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## VIA OVERNIGHT MAIL AND EMAIL

May 15, 2015

Debra Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord New Hampshire 03301

RE: DG 14-380 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a/ Liberty Utilities  
Submission of Pipe Line Awareness Network for the Northeast, Inc. ("PLAN")  
Request for Waiver Pursuant to Puc. 201.05(a)

Dear Ms. Howland:

On May 8, 2015, PLAN submitted, by personal delivery of counsel, the written testimony of John A. Rosenkranz ("Testimony") on the date due as set forth in the procedural schedule. This waiver request is submitted because the Testimony was delivered and date stamped after normal business hours (at 5:04 p.m.) as a result of unforeseen delays in delivery to the Commission caused by multiple traffic accidents en route from Boston. Counsel informed Commission's administrative staff of the unexpected delay and the Testimony was date stamped when delivered, albeit slightly after business hours.<sup>1</sup> PLAN timely provided electronic copies with the Commission and to the Parties as required by Puc. 203.02. Commission Staff informed PLAN to "seek permission" with respect to the delayed filing of Testimony.<sup>2</sup>

Pursuant to Puc 201.05, PLAN respectfully requests that the Commission waive Puc 202.05 regarding the time for filing of Testimony to allow submittal and filing of Testimony after

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<sup>1</sup> With respect to its written testimony, PLAN previously filed a waiver under separate cover regarding the required number of hard copies to be provided for two attachments.

<sup>2</sup> Email from Rorie Patterson to PLAN counsel dated May 14, 2015 instructing PLAN to "seek permission to file testimony after the deadline."

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business hours (i.e. 4:30 p.m.) and accept the submittal of Testimony as timely filed on May 8, 2015 as date stamped (i.e., on or about 5:04 p.m.).<sup>3</sup> As grounds for this request and pursuant to Puc 201.05(a), PLAN states as follows:

- The public interest would be served by such a waiver. *See* Puc 201.05(a)(1).
  - PLAN's Testimony will provide helpful information to the Commission in its consideration of the issues in the case. PLAN communicated with Commission administrative staff and made every effort to deliver the testimony by close of business (4:30 p.m. on May 8, 2015) but was not able to do so because of unforeseen circumstances of accidents en route. PLAN was unable, notwithstanding good faith efforts by counsel for cause, to file by close of business on May 8, 2015. Under the circumstances, compliance with the rule, e.g., a filing by 4:30 p.m., was inapplicable and not possible.
  - This request is consistent with the purpose of the rule with respect to the filing of the Testimony which deems testimony as filed on the date of receipt. *See*, Puc 202.05. Moreover, the Testimony was provided to the Commission and Parties electronically on or before the close of business on May 8, 2015 as required.
- The waiver will not disrupt the orderly and efficient resolution of matters before the Commission. *See* Puc 201.05(a)(2). The Testimony has been submitted (both in written form and electronically) and is currently available to the Commission, parties, Staff and the public. Multiple Parties have issued Data Requests on the Testimony as submitted. Accordingly, there would be no disruption of any matters with issuance of the waiver.

PLAN respectfully submits that the Commission grant the waiver as requested herein. The waiver serves the public interest and will not disrupt the orderly efficient resolution of matters before the Commission.

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<sup>3</sup> Alternatively, this request may be deemed a request to extend the time for filing of Testimony from 4:30 p.m. on May 8, 2015 to on or about 5:04 p.m. on May 8, 2015 pursuant to Puc. 202.04 and waiver, pursuant to Puc. 201.05, of the requirements in Puc. 202.04 (a) and (b) that such request be made before expiration of the prescribed period with consent of other parties. Pursuant to Puc. 202.04, PLAN respectfully submits, for the reasons as set forth herein, that (i) failure to grant the extension would cause hardship and inconvenience (and extreme prejudice), and (ii) the extension, if granted, would not delay the proceeding or adversely impact the rights of any party.

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Please contact my office should you have any questions. Thank you for your assistance in this matter.

Sincerely,



Richard A. Kanoff

cc: Service List sent electronically