

Intervenor did not receive any of these supplemental responses.

5. In the response to Staff 3-10, Valley Green has made no claim pursuant to Puc 203.08(d) that it has a good faith basis for seeking confidential treatment of the documents that Staff has requested. Likewise, Valley Green made no claim for confidential treatment of its response to Staff 1-2. Even if Valley Green had made such claims, nothing in Puc 203.08 provides a basis for withholding information from a party to the proceeding.

6. Intervenor believes that at least some of the information contained in the response to Staff 3-10 is not entitled to confidential treatment. If Valley Green used the template file that was provided by Staff, then some of the information in the response will have previously been disclosed in responses to Intervenor's data requests. Given Valley Green's overly broad claim of confidentiality, it is impossible for Intervenor to know what additional information, which may not be entitled to confidential treatment, is in the response.

7. Pursuant to Puc 203.09(i), Intervenor certifies that she has made a good-faith effort to resolve the dispute informally through email communication with Attorney Brown.

Therefore Intervenor respectfully requests that the Commission compel Valley Green to provide Intervenor with a full and nonredacted copy of its response to Staff 3-10, including in particular the Excel file that was attached to the response, as well the supplemental response (financial spreadsheet) to Staff 3-10.

Respectfully submitted this 29th day of December
2015,

/s/ 

Ariel Arwen
4 Dana Street
Apt. F
West Lebanon, NH 03784

arielarwen@gmail.com
(603) 443-3561

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2015, I served an electronic copy of this filing with each person identified on the Commission's service lists for Docket No. DG 15-155 pursuant to Rule Puc 203.02(a).

Ariel Arwen

Ariel Arwen
Intervenor
4 Dana Street
Apt. F
West Lebanon, NH 03784

arielarwen@gmail.com
(603) 443-3561