

STATE OF NEW HAMPSHIRE

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**PUBLIC UTILITIES COMMISSION**

21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

November 30, 2018

CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

Ms. Judith Tompson  
9 Lancelot Court, Unit 8  
Salem, NH 03079

Re: DE 18-148, Judith Tompson  
Complaint against Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities  
Scheduling Hearing

Dear Ms. Tompson:

On September 17, 2018, you filed a complaint against Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty). On November 1, 2018, Liberty filed a timely response. The Commission has granted your request for a hearing on the allegations identified in the attached "DE 18-148 Summary of Allegations." Accordingly, the Commission will conduct an evidentiary hearing on **January 29, 2019, at 1:30 p.m.**, at the Commission's offices at 21 South Fruit Street in Concord. At the hearing, you will have the burden of proof as the party bringing the complaint. Please arrive at least 15 minutes in advance of your scheduled time. You have a right to be represented by an attorney, or another person, at your expense.

The Commission adopts the following procedures and determinations with respect to the hearing:

1. No later than **Friday, January 11, 2019, at 4:00 p.m.**, you and Liberty, (hereinafter "the parties"), and Commission Staff, if applicable, shall file<sup>1</sup> the following with the Commission:
  - a. A list of witnesses the party intends to call at the hearing. The list shall identify each witness by name and business address or town or city of residence.
  - b. A short written summary of each witness's position. The summary should provide each witness's account of the facts and any other relevant topic about which the witness is expected to testify.
  - c. You *may* provide and Liberty *shall* provide a list of agreed upon ("stipulated") relevant facts, either by working with the other party to create such a list, or by

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<sup>1</sup> For you as complainant, "file" means that a document is signed and sent to the Commission by first class mail, or by hand-delivery, so that the document is *received* no later than 4:00 p.m. on the specified date. See Puc 203.11. Consistent with the Commission's October 1, 2018, secretarial letter, you are not required to provide the Commission with multiple copies of your filings. You must, however, mail or hand-deliver a copy to Liberty Utilities, c/o Michael Sheehan, Esq., Senior Counsel, 116 North Main Street, Concord, NH 03301.

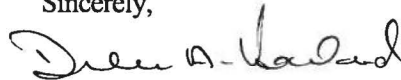
providing a list of facts that each side believes are not in dispute (see Puc 203.20); an

- d. You *may* submit and Liberty *shall* submit a brief legal analysis of the issues identified in the attached "DE 18-148 Summary of Allegations" issues involved in this case.
2. No later than **Friday, January 18, 2019, at 4:00 p.m.**, each party shall file all exhibits the party intends to introduce at the hearing. Exhibits shall include copies of disconnection notices, if any, any relevant official correspondence or other communications between the parties, and any other documents the party believes will support that party's respective positions. Unless "good cause" is established, the Commission shall not accept any exhibits that were not submitted in advance.
3. At the hearing, the parties may ask questions of all witnesses, regardless of which party calls the witness. Unless "good cause" is established, only witnesses whose testimony has been summarized, as described above, shall be allowed to testify or provide information. Witnesses for you as complainant shall appear first, followed by witnesses for Liberty and any Staff witnesses, unless otherwise ordered.
4. At the end of the hearing, each party will be allowed to make a final statement to the Commission. Liberty will go first and you will go last.
5. The hearing shall be recorded, and Liberty shall bear the cost of the transcription. However, each party shall pay for its own copy of the transcript, if requested.

If you will continue to represent yourself in this matter, or are represented by a non-attorney, the Commission encourages you to contact Staff Attorney Mary Schwarzer, in writing or by telephone at (603) 271-2431 with any questions about the Commission's practice and procedure. In addition, as documents you file as exhibits may contain private or other confidential information, you must follow the simplified procedure outlined in the attached "DE 18-148 Procedure for Complainant's Filing of Allegedly Confidential Documents or Information" to identify any information claimed to be private or otherwise confidential.

To the extent that any of the above is inconsistent with the Commission's rules of practice and procedure, the Commission has determined that a waiver of the applicable rule or rules serves the public interest and will be conducive to, rather than disruptive of, the orderly proceedings of the Commission. See Puc 201.05.

Sincerely,



Debra A. Howland  
Executive Director

cc: Service list

### **DE 18-148 Summary of Allegations**

The following summary of allegations is based on Ms. Tompson's complaint. The Commission only has jurisdiction to consider violations consistent with its statutory purpose. Accordingly, the fact that an allegations is identified here does not mean that the Commission necessarily has jurisdiction to consider it. If either party believes the summary is inaccurate, that party shall file a letter describing the inaccuracy with reference to the complaint on or before December 30, 2018.

In her complaint, Ms. Tompson alleges that Liberty has violated:

- the provisions of Puc 1203.01 and 07, *Payment Arrangements*, and Puc 1205.02, *Medical Emergency Certification*, by directing Ms. Tompson to set up a payment plan;
- the provisions in Puc 1203.18, *Transfer of Service*, by transferring Ms. Tompson's account to her landlord on or about August 2018, without notice, without Ms. Tompson's consent, and while she continued residing at the service address;
- the provisions of Puc 1203.14(a), *Social Service Assistance*, by failing to direct Ms. Tompson to social service providers who could pay her bill;
- the provisions of Puc 1203.06 *Bill Forms*, by not including required information in an August 2018 bill, including the date of the current meter reading, the date of the prior meter reading and the date of the next meter reading;
- the provisions of Puc 1205.02, *Medical Emergency Certification*, by failing to provide a copy of Ms. Tompson's "current medical certification" despite multiple requests;
- the provisions of Puc 1205.04, *Expiration of Medical Emergency Certification*, when the company failed to notify Ms. Tompson 30 days before the expiration of her medical emergency certification; and when Liberty contacted her physician and "fraudulently" "attempted to dissuade the physician from filing" a medical certification form;
- the payment, scope, and debt collection provisions of Puc 1203, *Service Provisions*, and Puc 1204, *Winter Rules*, RSA 358-A:2, the *New Hampshire Consumer Protection Act*, and 15 U.S.C. Sec. 1692, the *federal Fair Debt Collection Practices Act* (FDCPA), by charging Ms. Tompson amounts not due, including the portion of her account balance transferred to Liberty by "a prior electric service provider[National Grid]"; by failing to apply funds made available by N.H. Fuel Assistance, by failing to treat Fuel Assistance as the "party responsible for payment of bills," and by sending Ms. Tompson notice of disconnection rather than sending the notice to Fuel Assistance; improperly calculating, accounting for, and/or failing to validate her outstanding monthly balance; using disconnection as a means of debt collection; and by asking her to set up a payment plan, which she asserts "reaffirms" a debt she disputes;

- the notice provisions of Puc 1203.11, *Disconnection of Service*, 1203.12, *Disconnection of Service in Residential Tenant/Landlord Situations*, Puc 1203.11, *Disconnection of Service*, Puc 1205.03, *Disconnections of Services to Medical Emergency Customers*, and/or Puc 1205.04, *Expiration of Medical Emergency Certification*, by failing to provide appropriate notice when it disconnected her gas service in November 2017, failed to provide a copy of the company's May 2018 request for permission to disconnect her service, and through delivery of an August 29, 2018, letter, which stated, "After Friday, August 31, 2018[,] we will have no choice but to disconnect your serviceletter; and

Ms. Tompson also alleges that: Liberty violated a Salem 10<sup>th</sup> Circuit District Court order regarding eviction and ongoing electricity service; Liberty violated a duty of care it owed complainant by contract; Liberty engaged in extortion and negligent misrepresentation when it threatened to disconnect Ms. Tompson's electricity, and that, by transfer of the account, her landlord became the owner of her balance.

**DE 18-148 Procedure for Complainant's Filing of  
Allegedly Confidential Documents or Information**

As explained in N.H. Code Admin. Rules Puc 201.04(a):

All documents submitted to the Commission or staff ...shall become matters of public record, subject to RSA 91-A, with the following exceptions....Information about individual residential customers, the disclosure of which would constitute an invasion of privacy within the meaning of RSA 91-A: 5, IV.... [and] ... Other documents entitled to confidential treatment pursuant to RSA 91-A or other applicable law.

Puc 201.04(b) further describes how parties must submit documents that contain information claimed to be private or otherwise confidential.

For simplicity, as long as Ms. Tompson continues to represent herself, or is represented by a non-attorney, she will not be required to file a motion for confidential treatment and will be required only to:

- highlight or underline any portion of a document that she asserts contains confidential information;
- write "CONFIDENTIAL" in the upper-right-hand corner of the document's first page, and any other page containing the allegedly confidential information; and
- identify in a few sentences, at the bottom of the document or a separate sheet, the harm that would allegedly result were the information at issue made public.

Documents so identified shall be treated as confidential throughout the proceeding by the Commission and any other party who may receive them; maintained by the Commission, and any other party, according to conditions as shall be necessary to preserve confidentiality, subject to a final determination by the Commission during or at the conclusion of the proceeding. The Commission's final determination may include, but is not limited to, an opportunity for Ms. Tompson or Staff to file redacted documents in the public docket.