



May 30, 2017

Ms. Debra Howland,
Executive Director
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

RE: **DE 17-078**, OCSA Complaint against Liberty Utilities pursuant to Puc 204.

Dear Ms. Howland,

I am writing to transmit four (4) additional paper copies of One Court Street Associates' formal complaint against Liberty Utilities (Granite State Electric Co.), originally dated May 9, 2017, and filed and acknowledged on May 10, 2017. Late last week I was wondering why the Commission hadn't yet transmitted a copy of the complaint to Liberty Utilities for their written response pursuant to Puc 204.02 (a). In re-reading the acknowledgement letter of May 10, 2017 I realized that the Commission may not be considering the complaint to be effective until an original and 6 paper copies have been filed, as in an adjudicative proceeding. An original and 2 paper copies of the complaint and attachments were filed on May 10, 2017 pursuant to Puc 203.06. An electronic version of the filing was sent to you and the service list in DE 16-835 on May 9, 2017.

I would like to call the Commission's attention to contradictory provisions within the Puc 200 rules that resulted in my confusion as to the number of paper copies required to be filed in order to make a formal complaint effective and suggest that the next time the Commission is considering any other amendments to these rules, or re-adoption, that these contradictory provisions be made internally consistent.

Clearly, a formal complaint against a utility pursuant to RSA 365:1 and as defined in Puc 102.03, is not an adjudicative proceeding until after the complaint is filed pursuant to Puc 204.01, the utility responds to the complaint pursuant to Puc 204.02 and Puc 204.03, the Commission further investigates pursuant to Puc 204.04, after the complainant advises the Commission that the utility's response is not satisfactory, and then the Commission commences adjudicative proceedings to resolve the complaint pursuant to RSA 204.05.

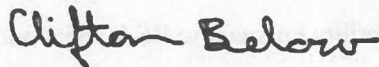
The internal rule contradictions start at Puc 204.01, "Submission of Formal Complaints." The first paragraph (a) calls for a complaint to be filed in writing with the executive

director “pursuant to Puc 203.02.” The very next paragraph (b) of that section states that “[t]he provisions of Puc 203 shall not apply to complaints filed pursuant to this rule unless the commission institutes adjudicative proceedings pursuant to Puc 204.05.” So section Puc 203.02 is part of Part Puc 203, that (a) is or (b) isn’t applicable to complaints before they are escalated to an adjudicative proceeding? Furthermore Puc 203.02 states in (a) that it’s application is “for a filing to be effective in an adjudicative proceeding” in which various requirements apply, including the filing of one original and 6 paper copies.

Turning to the prior Part Puc 202 concerning “Operations and Requirements” section Puc 202.06 states that “[a]ny person submitting written communications to the commission shall: (a) . . . (4) **Comply with Puc 203.02, 203.03, 203.04 and 203.05 if making the filing in an adjudicative proceeding; or (b) For all other commission filings, including those required by statute, made in a non-adjudicative proceeding, submit one original and 2 paper copies.**” [Emphasis added.] So, since on the face of it Puc 202.06(a)(4) and Puc 203.02 don’t seem to apply to filings in non-adjudicative proceedings, I made the original complaint filing pursuant to Puc 202.06(b), which does seem to be directly applicable to a complaint before it is escalated to an adjudicative proceeding pursuant to Puc 204.05. Obviously satisfying the requirement of Puc 203.02 also satisfies the requirements of Puc 202.06(b), so with this paper filing, I will satisfy both requirements, having filed a total of 7 paper copies of our complaint and attachments.

Please do not hesitate to call or email if you have any questions. Thank you for your attention to these matters.

Yours truly,



Clifton Below
Managing General Partner, One Court Street Associates

4 paper copies of Complaint dated 5/9/17 and Attachments with Table of Contents in addition to 3 paper copies filed on 5/10/17.

7 paper copies of this letter

Electronic copy of this letter by email to the service list for DE 16-835, a related complaint, which includes Liberty Utilities General Counsel and the OCA.