

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DG 17-198

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
d/b/a LIBERTY UTILITIES**

**Petition to Approve Firm Supply and Transportation Agreements
and the Granite Bridge Project**

Liberty's Response to Motion to Compel

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (the "Company" or "Liberty"), through counsel, respectfully submits this response to Commission Staff's *Motion to Compel Liberty Utilities' Responses to Data Requests*.

1. Staff's motion seeks an order compelling Liberty to respond to Staff 5-15, Staff 5-17, and Staff 5-18. Liberty did not object to the questions, they will be answered, and Staff was advised that they would be answered. Indeed, most parts of these questions were answered on August 2 and the remaining responses will be provided today, all as previously communicated with Staff. Staff's motion is unnecessary.
2. Even though the Company did not object to these questions, Liberty considers Staff's requests to be unreasonable in that they asked questions that would not produce meaningful answers or were substantially answered in response to other parties' data requests and Staff was unwilling to work with the Company to revise, modify or coordinate¹ their requests as other parties have. Staff's requests are also unduly

¹ By way of example, the OCA has withdrawn and modified certain requests for SENDOUT® runs. The OCA has also coordinated with the Company to develop a low demand case forecast. The Company attempted to coordinate with Staff a low demand case that would address OCA's desire for a modified Design Day forecast and Staff's request to remove or reduce the Company's Sales and Marketing Adjustment, but Staff choose not to participate in that coordinated approach.

burdensome in that they requested more than 70 SENDOUT® runs be performed in Staff Set 5 alone. The sheer volume of requested SENDOUT® runs could not possibly have been completed by Liberty within the usual 10 day response time.

3. An example of an unreasonable question that was a prime candidate for modification is mentioned in Staff's motion at paragraph 6. Staff 5-17.a asked the Company to perform a SENDOUT® run (which is actually seven runs, as described below) assuming the capital costs of the project are 25% higher than estimated. Liberty advised Staff that the Company had already performed that same run assuming a 20% increase in capital costs in response a prior OCA data request, and Liberty demonstrated to Staff how a modeling approach that would not require running the SENDOUT® model would provide the information requested but in a more efficient manner. The Company suggested that Staff could review the already-completed 20% run and the newly requested 50% run, and then determine whether Staff still needed to see the incremental 25% run performed. Staff rejected this proposal.

4. The burdensome nature of these questions arises because, in order to respond to Staff 5-15, Staff 5-17, and Staff 5-18 as written, Liberty will have to run the SENDOUT® model more than 70 times. Staff 5-17.a asks for two higher capital cost "economic model runs," Staff 5-17.b asks for two more, and Staff 5-17.c asks for four. However, the SENDOUT® model must be run seven times to test each of these eight different combination of variables (base case, base case sensitivity, alternative case, alternative case sensitivity and base case for each of the three alternative LNG tank sizes). Thus, although Staff 5-17 requested eight runs on its face, the Company must run the model 56 times to get all the answers. Staff 5-18 requested 14 more model runs and Staff 5-5 asks for a single

model run, pushing the total to 71 for these Set 5 questions. To put this number in perspective, other than these Set 5 responses, the Company has produced 39 SENDOUT® reports and an additional 32 scenarios in spreadsheet format in this docket to date. Each run takes several hours to complete and must also be marked for redaction due to the confidential data contained in the output reports, all of which was explained to Staff. Simply put, these requests cannot physically be performed in the time allotted.

5. In addition, when a question poses a different demand forecast to be run through SENDOUT®, Liberty must prepare that particular demand forecast (if it had not been run previously), which is even more time consuming than running the SENDOUT® model..
6. At the prehearing conference, the Commission stated: “We expect the Company to allow Staff and the OCA to request a reasonable amount of SENDOUT runs that the Company will perform on behalf of OCA and Staff, as we have required other utilities.” Transcript of March 9, 2018, prehearing conference at 77-78.
7. Including the responses to Staff Set 5, Liberty will have performed over 150 SENDOUT® runs and associated spreadsheet scenarios in response to discovery in this docket to date.
8. The Company respects Staff’s right to thoroughly examine the Granite Bridge Project proposal and will respond to all the pending data requests, but reserves its right to object to future requests that are redundant, will produce meaningless results, or are overly burdensome. This motion to compel was unnecessary.

WHEREFORE, Liberty respectfully asks that the Commission:

- A. Deny Staff's motion to compel; and
- B. Grant such other relief as is just and reasonable and consistent with the public interest.

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

By its Attorney,



Date: August 7, 2018

By: _____
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Certificate of Service

I certify that on August 7, 2018, a copy of this response has been electronically forwarded to the service list.



By: _____
Michael J. Sheehan