

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Re: RSA 371:17-b License by Notification of Existing Crossings

Motion to Accept Filing and Waiver of Puc 202.06(b)

NOW COMES Liberty Utilities (Granite State Electric) Corp. and Liberty Utilities (EnergyNorth Natural Gas) Corp. both d/b/a Liberty Utilities (the “Companies”) and move the New Hampshire Public Utilities Commission (the “Commission”) to accept the Companies’ filing made pursuant to RSA 371:17-b. In support hereof, the Companies state as follows:

1. On June 17, 2015, the Companies submitted a filing to the Commission under RSA 371:17-b with information about their existing water crossings. This filing was made pursuant to the statute which provides that “[e]xisting crossings on existing poles as of the effective date of this section, not previously licensed, shall be considered temporarily licensed without further inquiries or investigations. Any party seeking a license under this section shall file a complete list identifying the specific geographic and pole locations of each existing crossing with the commission within 2 years of the effective date of this section. Upon receipt of such list, no further inquiries or investigations by the commission shall be undertaken and the commission shall issue a final license. Any temporary license shall expire upon the issuance of a final license.” The Company submitted the filing to the Commission via electronic mail believing that was the proper mode of submission, and mailed one paper copy of the transmittal letter to the Commission. The paper copy did not include the attachments due to the voluminous nature of the attachments (maps which depict locations of facilities). However, the attachments are viewable through the Commission’s GIS software.

2. Late in the day on June 18, 2015, the Company was notified by the Commission Staff that it was rejecting the Company's filing because the Commission considered it a docketed filing and as a result, the Company was required to file two more paper copies pursuant to Puc 202.06(b). Staff also informed the Company that the filing would be late if not cured that same day based on Staff's interpretation of the "within 2 years" language in RSA 371:17-b to require the filing by June 18, 2015, as opposed to June 19, 2015, (the statute took effect June 19, 2013). On June 19, 2015, the Company delivered the additional two paper copies of the transmittal letter to the Commission.

3. While the Company disagrees with the Staff's interpretation of the statutory deadline, the Company nonetheless moves the Commission to accept the Company's filing as timely based on its June 17, 2015, electronic submission to the Commission, the Commission's June 18, 2015, receipt of one paper copy of the transmittal letter, and the Commission's receipt of two additional paper copies of the transmittal letter on June 19, 2015.

4. The Company asserts that it would be an unduly harsh result to reject the Company's filing because it did not include 2 other paper copies or voluminous attachments when it mailed the filing on June 17. Such a position would defeat the intent of RSA 371:17-b, which was to provide information on existing water crossings so that remedial licenses could be granted. The Commission had the information in hand, including electronic attachments which are viewable by the Commission's GIS software, and there was an honest misunderstanding about whether an electronic submission of the filing would satisfy the requirement under the law.

5. Puc 201.05 provides that the Commission may waive the provisions of any of its rules if (a) the waiver serves the public interest and (b) the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. Puc 201.05 provides further that, in

determining the public interest, the Commission may find a waiver request to be in the public interest if “[c]ompliance with the rule would be onerous or inapplicable given the circumstances of the affected person” and “[t]he purpose of the rule would be satisfied by an alternative method proposed.”

6. The Companies request that the Commission waive the requirements of Puc 202.06(b) to the extent it requires hard copies of the attachments to the Company’s June 17, 2015, letter. The Companies submitted electronic files showing the locations of their water crossings which was extracted from its GIS system. These files could be read by the Commission through its GIS software. The Companies submit that it is in the public interest to allow this information to be provided only in electronic form because it would be onerous to provide copies of such a voluminous submission. There will be no disruption to any existing process for the information to be provided in electronic format. The purpose of the rule – to provide information to the Commission – is satisfied by the electronic transmission of the data.

7. For these reasons, the Company requests that the Commission accept its filing as timely.

WHEREFORE, Granite State and EnergyNorth respectfully requests that the Commission:

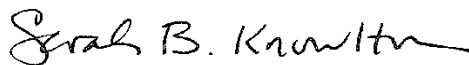
- A. Grant this motion and;
- B. Grant such other relief as is just and reasonable and consistent with the public interest.

Respectfully submitted,

LIBERTY UTILITIES (GRANITE STATE ELECTRIC)
CORP. D/B/A LIBERTY UTILITIES

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

By its Attorney,



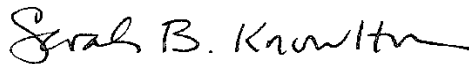
Date: June 19, 2015

By: _____

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Certificate of Service

I hereby certify that on June 19, 2015, a copy of this Motion has been forwarded to the Office of Consumer Advocate.



Sarah B. Knowlton