

THE STATE OF NEW HAMPSHIRE

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**PUBLIC UTILITIES COMMISSION**  
21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX (603) 271-3878

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

October 10, 2016

Re: DG 15-289, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities  
Petition for Franchise Approval in Lebanon and Hanover

To the Parties:

On September 30, 2016, Liberty Utilities filed a motion to reopen the record to allow for:

“filing of additional documents and supporting testimony that would provide the Commission with important evidence based on changed circumstances and the new information developed since the close of the record.”

The Commission denied Liberty’s motion. To reach its conclusion, the Commission considered the probative value of the new evidence. Puc 203.30(c)(1). Liberty did not provide any of the new evidence with its motion; consequently, the Commission could not determine its probative value. The Commission also considered whether other parties’ right of cross examination would be protected without further hearing. Puc 203.30(c)(2). Liberty’s request to reopen is beyond the scope of merely supplementing a nearly complete record with a follow-up exhibit as is usually the practice under Puc 203.30. Liberty described the new evidence in part as a new five-year business plan that is under development. The Commission found that such a submission would fundamentally alter the evidence in the case and require additional discovery and hearing.

The Commission recognized that Liberty is still interested in seeking franchise approval. However, given the fundamental change in Liberty’s evidentiary support for its request and the fact that the business plan remains under development, the Commission found that Liberty’s petition is premature. Accordingly, the Commission treated Liberty’s filing in DG 15-289 as withdrawn and closed the docket. Should Liberty file a new petition and supporting materials once it has fully developed its business plan, the Commission will open a new docket.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland /cel".

Debra A. Howland  
Executive Director

cc: Service List (Electronically)

## SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov  
akerrigan@townandcitylaw.com  
al-azad.iqbal@puc.nh.gov  
alexander.speidel@puc.nh.gov  
amanda.noonan@puc.nh.gov  
arielarwen@gmail.com  
cgw@rathlaw.com  
donald.kreis@oca.nh.gov  
dpatch@orr-reno.com  
karen.sinville@libertyutilities.com  
mab@nhbrownlaw.com  
mark.naylor@puc.nh.gov  
michael.sheehan@libertyutilities.com  
MSmith@orr-reno.com  
ocalitigation@oca.nh.gov  
pradip.chattopadhyay@oca.nh.gov  
randy.knepper@puc.nh.gov  
rhull@prometheusenergy.com  
robert.wyatt@puc.nh.gov  
sgeiger@orr-reno.com  
Stephen.Hall@libertyutilities.com  
steve.frink@puc.nh.gov  
tim.corwin@lebcity.com

Docket #: 15-289-1      Printed: October 10, 2016

### **FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:  
DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.