

PUBLIC UTILITIES COMMISSION

DG 16-770

Liberty Utilities (EnergyNorth Natural Gas) Corp., dba Liberty Utilities
and Concord Steam Corporation

Join Petition for Approval of an Asset Purchase Agreement

NOTICE OF PRELIMINARY OBJECTION
TO ANY PROPERLY SUBMITTED REQUEST FOR
CONFIDENTIAL TREATMENT AND/OR PROTECTIVE ORDER(S)

The petitioning intervenor, Richard M. Husband, hereby respectfully provides notice that he objects to any properly submitted request for confidential treatment and/or a protective order or orders in this matter, on grounds as follows:

1. The “assets” of the sale under consideration primarily comprise customer information which is public knowledge and therefore of no real value and infrastructure acknowledged to have only “scrap metal non-operational value” at the technical session in this matter. There appears to be no valuation or other concrete evidence of value offered in support of the proposed \$1.9 million-plus purchase price for these “assets,” and, particularly in light of the apparent lack of substantiation for its legitimacy, it is disturbing that the proposed Settlement Agreement provides:

“... The discussions that produced this Agreement have been conducted on the understanding that all offers of settlement and settlement discussions relating to this docket shall be confidential, shall not be admissible as evidence in this proceeding, shall be without prejudice to the position of any party or participant representing any such offer or participating in any such discussion, and are not to be used in connection with any future proceeding or otherwise.

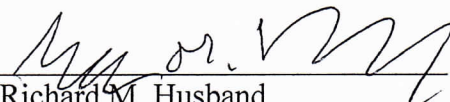
The information and testimony previously provided in this proceeding are not expected to be subject to cross-examination by the Settling Parties, which would normally occur in a fully litigated case ...”

[See Settlement Agreement, pp. 3-4.](#)

2. The above quoted language in the proposed Settlement Agreement does not constitute a proper request for confidential treatment in this matter, and none has been filed to date. However, for the reasons set forth in the September 2, 2016 comment letter filed by the undersigned, as well as his petition to intervene and motion to continue filed with this notice, the contents of all three of which are hereby incorporated as if set forth in full herein, the undersigned believes that any requested confidential treatment and/or protective order(s) would inappropriately secrete information which is subject to our Right to Know laws and which should otherwise be made publicly available. In particular on this issue, the undersigned notes that this is a public proceeding to be conducted openly and transparently under our Right to Know and other laws and, by submitting their proposed agreement for approval in this proceeding, the joint p petitioners waived any claimed right of confidentiality and voluntarily submitted to such disclosure accordingly; no valid reasons have been offered to remove any specific information—let alone all of it—from public disclosure, and no valid reasons would seem to exist as the only “assets” of the proposed sale would seem to have no value, and no value dependent upon secretion, in any event; and the public has a right to all of the information at issue, given the great public interest in this matter. For more on this last point, please *see generally* the discussion on the same issue in [here](#), [here](#) and [here](#), the contents of which are hereby incorporated as if set forth in full herein.

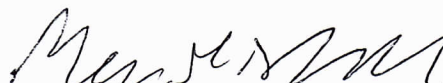
3. Particularly as no properly submitted request for confidential treatment and/or a protective order or orders has been submitted in this proceeding, the undersigned reserves all of his rights to further address issues pertaining to the same should such a request or requests be filed.

Respectfully submitted,


Richard M. Husband
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 6th day of September, 2016, submitted seven copies of this pleading to the PUC by hand delivery, with copies e-mailed to Liberty Utilities, CSC and the Consumer Advocate. I further certify that I have, on this 6th day of September, 2016, served an electronic copy of this pleading on every other person/party identified on the PUC's service list for this docket by delivering it to the e-mail address identified on the PUC's service list for the docket.


Richard M. Husband