

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DG 16-852

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities

Petition for Expansion of Franchise to the Town of Hanover and City of Lebanon

MOTION FOR CONTEMPT

Jonathan Chaffee (“Chaffee”), an intervenor in this proceeding, by and through their undersigned counsel, Richard M. Husband, Esquire, hereby respectfully moves for a hearing on the contemptuous behavior of the petitioner, Liberty Utilities (“Liberty”), shown with respect to [Commission Order No. 26,109](#) (the “Order”) entered on March 5, 2018 in this matter. As grounds for this motion, Chaffee says as follows:

1. The issue is over-redaction. The Order addresses it as follows:

“We agree with Liberty that the information contained in the documents and discovery responses it seeks to protect constitute confidential and commercial information under RSA 91-A:5, IV ...

Nonetheless, Liberty’s request goes too far in seeking to protect the entirety of those documents ... We find that most of the privacy interests and competitive harm raised by Liberty could be resolved simply by redacting potential customers’ names from the documents ... Because Liberty’s request is over-inclusive, we direct Liberty to refile the documents with the appropriate redactions and a revised motion for protective treatment within 15 days of this order ...

FURTHER ORDERED, that Liberty’s motion for protective treatment is GRANTED in part and DENIED in part, and Liberty is required, within 15 days, to file the protected documents with more limited redactions and revised motion for confidential treatment consistent with this order ...”

Order at 24-26. As is also noted in the Order, *id.* at 14, the above requirements specifically afford relief to Chaffee in response to his objection to the redactions (as well as the objection of Ariel Arwen), so Chaffee has a very clear interest in demanding compliance with that relief.

2. Liberty has not complied with the Order's redaction requirements, as is shown by the attached Exhibits "A" and "B," meaning it is in plain contempt of the Order. Especially as Liberty has engaged in a pattern of redaction abuses, *see, e.g.* [Opposition of the Office of the Consumer Advocate to Motion for Protective Order and Confidential Treatment](#) and [Petition for Disclosure](#) filed in Commission Docket DE 16-241; [Opposition of the Office of the Consumer Advocate to Motion for Protective Order](#) and public comments filed in the Granite Bridge Project case, the Commission cannot ignore Liberty's contempt and encourage continuing like behavior: it impedes the rights of citizens to engage in the process and, as has been noted by many, fosters distrust in the process and results—which is not good for anyone. Moreover, until the contempt issue is resolved, Liberty is in full compliance with the redaction requirements of the Order and the Commission has complied with the request to turn these documents over to Chaffee evidenced by the attached Exhibit "A," the Commission cannot allow the Order to become final as the agency would then violate the Right to Know Law and its own rules by failing to comply with a request made appropriately under both that it could comply with simply by enforcing its own Order and rules.

3. The Commission should hold a hearing on this matter, compel compliance with the Order, and sanction Liberty in an appropriate manner that reminds it to obey the Commission's orders and rules, and the law.

WHEREFORE, Chaffee respectfully requests that the Commission:

- A. Schedule a hearing on this matter; and
- B. After hearing, find Liberty in contempt of the Order for the reasons aforesaid; and

- C. Order immediate compliance and appropriate sanctions accordingly, including the suspension of all relief afforded Liberty in this proceeding until Liberty is no longer in contempt; and
- D. Grant such other and further relief is reasonable, lawful, just and otherwise appropriate.

Respectfully submitted,

Dated: April 4, 2018

//s//Richard M. Husband, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that I have on April 4, 2018, served an e-mail copy of this motion on each person identified on the Commission's service list for this docket, by delivering it to the e-mail address identified on the Commission's service list for the docket.

//s//Richard M. Husband
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