

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

March 9, 2018 - 10:07 a.m.  
Concord, New Hampshire

25 MAR '18 PM4:05

RE: DG 17-198  
LIBERTY UTILITIES (ENERGYNORTH  
NATURAL GAS) CORP. d/b/a LIBERTY  
UTILITIES: Petition to Approve Firm  
Supply, Transportation Agreements,  
and the Granite Bridge Project.  
(Prehearing conference)

**PRESENT:** Commissioner Kathryn M. Bailey, Presiding  
Commissioner Michael S. Giaimo

Sandy Deno, Clerk

**APPEARANCES:** Reptg. Liberty Utilities (EnergyNorth  
Natural Gas) Corp. d/b/a Liberty  
Utilities:  
R. J. Ritchie, Esq.

**Reptg. Repsol Energy North America:**  
Sarah B. Tracy, Esq. (Pierce Atwood)  
Robert Neustaedter, Dir./Reg. Affairs

**Reptg. ENGIE Gas & LNG, LLC:**  
John A. Shope, Esq. (Foley Hoag)

**Reptg. Pipe Line Awareness Network  
for the Northeast (PLAN):**  
Richard A. Kanoff, Esq. (Burns...)

**Reptg. Conservation Law Foundation:**  
Melissa E. Birchard, Esq.

Court Reporter: Steven E. Patnaude, LCR No. 52

CERTIFIED  
ORIGINAL TRANSCRIPT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**APPEARANCES: (C o n t i n u e d)**

**Reptg. Residential Ratepayers:**

D. Maurice Kreis, Esq., Consumer Adv.  
Brian D. Buckley, Esq.  
Pradip Chattopadhyay, Asst. Cons. Adv.  
James Brennan, Finance Director  
Office of Consumer Advocate

**Reptg. PUC Staff:**

Alexander F. Speidel, Esq.  
Lynn Fabrizio, Esq.  
Stephen Frink, Dir./Gas & Water Div.

**I N D E X**

**PAGE NO.**

**STATEMENTS RE: INTERVENTION PETITIONS BY:**

Mr. Ritchie	9, 32
Mr. Kanoff	13
Ms. Birchard	18
Ms. Tracy	22, 34
Mr. Kreis	25
Mr. Speidel	31
Mr. Shope	33

**QUESTIONS BY:**

Cmsr. Bailey	12, 17, 18, 25, 27
Cmsr. Giaimo	15

**STATEMENTS RE: MOTION FOR  
CONFIDENTIAL TREATMENT BY:**

Mr. Kreis	35, 43
Ms. Tracy	39
Mr. Speidel	41
Mr. Ritchie	45

**QUESTIONS/STATEMENTS BY:**

Cmsr. Bailey	39, 41, 50
--------------	------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**I N D E X (continued)**

**PAGE NO.**

**STATEMENTS OF PRELIMINARY POSITION BY:**

Mr. Ritchie	53, 68
Ms. Tracy	56
Mr. Shope	57
Mr. Kanoff	57
Ms. Birchard	58
Mr. Kreis	58
Mr. Speidel	65

**QUESTIONS BY:**

Cmsr. Bailey	57, 63, 69
--------------	------------

**PUBLIC COMMENT BY:**

Patricia Martin	71
Mark Vallone	72
Stephanie Scherr	74
Griffin Sinclair-Wingate	76

**STATEMENT BY CMSR. BAILEY FOLLOWING RECESS** 77

**P R O C E E D I N G**

1  
2 CMSR. BAILEY: Good morning,  
3 everyone. We're here in Docket DG 17-198,  
4 Liberty Utilities (EnergyNorth Natural Gas)  
5 Corp., Petition to Approve a Firm Supply,  
6 Transportation Agreements, and the Granite  
7 Bridge Project. Specifically, the Company is  
8 requesting approval of a delivered supply  
9 contract with ENGIE Gas; approval of a  
10 precedent agreement with Portland Natural Gas  
11 Transmission System for firm transportation  
12 capacity; determination that it is prudent for  
13 Liberty to build an in-state pipeline, the  
14 Granite Bridge Pipeline; and an on-system  
15 liquified natural gas storage facility, the  
16 Granite Bridge facility.

17 I note for the record that we  
18 received an affidavit of publication on  
19 February 23rd.

20 We have intervention requests from  
21 Mr. Terry Clark, PLAN, CLF, ENGIE Gas, Repsol  
22 Energy North America Corp., the Greater  
23 Manchester, Nashua, and Concord Chambers of  
24 Commerce. We have a response to the

1 intervention requests from Liberty.

2 We have a Motion for Confidential  
3 Treatment and an objection from the OCA.

4 Before we get started, I'd like to  
5 let everybody know that the Chairman is not  
6 with us today because of a family emergency,  
7 but he plans to participate in this docket.

8 Let's take appearances.

9 MR. RITCHIE: On behalf of Liberty  
10 Utilities (EnergyNorth Natural Gas) Corp. d/b/a  
11 Liberty Utilities, R. J. Ritchie. And I would  
12 just like to note that, if any party does need  
13 a copy of Liberty's responses and objection to  
14 the petitions to intervene, which was filed  
15 last night, I do have copies on hand.

16 Thanks.

17 CMSR. BAILEY: All right. Are you  
18 all with Liberty?

19 MS. TRACY: No.

20 CMSR. BAILEY: So, are you making an  
21 appearance?

22 MS. TRACY: I'm happy to make an  
23 appearance. Let me make sure my mike is  
24 working first.

1 CMSR. BAILEY: Just pull it really  
2 close.

3 MS. TRACY: It is. My name is Sarah  
4 Tracy. I'm with the law firm of Pierce Atwood.  
5 And I represent Repsol Energy North America.

6 MR. NEUSTAEDTER: My name is Robert  
7 Neustaedter. I'm also with -- I'm with Repsol  
8 Energy North America.

9 MR. SHOPE: John Shope, of the law  
10 firm of Foley Hoag, in Boston, and I'm  
11 representing ENGIE Gas & LNG, LLC.

12 CMSR. BAILEY: Is there somebody here  
13 from the Chambers?

14 *[No indication given.]*

15 CMSR. BAILEY: All right. Mr.  
16 Husband.

17 MR. HUSBAND: I'm sorry. Mr. Clark  
18 is actually not petitioning to intervene in  
19 this matter.

20 CMSR. BAILEY: Oh.

21 MR. HUSBAND: I'm just here, we're  
22 holding over from the last prehearing  
23 conference because of the technical session to  
24 follow. But I'll move over there, if you'd

1           like?

2                   CMSR. BAILEY:  No, that's okay.

3                   MR. HUSBAND:  Okay.

4                   CMSR. BAILEY:  All right.  Thank you.

5                   MR. HUSBAND:  Thank you.

6                   MR. KANOFF:  On behalf of the Pipe  
7           Line Awareness Network for the Northeast,  
8           Richard Kanoff, law firm Burns & Levinson.

9                   MS. BIRCHARD:  Melissa Birchard,  
10          representing the Conservation Law Foundation.  
11          Good morning.

12                   CMSR. BAILEY:  Good morning.

13                   MR. KREIS:  Good morning,  
14          Commissioner Bailey, Commissioner Giaimo.  I am  
15          D. Maurice Kreis, the Consumer Advocate, here  
16          on behalf of residential utility customers.  My  
17          co-counsel in this proceeding is our staff  
18          attorney, Brian Buckley.

19                   MR. SPEIDEL:  Alexander Speidel  
20          representing the Staff of the Commission.  And  
21          I have with me the Director of the Gas & Water  
22          Division, Stephen Frink; the utility analyst  
23          from the Gas & Water Decision; and my  
24          colleague, Lynn Fabrizio, from the Legal



1 Division of our Commission, co-counsel.

2 Thank you.

3 CMSR. BAILEY: All right. Have the  
4 parties or have the entities moving to  
5 intervene had an opportunity to review  
6 Liberty's response to the motions to intervene?

7 *[No verbal response.]*

8 CMSR. BAILEY: Yes? Okay. Would you  
9 like to respond or should we give Liberty, do  
10 you -- Mr. Ritchie, do you want to explain your  
11 response?

12 MR. RITCHIE: Yes. Thank you for the  
13 opportunity. As stated in the petition -- or,  
14 Liberty's response to the -- an objection to  
15 the petitions to intervene, Liberty does object  
16 to CLF and PLAN's petitions to intervene for  
17 the reasons stated therein.

18 But just by way of summary, it's the  
19 Company's position that, given the presence of  
20 the OCA in this docket, that the interests of  
21 the member customers of Liberty will be  
22 adequately represented.

23 Furthermore, if the Commission does  
24 decide to allow PLAN and CLF to participate in

1 these dockets, Liberty respectfully requests  
2 that the Commission require those two entities  
3 to obtain affidavits from members testifying or  
4 attesting that they are Liberty customers who  
5 support PLAN and CLF's petitions to intervene.

6 And furthermore, that the Company  
7 does request that the Commission cabin CLF and  
8 PLAN's participation in these dockets to the  
9 economic issues that are to be decided within  
10 this docket. Specifically noting that other  
11 issues, other than the economic issues at issue  
12 here in 17-198, could be better aired and  
13 argued in other forums, such as the Site  
14 Evaluation Committee or energy efficiency  
15 dockets.

16 So, that is Liberty's position with  
17 respect to PLAN and CLF.

18 With respect to Repsol's petition to  
19 intervene, Liberty is vigorously opposing that  
20 petition on the grounds that Repsol, as merely  
21 a competitor to ENGIE, does not have any  
22 rights, privileges, duties or interests in this  
23 docket. Unlike PLAN and CLF, they are not  
24 purporting to represent any customers of

1 Liberty. They are merely intervening, in  
2 Liberty's opinion, to frustrate the -- or  
3 impair the orderly -- the orderly conduct of  
4 this proceeding, and potentially scuttle the  
5 Granite Bridge Project, which they're doing in  
6 the best interests of their shareholders, but  
7 ultimately to the detriment of the ratepayers  
8 of New Hampshire.

9 Therefore, Liberty respectfully  
10 requests that the Commission deny Repsol's  
11 petition to intervene, relying on similar  
12 decisions regarding prospective intervenors who  
13 were merely competitors in a market. And here  
14 it's -- here Liberty's position is basically  
15 that what Repsol is requesting is that they be  
16 allowed to participate in this docket mainly  
17 because their -- the second order of  
18 consequence of the approval or the Commission's  
19 potential approval here may result in an  
20 economic harm to Repsol, in that they would not  
21 be able or they could potentially lose market  
22 share, and that is not adequate to sustain a  
23 petition to intervene.

24 With respect to the interventions of

1 the three Chambers of Commerce, Liberty does  
2 not take a position on those interventions. In  
3 fact, they -- Liberty is in support of those  
4 interventions, by the fact that the Chambers of  
5 Commerce do have members who are Liberty  
6 customers, which can be substantiated by lists  
7 that are available on those Chambers' websites.

8 With respect to ENGIE's petition to  
9 intervene, Liberty does not object to that  
10 petition to intervene. But merely requests  
11 that, if granted, the Commission limit ENGIE's  
12 access to confidential information.

13 CMSR. BAILEY: Mr. Ritchie, the PLAN  
14 motion specifically says that it includes --  
15 that its members include customers and  
16 ratepayers of Liberty New Hampshire. Do you  
17 have any reason to doubt that?

18 MR. RITCHIE: There's no -- the  
19 Company does not specifically doubt that, no.  
20 The Company's argument, with respect to -- with  
21 respect to the request for affidavits, is a  
22 concern -- a larger concern that this will  
23 incent other organizations potentially who do  
24 not have customer members to attempt to

1           intervene in dockets where they do not have any  
2           members who are actually customers and subject  
3           to any kind of harm.

4                    CMSR. BAILEY: All right. Let's hear  
5           the response from Mr. Kanoff, and then Ms.  
6           Birchard.

7                    MR. KANOFF: Thank you. Let me  
8           start with the issue of members first, since we  
9           just were discussing that. As we stated in the  
10          petition, PLAN does have members that are  
11          ratepayers of Liberty. That was the case in  
12          other proceedings that PLAN was involved in.  
13          In those proceedings, the Commission did not  
14          require us to go out and demonstrate explicitly  
15          that members were ratepayers with affidavits.  
16          I think that the representation in the  
17          intervention petition should be sufficient.

18                   The fact that there might be, in some  
19          speculative way, other organizations that would  
20          seek to participate in some to-be-determined  
21          proceeding down the road is not a basis to  
22          require a otherwise unprecedented and  
23          burdensome requirement of an intervenor in this  
24          proceeding.

1           The other points that were made in  
2           terms of an objection were the objection that  
3           OCA -- on the basis that OCA was representing  
4           the same ratepayers or the same interests, I  
5           think that that's not the case. They have a  
6           narrower focus. In other cases, we represented  
7           ratepayers with more -- with a broader interest  
8           in supply planning and in alternatives to the  
9           project at issue, and we would expect to do  
10          that here.

11                    With respect to --

12                    CMSR. BAILEY: Excuse me. Mr.  
13           Kanoff, can you get closer to the mike? You're  
14           fading out.

15                    MR. KANOFF: Sure. With respect to  
16           limitations on representation, I just want to  
17           note that, in the Petition filed here, the  
18           Company has put a link to its website. On the  
19           website they specifically submit that there is  
20           economic benefits to this Project, there's  
21           environmental benefits to this Project, there's  
22           community benefits to this Project. All those  
23           benefits intersect in some way with the issue  
24           of whether this Project is least cost, whether

1 it should be approved, and whether it's sized  
2 and planned appropriately.

3 We think having limitations on the  
4 front end with respect to our representation  
5 for anything directly or indirectly raised in  
6 the Petition is premature. To the extent that,  
7 in discovery and/or in filing of testimony,  
8 there are areas that warrant questions, they  
9 can file objections and raise scope issues  
10 there. We would suggest to the Commission that  
11 it's unnecessary on the front end to put in any  
12 restrictions on scope at this early stage.

13 Thank you.

14 CMSR. BAILEY: Commissioner Giaimo.

15 CMSR. GIAIMO: Attorney Kanoff, do  
16 you know how many of your members are customers  
17 of Liberty?

18 MR. KANOFF: I do not. I did not ask  
19 that specifically as part of my participation  
20 today. I know it's -- well, let me just leave  
21 it at that. I know there are members, I did  
22 ask that, and put it in the petition. I don't  
23 know how many.

24 CMSR. GIAIMO: And could you maybe

1 elaborate on why you think it would be "unduly"  
2 -- "unduly burdensome" to get an affidavit from  
3 a couple of your members who might be  
4 customers -- who are customers?

5 MR. KANOFF: We would have to go --  
6 well, let me back up. Folks who are members  
7 basically submit membership information and  
8 applications to PLAN. They submit it in  
9 whatever way they want, information about  
10 whether they can contribute, and how much those  
11 contributions are. It's outside the normal  
12 process and expectation of those members that  
13 they would then be required to participate in  
14 any type of affidavit or after-the-fact process  
15 unrelated to their membership in PLAN. And I  
16 think it really goes beyond what they signed up  
17 for.

18 On the other hand, if the Commission  
19 would require, we can certainly get an  
20 affidavit from principals at PLAN, attesting  
21 that members have -- are ratepayers of Liberty.  
22 But I think to take it one step beyond that and  
23 go to individual members is a stretch,  
24 respectfully.



1 CMSR. GIAIMO: Thank you.

2 CMSR. BAILEY: Mr. Kanoff, I  
3 understand that the mission of your  
4 organization is mostly environmental, and to  
5 oppose gas pipeline -- new gas pipeline  
6 projects, is that correct?

7 MR. KANOFF: The focus has been more  
8 than environmental. And, in fact, in the other  
9 cases that we participated in reviewing  
10 pipelines, it was primarily -- environmental  
11 was a component, but it was primarily on the  
12 supply side. It was primarily showing, and we  
13 had witnesses to that effect, that the need and  
14 the costs assumed as part of the approval  
15 process were not accurate.

16 And so, I would say that the focus is  
17 primarily on supply, on costs and need, on  
18 alternatives. And to the extent environmental  
19 comes in at all, it's less of a focus than  
20 those areas.

21 CMSR. BAILEY: When your donors join  
22 your organization and they make their donation,  
23 do they understand all that?

24 MR. KANOFF: I think it's pretty

1 clear, from the participation that we've had  
2 certainly in New Hampshire, that that's the  
3 case.

4 CMSR. BAILEY: Okay. Thank you. Ms.  
5 Birchard, your motion says that you have  
6 "approximately 5,000 members in New England...  
7 530 members in New Hampshire, some of whom  
8 reside in the natural gas distribution  
9 territory of Liberty". Do you know if any of  
10 them are actual customers?

11 MS. BIRCHARD: Yes, I do. In fact,  
12 you know, I haven't had the chance to respond  
13 at this point, but --

14 CMSR. BAILEY: This is your  
15 opportunity to respond. I just wanted --

16 MS. BIRCHARD: Sure.

17 CMSR. BAILEY: I just wanted to ask  
18 you that, to include that in your response.

19 MS. BIRCHARD: And that is a good  
20 question. Thank you very much.

21 You know, as stated in our petition,  
22 CLF does have hundreds of members in New  
23 Hampshire, including members in the Liberty gas  
24 territory. And to be clear, that includes

1 customers who are Liberty -- excuse me, members  
2 who are Liberty gas customers. In fact, I take  
3 a little bit of offense at the suggestion that  
4 "CLF is a Massachusetts interest without New  
5 Hampshire ties". I, myself, and my Director,  
6 Tom Irwin, are both New Hampshire attorneys,  
7 with, you know, homes here, families here, and  
8 Tom, himself, is a Liberty gas customer.

9 Also as stated in our petition, CLF's  
10 participation will uniquely add to this  
11 proceeding, in terms of considering the  
12 prudence of Liberty's Petition. CLF has  
13 extensive experience concerning natural gas,  
14 natural gas storage, non-gas alternatives, and  
15 energy projects and markets.

16 I will note that, in some contexts,  
17 we have, in fact, been on the record before the  
18 PUC and elsewhere supporting LNG investments,  
19 such as LNG storage facilities.

20 I am not taking a position here at  
21 this time on the Petition before us, and the  
22 specific numerous investments that are proposed  
23 here.

24 But I do note that CLF is an expert

1 on energy matters, and not simply environmental  
2 matters. As a participant in the NEPOOL  
3 stakeholder process, CLF has participated in  
4 the formation and refinement of New England's  
5 energy markets and planning of the region's  
6 electric transmission grid. As an active  
7 voting member also of NEPOOL, CLF has  
8 represented its end-user sector in the ISO-New  
9 England's Natural Gas/Electric Coordination  
10 Working Group. CLF's expertise in the energy  
11 area extends to, among other things, natural  
12 gas and electricity coordination, natural gas  
13 energy efficiency and conservation, natural gas  
14 supplies, natural gas distribution  
15 infrastructure, greenhouse gas emission  
16 reduction requirements that may pertain in some  
17 cases to natural gas, electrification, grid  
18 modernization, and the impacts of pipelines.

19 The question here is whether the  
20 proposed Project is prudent and just and  
21 reasonable, in light of factors including  
22 alternative options. CLF expects that it can  
23 contribute to the conversation on this subject  
24 in particular. CLF is concerned with the

1 prudence of investments that would entail  
2 higher costs for its members, including --  
3 including those proposed here, including for  
4 Liberty gas customers.

5 Our members do generally prefer to  
6 shift the state's economic investments towards  
7 those that will not result in stranded costs in  
8 the future, including those that reduce  
9 environmental costs. Our members believe that  
10 their interests are best represented by a  
11 higher scrutiny of investments that may result  
12 in future stranded costs.

13 And CLF's long track record in  
14 similar proceedings before the New Hampshire  
15 Public Utilities Commission supports our  
16 intervention.

17 As to the question of limiting scope,  
18 I support the comments made already by Mr.  
19 Kanoff.

20 And as to affidavits, you know, I  
21 simply point out that it is unnecessary to go  
22 to that measure.

23 Thank you.

24 CMSR. BAILEY: Thank you. Ms. Tracy,

1 would you like to respond?

2 MS. TRACY: I would. Thank you.

3 Commissioners Bailey and Giaimo, good morning.

4 Repsol has four primary and direct  
5 interests in this proceeding. As you all know  
6 from reading the petition, Liberty has included  
7 Repsol directly in the prefiled testimony of  
8 Dr. -- of Mr. William Killeen and Mr. James  
9 Stephens, particularly at Pages 80 to 81 and 83  
10 to 84, although that's not an exclusive  
11 listing.

12 Repsol has -- appears to have  
13 confidential information that is included in  
14 this Petition. Although, we are, at this  
15 point, not able to see exactly what that  
16 information is. Any confidential information  
17 exchanged between Repsol and Liberty Utilities  
18 may be subject to a confidentiality agreement,  
19 and we would seek to protect those interests in  
20 the proceeding as it moves forward.

21 Secondly, to the extent that  
22 information regarding Repsol is discussed or is  
23 released, Repsol has an interest in  
24 understanding what that info is that's being --

1 information is that's being presented, and  
2 ensuring that it's accurate.

3 Third, the Commission, as even  
4 Liberty has said, is considering in this case  
5 whether the Liberty's decision regarding if the  
6 proposal was prudent or is prudent, and that  
7 inevitably includes an analysis about  
8 Liberty's alternative supply options. And as  
9 part of that, Repsol has extensive experience  
10 and specific knowledge about options that are  
11 available in the marketplace, some of which  
12 may even be new, given that Repsol just learned  
13 about Liberty's Petition for the pipeline,  
14 which changes the picture somewhat. So, there  
15 is -- Repsol has expertise to bring to the  
16 Commission's analysis regarding the resource  
17 alternatives that may be of use to the  
18 Commission and other parties in this  
19 proceeding.

20 Finally, to the extent that the  
21 Commission determines that the LNG facility  
22 proposed by Liberty Utilities provides excess  
23 capacity above the demand of its customers, as  
24 we indicated in the petition, it's possible

1           that Liberty could be incented to facilitate  
2           off-system sales, which would impact Repsol's  
3           rights, privileges, and substantial interests  
4           in the marketplace.

5                         In response to some of the comments  
6           that Liberty Utilities made in its opposition  
7           to Repsol's petition to intervene, I note that  
8           Liberty indicated that Repsol is "merely a  
9           competitor", and cited Order Number 25,666, for  
10          the proposition that competitors are not  
11          allowed intervention or that the Commission has  
12          previously determined that.

13                        I have reviewed that order, and  
14          actually the Commission went on to allow the  
15          intervention of those other parties that were  
16          objected to in that proceeding, on the basis  
17          that those intervenors were able to provide a  
18          useful industry perspective and shed light on  
19          the potential risks of Liberty's proposal in  
20          that matter.

21                        It is not Repsol's intention to  
22          frustrate or impede the analysis in this  
23          proceeding to the detriment of Liberty's  
24          customers. It is, in fact, Repsol's intention



1 to provide additional analysis or information,  
2 where appropriate, to assist in the evaluation  
3 as to whether Liberty's customers are -- that  
4 the decision is beneficial to Liberty's  
5 customers, in the minds of the Commission.

6 So, we strongly believe that we have  
7 a direct interest, as we are mentioned in the  
8 Petition, in actively participating in this  
9 proceeding, and we seek the Commission's leave  
10 to do so.

11 Thank you.

12 CMSR. BAILEY: Ms. Tracy, would you  
13 plan on offering a witness?

14 MS. TRACY: We would like to reserve  
15 the opportunity to offer a witness, that would  
16 likely be a representative from Repsol itself.  
17 At this point, we have not discussed the option  
18 of hiring an outside consultant. So, it would  
19 probably be somebody in the industry from the  
20 Company itself.

21 CMSR. BAILEY: Okay. Thank you. Are  
22 there other people that want to respond?

23 Mr. Kreis.

24 MR. KREIS: Thank you, Commissioner

1 Bailey.

2 Having listened to Mr. Ritchie and  
3 having read his pleading in opposition to the  
4 pending intervention motions, I feel obliged to  
5 say a few things on behalf of the OCA, because  
6 the OCA is referenced in the Liberty pleading.

7 I emphatically disagree with the  
8 premise that the participation of the Pipe Line  
9 Awareness Network and the Conservation Law  
10 Foundation is redundant, in light of the fact  
11 that my office is an automatic party to this  
12 proceeding. As I explained during the previous  
13 prehearing conference, what we bring to a  
14 proceeding like this is advocacy on behalf of  
15 the economic interests of ratepayers as  
16 ratepayers. And by "economic interests", I  
17 mean "what's it going to cost the customers and  
18 how it would affect the way they use the  
19 services of the utility?"

20 That is much narrower than the  
21 broader range of concerns that I think are  
22 arguably in front of the Commission in a  
23 proceeding like this. And I don't necessarily  
24 agree with those parties who think that those

1 other issues are properly before the SEC and  
2 not properly before the Commission. I realize  
3 that there was language that seemed to suggest  
4 that in the order the Commission recently  
5 issued about the Hanover/Lebanon franchise  
6 expansion. But I really think that question  
7 hasn't been litigated. It's an important one.  
8 And I suspect some of the intervenors in this  
9 proceeding, other than the OCA, might want to  
10 raise some of those issues.

11 The other point I would like to make  
12 has to do with --

13 CMSR. BAILEY: Mr. Kreis?

14 MR. KREIS: Yes.

15 CMSR. BAILEY: Before you move off  
16 that point, can you explain to me exactly what  
17 you think the issues that the Commission didn't  
18 put in its Order of Notice are that should be  
19 included?

20 MR. KREIS: I'm not suggesting that  
21 there's anything missing from the Commission's  
22 Order of Notice. I'm merely suggesting that  
23 denying parties the opportunity to intervene,  
24 based on the theory that the only issues before

1 the Commission in this proceeding are economic  
2 ones, would be -- it would be an inappropriate  
3 interpretation of the applicable standard in  
4 the Administrative Procedure Act.

5 CMSR. BAILEY: But, in this case,  
6 where we have to make a determination on  
7 whether the decision was prudent, how does that  
8 go beyond rates, and cost analysis, obviously?

9 MR. KREIS: Well, I think that --  
10 first of all, I think the parties deserve an  
11 opportunity to develop that, the answer to that  
12 question more fully as the proceeding evolves.

13 But, in general, I think prudence is  
14 a function in this case of the extent to which  
15 what the Company is doing is consistent with  
16 the State Energy Policy and the standards in  
17 the least cost integrated resource planning  
18 docket.

19 Now, having already been to the  
20 prehearing conference in the least cost  
21 integrated resource planning docket, we know  
22 that the border or the boundary between that  
23 docket and the issues there and this docket and  
24 the issues here is at least unclear at the

1 present time. And I think that prudence raises  
2 a lot of other issues than just economics.

3 But, again, you know, that's  
4 something that I think the parties in this  
5 proceeding should have the opportunity to  
6 argue, litigate, brief, and ultimately have  
7 resolved at the Commission, and perhaps  
8 ultimately in front of the appellate tribunal  
9 if there's appeals from the Commission order.

10 The other point I would like to make  
11 has to do with Paragraph 7 in Liberty's  
12 opposition pleading, which appears at Paragraph  
13 [Page?] 3. Liberty says that Order Number  
14 25,767 offers precedent for allowing member --  
15 allowing organizations like PLAN and CLF to  
16 participate in dockets, but, it says, that the  
17 Commission required proof that those  
18 organizations have members who are Liberty  
19 customers.

20 I've looked at the Order. I have  
21 looked at the transcript that is referenced  
22 immediately after the reference to the order.  
23 And I can tell you that the Commission has  
24 required no such thing. Those authorities

1 simply do not stand for that proposition.

2 At the prehearing conference of  
3 February 13, 2015, in Docket 14-380, there was  
4 a hearing officer of the Commission sitting  
5 where Commissioner Bailey is sitting right now,  
6 he raised that possibility. But, since he is  
7 now sitting at counsel's table, I'm sure he  
8 would readily concede that he had no authority  
9 to bind the Commission with respect to  
10 requiring affidavits from intervenors, and the  
11 Order itself simply says no such thing. It  
12 acknowledges the fact that the Pipe Line  
13 Awareness Network did submit affidavits, but it  
14 has never required such affidavits. And I  
15 think that sets a very troubling precedent.

16 Beyond that I would just make a  
17 general observation, that I am disappointing  
18 with the Company for setting such an unhelpful  
19 divisive tone right at the outset of this  
20 proceeding.

21 That's all I have to say.

22 CMSR. BAILEY: Is there anybody else  
23 that wants to respond?

24 Mr. Speidel.

1 MR. SPEIDEL: Thank you, Commissioner  
2 Bailey.

3 On behalf of Staff, we'd like to say  
4 that we have no objections to any of the  
5 motions to intervene. Regarding the limitation  
6 on scope of any interventions, the limitations  
7 would be universal, and they are delineated in  
8 the Order of Notice within the issues, inter  
9 alia, notice issues that are described there.

10 And when you examine the issues of  
11 the Order of Notice, they include the RSA 374:1  
12 and 374:2 requirement that public utilities  
13 must provide reasonably safe and adequate  
14 service at just and reasonable rates. And I  
15 would say that there is a colorable argument to  
16 be made that the question of safety may  
17 potentially embrace some of the concerns that  
18 PLAN and CLF are going to bring to the table  
19 here.

20 And likewise, I would say that the  
21 participation of ENGIE and Repsol could be  
22 useful in this case on a Part II discretionary  
23 basis, because they have specialized knowledge  
24 of the wholesale gas markets in northern New

1 England and in New England generally. That  
2 could be very useful to Staff in its attempt to  
3 analyze this proposal.

4 So, we do embrace the potential for  
5 intervention by these parties. And we think  
6 that the statutory standards of review could  
7 include some issues that aren't strictly  
8 dollars and cents issues.

9 Thank you.

10 CMSR. BAILEY: Do you want to  
11 respond, Mr. Ritchie?

12 MR. RITCHIE: If I could. Thank you,  
13 Commissioner Bailey.

14 With respect specifically to Repsol's  
15 contention that they have special expertise and  
16 industry knowledge in this case, the Company  
17 doesn't necessarily debate that, that they are  
18 expert in this industry and have expertise.  
19 However, as the Staff noted earlier, that it is  
20 likely that the Staff will have experts in this  
21 proceeding. It's possible that OCA may have  
22 experts in this proceeding. Liberty will  
23 certainly be providing expert testimony, and  
24 already has in this proceeding.



1           So, it doesn't, at least from the  
2           Company's perspective, it doesn't pass muster  
3           that Repsol should be admitted into this docket  
4           to attempt to elucidate the Commission and  
5           Staff with their specialized expertise and  
6           knowledge of these issues.

7           In reality, Repsol is looking to  
8           intervene in this docket because they do have  
9           an interest, but the interest is strictly a  
10          competitive one. And they, quite frankly, are  
11          at risk, if the Granite Bridge Project is  
12          approved, they are at risk of some degree of  
13          financial harm.

14          So, while the Commission has allowed  
15          competitors into dockets to provide specialized  
16          expertise, that's not what Repsol is here for.  
17          They are here on behalf of their shareholders  
18          and to protect their interests.

19                 CMSR. BAILEY: All right. Let's move  
20                 on to the Motion for Protective Order. Mr.  
21                 Kreis, do you want to -- Oh, I'm sorry.

22                 MR. SHOPE: Oh, sure. John Shope, on  
23                 behalf of ENGIE. I wasn't planning to speak,  
24                 but I --

1                                    *[Court reporter interruption.]*

2                                    MR. SHOPE: I just wanted to respond  
3 to the --

4                                    CMSR. BAILEY: It's good when you get  
5 really close to it. But, when you move away,  
6 it can't hear you.

7                                    MR. SHOPE: I just wanted to respond  
8 to the comment by Staff member -- Attorney  
9 Speidel, just to clarify that ENGIE's sole  
10 interest in intervening is to protect the  
11 confidentiality of its information,  
12 particularly with respect to its competitor,  
13 Repsol. It's not our intent otherwise to  
14 participate or advocate in the proceeding.

15                                   CMSR. BAILEY: Okay. All right. So,  
16 how should we talk about the Motion for  
17 Confidentiality? Oh, wait a second.

18    *(Cmsr. Bailey and Cmsr. Giaimo*  
19    *conferring.)*

20                                    CMSR. BAILEY: Oh. Ms. Tracy.

21                                    MS. TRACY: Thank you. I just  
22 wanted, on that last point, I wanted to make  
23 the Commission aware, and we may be discussing  
24 this in the next discussion about the Motion

1 for Protective Order -- or, protection for  
2 confidentiality. But it's not Repsol's  
3 intention in this proceeding to get under the  
4 hood of ENGIE's numbers or their pricing. The  
5 larger principles that I discussed earlier  
6 stand. But it certainly wouldn't be our  
7 intention in this proceeding to glean their  
8 confidential information by participating in  
9 this matter.

10 CMSR. BAILEY: All right. Thank you.  
11 Okay.

12 Mr. Ritchie, do you want to start by  
13 summarizing your Motion for Confidentiality or  
14 do you want to get right to Mr. Kreis's  
15 objection? It's a pretty standard motion.

16 MR. RITCHIE: Yes. I was going to  
17 say, in the interest of time, if we want to get  
18 right to Mr. Kreis's objection to the Motion, I  
19 won't have any problem with that.

20 CMSR. BAILEY: All right. Thank you.  
21 Mr. Kreis.

22 MR. KREIS: Indeed, Commissioner  
23 Bailey, I agree heartily with the observation  
24 that you just made. It is a standard motion

1 for confidential treatment. Full of  
2 conclusory, unproven, hypothetical allegations  
3 about the competitive harms that this Company  
4 and its counterparties will suffer should the  
5 putatively confidential material be publicly  
6 disclosed.

7 And I don't know how to elaborate on  
8 that concern beyond what I said in my written  
9 pleading. The applicable law requires the  
10 Commission to specifically find, after the  
11 Company specifically alleges actual, rather  
12 than hypothetical or imaginary competitive  
13 harms.

14 But beyond that, even if you accept  
15 the proposition that there are potential  
16 competitive harms here that the Commission can  
17 and should take into account, the fact is, this  
18 is a "big deal", in the Joe Biden sense of the  
19 phrase. This docket is a big deal. That is  
20 why the room is full of people and intervenors  
21 and potential intervenors. That's why the  
22 press is covering this subject. This is a  
23 matter of major public policy concern to this  
24 state.

1           The law of RSA 91-A, meaning the case  
2           law of the New Hampshire Supreme Court,  
3           requires the Commission to undertake a  
4           balancing test that weighs the public's  
5           interest in disclosure against whatever privacy  
6           interest the Company has asserted. So, even  
7           though, in a different case, assuming again  
8           that the privacy interests are real and not  
9           imaginary, even in a different case, where the  
10          Commission might rule this material  
11          confidential, it can and should rule that the  
12          data should be publicly disclosed in an  
13          important case here, where basically the future  
14          of Liberty Utilities and its customers is at  
15          issue.

16                 This is a proceeding in which this  
17          Company is proposing to more than double the  
18          size of its rate base. And it has made a broad  
19          and sweeping claim of confidentiality. It has  
20          even publicly disclosed certain information, in  
21          various municipal settings, that it claims in  
22          its Motion here should be treated as  
23          confidential. That in itself warrants  
24          extremely skeptical scrutiny of the Company's

1           allegations here.

2                       The other point I want to make has to  
3 do with the fact that, by statute, my office is  
4 obliged to live with and abide by whatever  
5 confidentiality determinations the PUC makes.  
6 And we will do that. But the point is that the  
7 reason for sunshine, the underlying reason for  
8 RSA 91-A, is to give the public the opportunity  
9 to scrutinize what the government is up to.  
10 And in this instance, the government is not  
11 just the PUC, but it is also my office. And  
12 the public is watching me to make sure that I  
13 am doing an effective and appropriate job in  
14 representing the interests of residential  
15 utility customers.

16                       I do not want to do that in secret.  
17 I prefer to have my office's work fully  
18 scrutinized by the public, and I welcome  
19 skeptical scrutiny. When the Commission makes  
20 overbroad confidentiality determinations, based  
21 on hypothetical claims of competitive harms,  
22 without applying the balancing test in an  
23 appropriate and rigorous fashion, our ability  
24 to subject our work to public scrutiny is

1           compromised. And that is not what the  
2           Legislature intended to happen when it adopted  
3           RSA 91-A.

4                        CMSR. BAILEY: Are you suggesting  
5           that none of the information is confidential?  
6           That it should all be public? Or, that they  
7           over redacted?

8                        MR. KREIS: I'm suggesting that they  
9           over redacted.

10                      CMSR. BAILEY: All right. Thank you.  
11           Ms. Tracy.

12                      MS. TRACY: Commissioners, thank you  
13           for the opportunity to speak on this matter.

14                      As you can see from the pleadings,  
15           Repsol just intervened on Wednesday. I was  
16           retained shortly before that. Thus, Repsol has  
17           not had an adequate opportunity to respond to  
18           these two motions.

19                      We would ask the Commissioners for  
20           leave to file a motion in support of Liberty's  
21           Motion for Confidentiality and a protective  
22           order, and to oppose the OCA's motion to  
23           release the information to the public.

24                      We understand that, obviously, there

1 is an interest in the public having -- being  
2 informed about the conduct and activities of  
3 the government. But, certainly, RSA 91-A:5 has  
4 an exception for the Right-to-Know law for  
5 records pertaining to commercial or financial  
6 information. And then, if the Commission needs  
7 to move into the balancing test as to whether  
8 those would -- disclosure of those -- that  
9 information would constitute an invasion of  
10 privacy, there would be an invasion of privacy  
11 in this instance with respect to Repsol's  
12 confidential information. This is information,  
13 as I indicated earlier, where it is -- we  
14 haven't seen it yet, so we don't know, but we  
15 imagine that this is information that may well  
16 be subject to a confidentiality agreement  
17 between the parties. And thus the parties have  
18 taken, meaning Repsol and Liberty, have taken  
19 efforts to protect the confidentiality of that  
20 information. And it is inappropriate to just  
21 release it, without giving Repsol the  
22 opportunity to speak more fully on that, and  
23 certainly to provide the real and specific  
24 examples of harm that could occur, as the OCA



1 has suggested would be required in this  
2 circumstance.

3 So, we do ask the opportunity to file  
4 a motion in support of Liberty's request for  
5 confidential treatment of this information,  
6 certainly as it pertains to Repsol.

7 CMSR. BAILEY: Mr. Speidel, do you  
8 think there's any opportunity to narrow the  
9 amount of information that the Company seeks  
10 confidential treatment of, as is done in some  
11 other cases? Or, do we need to just rule on  
12 it?

13 MR. SPEIDEL: I would suggest to the  
14 Commission that it postpone ruling finally on  
15 that question of confidential treatment today.  
16 Staff has not yet developed a final position  
17 regarding the Motion, and there's good and  
18 valid reasons for that.

19 We are opposed in principle to  
20 overbroad requests for confidential treatment.  
21 And we are animated by the spirit of RSA 91-A,  
22 which militates in favor of disclosure. The  
23 Supreme Court has said that a number of times.

24 But we also don't want to harm the

1 competitive positions of corporations that,  
2 under Part 5, have valid reasons for  
3 maintaining the confidentiality of information  
4 submitted to the New Hampshire state  
5 government.

6 So, there's a lot of detailed  
7 information, a lot of specific elements that  
8 have been redacted. We hear Mr. Kreis's report  
9 loud and clear, that it would appear that some  
10 of this information is already in the public  
11 domain, maybe a lot of it is in the public  
12 domain. We don't really have a handle on that  
13 yet.

14 So, we would recommend that the  
15 Motion be held under advisement for the time  
16 being. And we have to get to the bottom of  
17 what is really public and what isn't. And  
18 that's why we don't object to the participation  
19 of ENGIE and Repsol, as far as getting a handle  
20 on what is -- what is proprietary, what isn't.  
21 There may be a lot of data that's actually out  
22 there in the business world that we're not  
23 aware of, being in the business world, versus  
24 kind of a naked assertion of "Well, this is

1           proprietary." We don't know that yet. So,  
2           we'd like to have some time to get into the  
3           weeds a little bit and see what's really live  
4           confidential information.

5                        But, if the Commission is on the  
6           bubble, ultimately, the burden of proof for  
7           confidential motions lies with the petitioner.  
8           So, they have to really indicate as to why this  
9           information is confidential and proprietary.

10                      Thank you.

11                      CMSR. BAILEY: All right. Mr. Kreis,  
12           did you have something to add? I see  
13           Mr. Ritchie wants to say anything.

14                      MR. KREIS: I just want to express my  
15           disagreement with the request that Repsol just  
16           made for the opportunity to brief and argue  
17           this subject. RSA 91-A is a disclosure  
18           statute. It is not a privacy statute. Third  
19           parties do not have standing to argue that the  
20           Commission is ever obliged to treat anything as  
21           confidential, and RSA 91-A gives the Commission  
22           complete discretion to take everything the  
23           Company has filed and order its disclosure in  
24           its entirety. And if you do that, nobody has

1 standing to challenge that determination you  
2 made.

3 I would also point out that pouring  
4 into my in-box has been a series of Right-to-  
5 Know requests, at least that's how I read them,  
6 from members of the public, seeking disclosure  
7 of the information that the Company is seeking  
8 to have treated as confidential here. I don't  
9 know how the Commission has handled those  
10 requests, if it has handled them, but that's  
11 another issue here: The pressing request for  
12 disclosure at the beginning of a proceeding.

13 I am still waiting for the Commission  
14 to rule on my opposition to the confidentiality  
15 motion that Eversource filed in the Access  
16 Northeast docket, and that case has been  
17 appealed all the way to the New Hampshire  
18 Supreme Court.

19 So, the idea that the Commission  
20 should simply defer ruling on these issues  
21 until some undefined and unspecified point  
22 later in the docket, that is inconsistent with  
23 the requirements of RSA 91-A.

24 *(Commissioner Bailey conferring*

1                                   *with Atty. Ross.)*

2                                   CMSR. BAILEY: All right. Mr.  
3                                   Ritchie.

4                                   MR. SHOPE: Actually, if I could be  
5                                   heard? I believe Mr. Ritchie has consented to  
6                                   that. This is John Shope.

7                                   MR. RITCHIE: Yes. I consent to  
8                                   that.

9                                   MR. SHOPE: We would request, if  
10                                   there's any consideration of not --

11   *[Court reporter interruption.]*

12                                   MR. SHOPE: -- if there's any  
13                                   consideration of not granting the Motion for  
14                                   Confidentiality with respect to the information  
15                                   of ENGIE that has been redacted, we would like  
16                                   the opportunity to present a brief on that  
17                                   point.

18                                   CMSR. BAILEY: All right. Go ahead,  
19                                   Mr. Ritchie. Or are you all set?

20                                   MR. RITCHIE: And if I could have the  
21                                   opportunity to speak?

22                                   CMSR. BAILEY: Yes.

23                                   MR. RITCHIE: I appreciate it. Thank  
24                                   you, Commissioner Bailey. Obviously, the

1 Company respectfully but very strenuously  
2 disagrees with the OCA's motion.

3 As an initial point, the Company  
4 believes it's basically -- it's a false choice  
5 to think that these narrowly tailored  
6 redactions in the document presents the  
7 Commission with the choice between having a  
8 fully transparent process or having this be  
9 conducted like some sort of star chamber, where  
10 everything is done in secret.

11 Actually, the Company's filing is  
12 voluminous. And it went through a very  
13 diligent effort to identify the material that  
14 was confidential and that needed to be  
15 protected. Whether it be pursuant to a  
16 confidentiality agreement with another party,  
17 or, more importantly, just on a broader level,  
18 especially with respect to the contract terms,  
19 the pricing, delivery, and financial  
20 information, and the confidential commercial  
21 information. The reality is is that, if this  
22 information were to be made public generally,  
23 it would -- first of all, it would compromise  
24 the Company's bargaining position in future

1 similar transactions. Secondly, it would -- it  
2 would put the counterparties at a competitive  
3 disadvantage, vis-à-vis their competitors, if  
4 that information were to be publicized. And  
5 just on a general note, it would hinder -- it  
6 would hinder the Company's ability to negotiate  
7 these kind of deals going forward.

8 And ultimately, and this is sort of  
9 the unintended consequence of the OCA's  
10 argument, is that, in the end, the injury that  
11 this would cause would not only redound to the  
12 companies, but would also redound to  
13 ratepayers, because you would be in a situation  
14 where, if, for example, a supplier were  
15 thinking of bidding into an RFP process in New  
16 Hampshire or entering the New Hampshire market,  
17 they perhaps would elect not to do so, if it  
18 was -- if there was a real possibility that  
19 their confidential pricing information, which  
20 is generally protected in other jurisdictions,  
21 were made public. The result of that,  
22 obviously, would be less competition in the  
23 market, and the possibility that the Company  
24 would end up being stuck with an option that,

1 but for the -- but for the OCA's argument,  
2 would not be the least cost option.

3 So, the Company again vigorously  
4 disagrees with the OCA's claim that this is  
5 materially a hypothetical harm. It's real, as  
6 evidenced by the -- by the Commission's ruling  
7 in other dockets.

8 Also, I think it's worth noting that  
9 there is a significant, as the Company has  
10 noted before, there's a significant amount of  
11 overlap in these dockets. And therefore, there  
12 is a material amount of overlap in the  
13 protection of confidential information. So,  
14 it's interesting to note that the OCA did not  
15 object to the Company's filing for confidential  
16 treatment in 17-152, but is here. And I'm  
17 assuming the reason why, as noted in the  
18 objection, is because of the public's interest  
19 in this particular docket.

20 And while the Company doesn't  
21 necessarily disagree with the notion that the  
22 public does have an interest in 17-198, it  
23 obviously believes that that public interest is  
24 outweighed by the potential competitive harm



1 that could be done to the companies and the  
2 co-parties if the OCA's motion were accepted,  
3 and again, ultimately, the harm that would  
4 redound to ratepayers.

5 So, respectfully, the Company  
6 believes that the OCA is essentially trying to  
7 win a battle for ratepayers in this case, while  
8 potentially losing the war.

9 And in conclusion, the principles  
10 that the Commission uses -- or, has relied on,  
11 I should say, to protect this kind of  
12 information in other dockets, or in 17-152, is  
13 the same. So, the Company would, even if it --  
14 even if it is true that the public has more of  
15 an interest in this case, the companies -- it's  
16 all the more reason for the companies to  
17 protect that information that, again, is  
18 competitively sensitive and can do real harm.

19 And lastly, with respect to the  
20 Staff's mention of Repsol as a potential source  
21 of information in the docket, again, the  
22 Company would just want to reiterate its  
23 opposition to that perspective. In that,  
24 again, it's the Company's position that Repsol

1 is essentially looking at a second bite at the  
2 apple. They were involved in this process,  
3 they were not chosen, and that's why they're  
4 here. They're not here to educate the  
5 Commission.

6 Thanks.

7 CMSR. BAILEY: All right. The  
8 Commission has had a number of Right-to-Know  
9 requests, and we have provided an initial  
10 response saying that we would rule on it by the  
11 end of March.

12 I encourage you strongly to see if  
13 you can narrow your differences with the OCA  
14 and the Staff, working with OCA and the Staff,  
15 to see if there is -- if all the information  
16 that you have redacted needs to be  
17 confidential.

18 MR. RITCHIE: Thank you.

19 CMSR. BAILEY: Mr. Kanoff, you're not  
20 part of this proceeding.

21 MR. HUSBAND: Mr. Husband.

22 CMSR. BAILEY: I'm sorry, Mr.  
23 Husband. You're not part of this proceeding,  
24 right?

1 MR. HUSBAND: I'm not part of this  
2 proceeding. I did want to note as a courtesy,  
3 though, I have filed a Right-to-Know request  
4 myself. I did receive the response, which is  
5 ambiguous. I'm not sure what it means.

6 But, if the Commission sitting up  
7 there now is going to issue a decision on this,  
8 or whether someone internally, a case master  
9 for my particular request, or Attorney Ross is  
10 going to respond to it. But I have -- I did  
11 let the Commission know in my -- in the letter  
12 I filed that this is an important issue that  
13 needs to be addressed. And this type of mass,  
14 broad filing cannot be allowed.

15 As an attorney, who I represent  
16 potential petitioners to intervene, as a member  
17 of the public, who has a right to know and has  
18 a right under the statute to file public  
19 comments, that I have a right to file informed  
20 public comments. It's very frustrating to  
21 look -- open up a docket like this and look,  
22 for example, if you look at the letter I filed,  
23 there are two graphs that are filed by Liberty  
24 in support of the costs associated with the

1 pipeline and the costs associated with the  
2 facility, and everything in them is blacked  
3 out, except one number, the bottom line. That  
4 is absolutely meaningless to the general  
5 public. The public deserves much more.

6 I -- as I said, I'm just simply  
7 letting the Commission know. I have a right to  
8 go into court, as I read the statute, as  
9 Attorney -- as Mr. Kreis pointed out later, the  
10 Commission never did decide on the Right-to-  
11 Know request in Mr. Kreis's objection to the  
12 request for confidentiality in the Access  
13 Northeast case. I had filed a petition on  
14 behalf of, I think, 20 organizations asking  
15 that those redacted filings be disclosed to the  
16 public. There was never a decision by the  
17 Commission, even though it had promised to  
18 decide the matter before -- before the case  
19 concluded.

20 And I'm simply letting Attorney Ross  
21 know as well, I appreciate letters saying that  
22 this thing is going to be decided. But, when  
23 my experience has been it's not decided, I'm  
24 going to have to go to court unless there is

1 something really done about this.

2 CMSR. BAILEY: All right. Thank you.  
3 Okay. Let's take initial positions of the  
4 people who have requested intervention in the  
5 room. And we will provide an opportunity for  
6 public comment after that. Thank you.

7 Oh, sorry. Mr. Ritchie.

8 MR. RITCHIE: No. Thank you,  
9 Commissioner Bailey. Liberty Utilities is  
10 pleased to present for the Commission's review  
11 and approval the Company's proposal to satisfy  
12 our customers' needs for additional natural gas  
13 supply. The Granite Bridge Project and the  
14 contracts that will supply that Project are  
15 designed to meet our customers' short and  
16 long-term needs.

17 One major element of the Granite  
18 Bridge Project is a proposed 27-mile pipeline  
19 that would connect existing infrastructure in  
20 Manchester with an existing interstate pipeline  
21 located in Stratham. This 16-inch pipeline  
22 would be located completely with the  
23 state-owned Department of Transportation  
24 right-of-way along Route 101, which was

1 designated as an "energy infrastructure  
2 corridor" under RSA 162-R.

3 The other major component of the  
4 Project is a proposed liquefied natural gas  
5 storage facility in Epping, which would sit on  
6 company-owned land adjacent to Route 101.

7 The new pipeline and LNG storage  
8 facility are vital to Liberty's future growth,  
9 because the Concord Lateral, which is currently  
10 the sole means of transporting natural gas to  
11 our customers, has reached capacity. The cost  
12 to upgrade the Concord Lateral far exceeds the  
13 projected cost of the Granite Bridge Project.  
14 Absent the Granite Bridge Project, Liberty will  
15 have to either pursue a much costlier option or  
16 impose a moratorium on future growth.

17 The Company has also presented for  
18 approval in this docket two contracts that,  
19 combined, will be sufficient to meet the  
20 Company's demand requirements at our current  
21 rate of growth for the interim period between  
22 now and when the Granite Bridge Project is  
23 complete, and it will supply the natural gas  
24 that would be carried by the proposed pipeline

1 along Route 101.

2 Finally, we impress upon the  
3 Commission the need for this docket to move  
4 expeditiously. Liberty's contract with  
5 Portland Natural Gas Transmission is one of  
6 several between PNGTS and other local  
7 distribution companies that are part of PNGTS's  
8 project that will provide the capacity Liberty  
9 needs to utilize the Granite Bridge pipeline.  
10 The other companies have signed contracts of  
11 much -- for much larger volumes. Approval of  
12 those contracts, filed in Massachusetts shortly  
13 before Liberty filed this docket, is expected  
14 within a few weeks. Thus, substantial delay in  
15 obtaining approval here may cause the other  
16 parties to proceed without Liberty, which would  
17 cause Liberty to have to renegotiate the  
18 agreements likely at far less favorable terms,  
19 all to ultimate detriment of customers.

20 We have communicated with other  
21 parties in advance of this prehearing  
22 conference and has suggested an admittedly  
23 aggressive procedural schedule. We  
24 respectfully request the Commission's support

{DG 17-198}[Prehearing conference]{03-09-18}

1 for a schedule that would allow the Commission  
2 order by midsummer.

3 Thank you.

4 CMSR. BAILEY: Ms. Tracy.

5 MS. TRACY: Thank you. Repsol Energy  
6 North America has no particular position on  
7 Liberty's proposal at this time.

8 But we only reiterate the points that  
9 I made earlier in the discussion about the  
10 intervention of Repsol in this proceeding, in  
11 that our position is, one, to understand the  
12 information that's related to Repsol, and make  
13 sure that it's accurate for the Commission's  
14 benefit.

15 And then, the other -- the other  
16 piece is that, to the extent that there are  
17 analyses that aren't on the table with respect  
18 to Liberty's resource planning and sort of  
19 alternatives analysis that Repsol believes  
20 should be part of the Commission's  
21 consideration, we may seek to introduce that  
22 evidence. But that depends on, obviously,  
23 having -- understanding exactly what's in the  
24 Petition and how the case proceeds.



1           So, we don't have a position on the  
2           final outcome. But we do seek to introduce  
3           relevant evidence as the case moves forward.

4           CMSR. BAILEY: Mr. Shope.

5           MR. SHOPE: Yes. ENGIE is -- oh,  
6           sorry. Yes. No, ENGIE isn't seeking to  
7           advocate with respect to the merits of the  
8           Petition. As I mentioned earlier, our interest  
9           is focused on the protection of the  
10          confidentiality of our information.

11          CMSR. BAILEY: Mr. Kanoff.

12          MR. KANOFF: Our issues are somewhat  
13          in play right now. We haven't been privy to  
14          the filing, which is confidential and has been  
15          discussed here.

16          Having said that, we're going to be  
17          looking carefully at supply alternatives,  
18          costs, economics of the proposal, rate impacts,  
19          and alternatives to supply.

20          CMSR. BAILEY: Mr. Kanoff, you are  
21          aware that the Petition is on our website,  
22          correct? It's redacted, so you don't have all  
23          the information. But the Petition is there.

24          MR. KANOFF: I was just referencing

1 we don't have access to the confidential part  
2 of the Petition. Yes. We've seen the  
3 Petition.

4 CMSR. BAILEY: Okay.

5 MR. KANOFF: Yes.

6 CMSR. BAILEY: Ms. Birchard.

7 MS. BIRCHARD: Thank you. Briefly,  
8 Conservation Law Foundation plans to address  
9 the prudence of this Project and to hopefully  
10 assist in the Commission's prudence review,  
11 including the review of non-gas alternatives.  
12 We look forward to discovery, as well as access  
13 to the confidential documents.

14 And would note that the schedule we  
15 have seen proposed does look somewhat  
16 unrealistic and challenging.

17 CMSR. BAILEY: Mr. Kreis.

18 MR. KREIS: Thank you, Commissioner  
19 Bailey.

20 First of all, let me say something I  
21 forgot to say earlier, which is the OCA  
22 supports all of the pending intervention  
23 requests. I delivered a rather emphatic  
24 peroration about the interventions, and I never

1 finally stated a position. That's our  
2 position.

3 With respect to the merits of the  
4 case, the OCA, on behalf of residential  
5 ratepayers, supports prudent investments by  
6 Liberty Utilities consistent with the standards  
7 in the least cost integrated resource planning  
8 process. And we support managed expansion of  
9 Liberty Utilities' footprint, as we have  
10 indicated in the positions we have taken in  
11 previous dockets that deal with managed  
12 expansions.

13 However, we are concerned about the  
14 potential adverse consequences of this  
15 particular proposal, that as I said earlier,  
16 will more than double the Company's rate base  
17 should the Petition be granted in its entirety.

18 In particular, we oppose the use of a  
19 20-year planning horizon, especially for such a  
20 large project, that raises issues of  
21 intergenerational equity. We think the  
22 appropriate planning horizon should be  
23 something more like ten years. And we would  
24 note that there is a reason that RSA 378,

1 Section 38, refers to a five-year planning  
2 horizon.

3 We oppose the use of an annualized  
4 cost approach for determining whether the  
5 Granite Bridge Project is prudent. Properly  
6 recognizing the actual costs faced by customers  
7 over time could have implications for the  
8 optimal choice of Liberty Utilities' supply  
9 procurement. And it's possible that, if you  
10 adopt a different and more appropriate  
11 approach, Granite Bridge would not turn out to  
12 be the least cost option when the actual costs  
13 of such a project over time is truly modeled.

14 Finally, I want to make a specific  
15 argument under RSA 541-A, which is the  
16 Administrative Procedure Act. The section that  
17 governs prehearing conferences talks about  
18 certain things that the administrative agency  
19 can and I would argue should resolve at  
20 prehearing conferences, and the Commission  
21 often leaves these things to the technical  
22 session that follows prehearing conferences,  
23 with the expectation that the parties are going  
24 to be able to agree on those things.

{DG 17-198}[Prehearing conference]{03-09-18}

1           There are a couple of things here  
2           that the parties are not going to be able to  
3           agree upon. The most important of those is the  
4           schedule for this docket. I have received  
5           communications from the Company outlining what  
6           they regard as a "reasonable" procedural  
7           schedule. I have been in discussions with some  
8           of the intervenors and the Staff about what we  
9           regard as a "reasonable" procedural schedule.  
10          These two sides have irreconcilable approaches  
11          to how quickly this docket should proceed.

12                 This is, as I said earlier, a big  
13          deal of a proceeding. The OCA needs at least  
14          three rounds of data requests, in addition to  
15          whatever information-gathering opportunities  
16          would arise at technical sessions. That  
17          suggests a docket that will not lead to a final  
18          order of the Commission until very late in  
19          2018. And as a Mr. Ritchie just told you, he  
20          wants an order by midsummer. That is not an  
21          appropriate outcome in this docket. I realize  
22          that it could force the Company to have some  
23          earnest conversations with one or more  
24          counterparties. That is something the

1 Commission can and should expect the Company to  
2 do, it having caused this situation by entering  
3 into contracts and proposing this docket on a  
4 particular timeline.

5 Another potentially large issue that  
6 I would request that the Commission issue a  
7 ruling about right now, following the  
8 prehearing conference, is the need of the  
9 Company to do SENDOUT runs for Staff and for  
10 the OCA, and potentially for other parties, to  
11 allow us to test some of the contentions that  
12 are contained in the Company's Petition.  
13 SENDOUT is a proprietary bit of software that  
14 the Company has purchased from an outside  
15 contractor that it uses to model various supply  
16 outcomes. It is unreasonable and, frankly,  
17 untenable to expect us to go out and buy the  
18 right to use that software. It is appropriate  
19 for the Commission to simply order the Company  
20 to do runs for the Staff, the OCA, and  
21 intervenors.

22 In previous dockets, the Company has  
23 vigorously resisted requests to do that. We  
24 should resolve that problem right now by having

{DG 17-198}[Prehearing conference]{03-09-18}

1 the Commission simply tell the Company that is  
2 what the Commission will expect it to do.

3 CMSR. BAILEY: Mr. Kreis, do you  
4 think, if the Commission directed the Company  
5 to run SENDOUT runs for you, that could speed  
6 up the procedural schedule?

7 MR. KREIS: Yes.

8 CMSR. BAILEY: All right. Thank you.

9 MR. KREIS: I would like to close by  
10 making what may be an obvious point. The  
11 Company is not required to get preclearance  
12 from the PUC for capital projects. It has  
13 requested such preclearance here as a way  
14 presumably of insulating its shareholders from  
15 the business risk that arises out of business  
16 decisions of the company being declared  
17 after-the-fact to have been imprudent.

18 Liberty Utilities, I would say of the  
19 utilities that the Commission regulates, is  
20 historically more vulnerable to that  
21 possibility than some of the other utilities in  
22 this state are, given the flaws that the  
23 Commission has grappled with in the way that  
24 the Company plans.

1           So, if the Company is seeking that  
2           kind of preclearance here, and I acknowledge  
3           they have the right to do that, they also have  
4           the right and responsibility to cooperate with  
5           other parties, to give other parties and the  
6           Commission Staff a full and fair opportunity to  
7           conduct discovery and to skeptically evaluate  
8           what the Company is asking the Commission to  
9           approve here. That is the way the Commission  
10          should manage this docket.

11           Nevertheless, and despite the  
12          divisive and unhelpful tone that the Company  
13          has already set for this proceeding, the OCA is  
14          actually quite optimistic that at the end of  
15          this case, whenever that is, we will be able to  
16          reach some set of agreements with the Company  
17          that will allow some sort of capital project to  
18          move forward, because, clearly, the Company  
19          does have to make decisions about its future  
20          supply, and this docket presents, along with  
21          the LCIRP docket, a useful opportunity for all  
22          of us to explore what the best choices will be  
23          for the Company and its customers.

24                   CMSR. BAILEY: Mr. Speidel.



1 MR. SPEIDEL: Thank you, Commissioner  
2 Bailey. Staff has serious concerns regarding  
3 the magnitude of the Company's proposal for a  
4 capital investment presented here. Comparisons  
5 could be made to the experience of PSNH in the  
6 1970s and 1980s with the Seabrook Project,  
7 where a very high level of capital outlay was  
8 made in comparison to the relatively modest  
9 customer base of the investing utility. And  
10 Staff wants to avoid negative outcomes arising  
11 from problems with economic feasibility and  
12 cost overruns for this Project.

13 An added concern here is Liberty's  
14 lack of project management experience of an  
15 investment of this magnitude. In light of the  
16 magnitude of the proposed investment, and the  
17 Company's express desire for a favorable ruling  
18 from the Commission in advance of construction  
19 on the question of prudence, Staff takes very  
20 seriously its obligation to assess the Project  
21 through a full review of the evidence and  
22 robust analytical approaches. Staff will  
23 request the services of an expert consultant in  
24 this effort.

1           Staff is not prejudging the issues at  
2           hand, but, as mentioned, has concerns that must  
3           be addressed by the Company. In particular,  
4           Staff will examine alternatives to this  
5           Project, and test the Company's economic and  
6           operational justifications for this investment.

7           Staff will cooperate with the Office  
8           of the Consumer Advocate, intervenors, and the  
9           Company, to gather as much useful information  
10          as possible regarding this proposal and the  
11          analytical factors surrounding it.

12          Staff, along with the OCA, as  
13          mentioned by Mr. Kreis, does not support the  
14          Company's procedural schedule proposal. This  
15          abbreviated schedule is not feasible, given the  
16          amount of analytical and data-gathering effort  
17          that must be accomplished here. And we note,  
18          in particular, that the Company had the recent  
19          experience of the Northeast Direct Precedent  
20          Agreement review, which took a significant  
21          amount of time, and should have been aware that  
22          the timeframe for such major matters, such  
23          major cases, is not very abbreviated. And when  
24          it negotiated certain deadlines with

1           counterparties, it did so at its own risk. And  
2           therefore, the Company has the obligation to  
3           approach its counterparties and renegotiate to  
4           a more reasonable schedule that incorporates  
5           the necessity of the Commission review here.

6                        Again, the Company came here for  
7           advance approval of the investment. And, so,  
8           therefore, the Company needs to accommodate  
9           itself to the Commission's own prerogatives in  
10          making sure that it's doing its job in  
11          reviewing this proposal.

12                       In terms of the Motion for  
13          Confidential Treatment, as mentioned before,  
14          there's a lot of moving parts. And,  
15          Commissioner Bailey, you properly said that the  
16          Staff and the OCA should work with the Company  
17          to kind of maybe ring-fence and pare back some  
18          of the redactions, if appropriate. But we do  
19          reiterate that the animating spirit of RSA 91-A  
20          is in favor of disclosure, and the Company  
21          bears the burden of depending its redactions.

22                       Thank you.

23                       CMSR. BAILEY: All right. Are  
24          there -- Mr. Ritchie?

1 MR. RITCHIE: If no one has anything  
2 else to say, I would just like to make a couple  
3 of notes with respect to what Mr. Kreis said  
4 earlier.

5 CMSR. BAILEY: Okay.

6 MR. RITCHIE: Okay.

7 CMSR. BAILEY: I think what we're  
8 going to do is we're going to -- we'll allow  
9 you to make a couple of remarks. We're going  
10 to give the public an opportunity to comment.  
11 And then we're going to take a break and we  
12 may -- we'll come back before we adjourn.

13 Go ahead.

14 MR. RITCHIE: Okay. Thank you,  
15 Commissioner Bailey.

16 Just quickly, just a point of facts  
17 with respect to a point that was made by Mr.  
18 Kreis earlier, where he mentioned that this  
19 Project would result in a doubling of the  
20 Company's rate base. The Company concedes that  
21 this is a large project for EnergyNorth.  
22 However, only the Granite Bridge pipeline will  
23 be in distribution rate base, and the LNG  
24 facility will be in the cost of gas. So, there

1 is no doubling of rate base precipitated by  
2 this filing.

3 And the Company doesn't -- I don't  
4 think the Company quite shares Mr. Kreis's  
5 pessimism with respect to the ability to work  
6 out a procedural schedule that could be  
7 amenable to all parties. The Company would  
8 like to stress that it is willing to be  
9 flexible with respect to the dates that were  
10 initially circulated by my colleague, Attorney  
11 Sheehan.

12 However, the Company would like to  
13 note that there is -- there is a date after  
14 which, if an order were to come out after a  
15 certain date, that would essentially amount  
16 to -- it would be tantamount to a dismissal of  
17 the case. So, the Company would like to -- is  
18 willing to work with other parties on  
19 establishing an expeditious procedural schedule  
20 that will allow it to enter into the contracts  
21 that are part of this filing. And it is  
22 willing to be flexible and discuss those dates.

23 CMSR. BAILEY: And isn't it possible  
24 to renegotiate the contract that would expire,

1 if we don't get to an answer by the date that's  
2 in your mind? I think that that happened in  
3 the last case that involved a precedent  
4 agreement.

5 MR. RITCHIE: Yes, it is. It is  
6 possible to do that. And I think Staff  
7 mentioned that. The Company's concern is that  
8 there is a risk that, if the terms were to be  
9 renegotiated, that it would result in terms  
10 that are less favorable to ratepayers than the  
11 current terms that are under agreement and in  
12 front of the Commission for approval.

13 CMSR. BAILEY: Okay. And can you  
14 tell me what the date, the drop-dead date is?

15 MR. SPEIDEL: I believe that's a  
16 confidential term.

17 CMSR. BAILEY: Oh. Mr. Speidel  
18 believes that's a confidential term.

19 MR. RITCHIE: It is. And that's why  
20 I didn't --

21 CMSR. BAILEY: Okay.

22 MR. RITCHIE: -- I didn't divulge it  
23 here.

24 CMSR. BAILEY: All right. Okay. Mr.

1 Husband, I think I'm going to have to ask you  
2 to vacate your microphone, if you don't mind.  
3 But do you have anything you want to add as a  
4 member of the public? Or are you all set?

5 MR. HUSBAND: No thanks. I think I  
6 said it before. Thank you. I didn't know that  
7 there was going to be a public comment.

8 CMSR. BAILEY: Okay. All right.  
9 Thank you.

10 Are there other members of the  
11 public? Ms. Martin. Just make sure you get  
12 close enough to the microphone please.

13 MS. MARTIN: I will. For the record,  
14 I'm Pat -- Patricia Martin, from Rindge, New  
15 Hampshire.

16 And I have a concern that the  
17 opportunity for the public to intervene has  
18 passed before the residents along the route  
19 properly understand the Project impact and  
20 their rights.

21 Liberty has met with board of  
22 selectmen and some planning boards offering  
23 promises of tax payments, which are sure to win  
24 approval. When questions have been raised by

1 members of the public, they are told to wait  
2 for the open houses. Did Liberty inform the  
3 boards of selectmen and the planning boards  
4 they met with about the opportunity to  
5 intervene?

6 And I feel an expedited schedule is  
7 really deleterious to the public interest.

8 Thank you very much.

9 CMSR. BAILEY: All right. If you  
10 could please come forward and identify  
11 yourself.

12 MR. VALLONE: Thank you. I'm Mark  
13 Vallone. I live at 252 Blake Road, in Epping,  
14 New Hampshire. Certainly speaking after Ms.  
15 Martin's comments are very apropos. I'm very  
16 concerned about the expedited schedule that  
17 Liberty is proposing.

18 A little background, and, again,  
19 please bear with me. But I live in Epping,  
20 where 35 years ago we were a superfund fight --  
21 site, due to Keefe Environmental Services, a  
22 company that came into town touting all the  
23 benefits, sticking us with a major toxic  
24 clean-up that required millions of dollars of



1 funding and took out hundreds of acres of land  
2 in town.

3 We also were the site where  
4 Wheelabrator-Frye proposed building a  
5 trash-to-energy plant. We also had a proposal  
6 to have a tire-to-energy plant. That we  
7 rejected those two, and we had the opportunity  
8 to reject those two. And those turned out to  
9 be two major commercial developments in the  
10 distant century that had been a great boon to  
11 the Town.

12 Last night I went to a Planning Board  
13 meeting. And I find it ironic that it was  
14 scheduled for March 8th, the date after the  
15 deadline for filing for intervention. Where  
16 the Planning Board gave the Liberty company a  
17 pretty good run for their money with regards to  
18 some of the holes that they found in the  
19 proposal.

20 So, I'm just asking for some help  
21 here. I would love to sign up as an intervenor  
22 right now, but it's too late.

23 CMSR. BAILEY: The Commission often  
24 entertains late motions to intervene. You

1           could file it in writing and state how your  
2           rights, duties, and privileges are impacted,  
3           and we will rule on it.

4                     MR. VALLONE: I would appreciate  
5           that. Thank you so much.

6                     CMSR. BAILEY: Is there anybody else  
7           that would like to speak?

8                     MS. SCHERR: Good morning. My name  
9           is Stephanie Scherr. I live in Fitzwilliam.  
10          And I am the founder of the organization ECHO  
11          Action. We have been involved with following  
12          both Kinder Morgan and Liberty Utilities since  
13          2014. We are deeply concerned as we see that  
14          this Project looks to be something that is  
15          segmented. Having had the NED Pipeline  
16          withdrawn, Liberty Utilities has been  
17          aggressively seeking contracts throughout New  
18          Hampshire. And it appears that they are now  
19          looking at segmenting, and then potentially, in  
20          our opinion, looking to continue with that  
21          export. To export the gas, which there is a  
22          glut for right now, to Canada and European  
23          markets.

24                     New Hampshire may seek some kind of

1 compensation from this. But, overall, we feel  
2 that it is a detriment to the people, to their  
3 health, to their safety, to their economic  
4 benefit, because long term there are other  
5 options, renewable options, that are to their  
6 advantage. And we feel that this is  
7 aggressively being sought to try to counteract  
8 that movement that has been quite positively  
9 been moving throughout New Hampshire.

10 We see a big change in the perception  
11 of what kind of energy use we need. We've seen  
12 a huge leap in jobs in the renewable community.  
13 And the openness and willingness to address  
14 those interests, including New Hampshire  
15 offshore wind.

16 So, we feel that there is not enough  
17 time to address the other options, and to  
18 significantly have the opportunity to look at  
19 what this really means, both to those  
20 communities along that, to other communities  
21 that could be linked in at some point in time,  
22 and to the long-term impacts to our climate as  
23 well.

24 Thank you.

1 CMSR. BAILEY: Anybody else?

2 MR. SINCLAIR-WINGATE: Hello. Is  
3 this on? Is it on now?

4 CMSR. BAILEY: That's great. Thank  
5 you.

6 MR. SINCLAIR-WINGATE: All right. My  
7 name is Griffin. I live in Dover, New  
8 Hampshire.

9 CMSR. BAILEY: Can you say what your  
10 last name is, Griffin?

11 MR. SINCLAIR-WINGATE: Griffin  
12 Sinclair-Wingate. I'd just like to say, as a  
13 young person, who has a lot of fear for the  
14 future of this world, in terms of the impact  
15 that our dependency on fossil fuels will have  
16 on it, I'd like to say that I think we should  
17 be pursuing renewables. I think that  
18 continuing to build fossil fuel infrastructure  
19 will only strengthen our dependency on fossil  
20 fuels, which is having a negative impact on the  
21 health and wellbeing of our communities, on our  
22 global climate, and on our economy as well.

23 I'll just keep it at that. Thank  
24 you.

1 CMSR. BAILEY: All right. Thank you.  
2 Anybody else?

3 *[No indication given.]*

4 CMSR. BAILEY: Okay. I would like to  
5 take a five-minute break to confer with my  
6 colleague. And we will be right back.

7 (Recess taken at 11:31 a.m. and  
8 the prehearing conference  
9 resumed at 11:53 a.m.)

10 CMSR. BAILEY: All right. Thank you  
11 for your patience.

12 Because of the magnitude of this  
13 request, we are going to take the unusual step  
14 of providing some guidance.

15 With respect to the procedural  
16 schedule, we believe that, because of the  
17 magnitude of this request, the schedule will  
18 require a robust and thorough analysis. It  
19 can't be truncated. It needs to have enough  
20 time to fully analyze the issues that are  
21 necessary for us to make an informed decision.

22 We encourage the parties to work  
23 cooperatively to narrow the issues on  
24 confidentiality. We expect the Company to

1 allow Staff and the OCA to request a reasonable  
2 amount of SENDOUT runs that the Company will  
3 perform on behalf of OCA and Staff, as we have  
4 required other utilities.

5 We will permit comments for requests  
6 for confidential treatment in support of  
7 Liberty's motion, specifically by ENGIE and  
8 Repsol, by Tuesday, March 13th. And if anybody  
9 wants to file a response to those comments, we  
10 will take those until next Friday, March 16th.

11 As far as motions to intervene, we'll  
12 take those under advisement, and we'll issue  
13 our decision as soon as possible.

14 We look forward to the report of the  
15 technical session.

16 And we'll leave it at that. Thank  
17 you. We are adjourned.

18 ***(Whereupon the prehearing***  
19 ***conference was adjourned at***  
20 ***11:55 a.m., and a technical***  
21 ***session was held thereafter.)***