

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

2015 TERM

DOCKET NO. 2015-0729

APPEAL OF RICHARD M. HUSBAND BY PETITION PURSUANT TO R.S.A.  
541:6 AND SUPREME COURT RULE 10

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SUPPLEMENTAL APPENDIX TO MOTION FOR SUMMARY DISPOSITION

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

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January 8, 2016

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BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Re: Liberty Utilities (EnergyNorth Natural Gas) Corp.

Docket DG 14-380

**PETITION TO INTERVENE OF RICHARD HUSBAND,  
SUBMITTED ON BEHALF OF HIMSELF AND, TO THE EXTENT  
ALLOWED BY LAW, SIMILARLY SITUATED CONCERNED CITIZENS**

Pursuant to the New Hampshire Public Utilities Commission's (the "Commission") Order of Notice dated January 21, 2015, N.H. Code Admin. Rules Puc 203.17, N.H. R.S.A. 541-A:32, the First and Fourteenth Amendments of the United States Constitution and those provisions of the New Hampshire State Constitution guaranteeing the same or greater rights pertaining to freedom of speech, freedom of assembly and due process, Richard Husband ("Husband"), holder of the demonstration permit attached hereto as Exhibit "A," on behalf of himself and, to the extent allowed by law, other similarly situated concerned citizens, hereby respectfully petitions for leave to intervene in the above-captioned proceeding for the limited purpose of (1) objecting to any rescheduling of the July 22/23, 2015 hearing in this matter to July 21/22, 2015, as requested by a motion filed on July 15, 2015, (2) moving for reconsideration of any Commission order granting such rescheduling, and (3) otherwise contesting, through appeal, any unlawful or improper procedures undertaken by the Commission with respect to the scheduling of any proceedings in this matter, including the final hearing on the merits. In support of this petition Husband states:

1. The First and Fourteenth Amendments of the United States Constitution and those provisions of the New Hampshire State Constitution guaranteeing the same or greater rights pertaining to freedom of speech, freedom of assembly and due process, afford Husband and similarly situated concerned citizens with the right to

protest the subject matter of this proceeding, a natural gas transmission pipeline.

Due process also requires that Husband, and other citizens concerned with the subject proceedings, be afforded due notice of any hearings or the rescheduling of hearings pertaining to the same.

2. Husband holds the permit issued as evidenced by Exhibit "A,"<sup>1</sup> allowing for demonstration against said pipeline outside the Commission offices on July 22/23, 2015, which is necessary to hold such a protest under the ordinance of the City of Concord. Said permit was obtained by Husband—in reliance on the Commission's notice of the July 22/23, 2015 hearing in this matter, which will result in a decision on the merits either by testimony and other evidence or Commission approval of a proposed settlement agreement pertaining to the approval sought in this proceeding —on July 15, 2015, within seven (7) days of the July 22, 2015 hearing date.
3. The participants to be involved in the demonstration authorized by the permit evidenced by attached Exhibit "A" have all been notified to appear for the demonstration on the mornings of July 22/23, 2015, and Husband has arranged his schedule to demonstrate on July 22/23, 2015, as presumably have any other participants. Presumably any citizens concerned or otherwise interested in attending the proceedings in this matter arranged their schedules and otherwise planned to attend the subject hearing on July 22/23, 2015, as noticed by the Commission, as well.

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<sup>1</sup> Husband has not yet received today's mail, which should include the permit, to be mailed yesterday per the attached Exhibit "A."

4. However, subsequent to obtaining the demonstration permit, Husband discovered that a last minute July 15, 2015 motion to move the July 22/23, 2015 proceedings up to July 21/22, 2015 had been filed, which motion had not been acted upon as of the morning of July 16, 2015.
5. Husband believes and avers that moving the hearing up to begin on July 21, 2015 at this late date violate the due process requirements of the Fourteenth Amendment of the United States Constitution and those provisions of the New Hampshire State Constitution guaranteeing the same or greater due process rights.<sup>2</sup> Husband believes and avers that moving the hearing up to begin on July 21, 2015 would otherwise deny Husband and other similarly situated concerned citizens their rights under the First Amendment of the United States Constitution and those provisions of the New Hampshire State Constitution guaranteeing the same or greater rights pertaining to freedom of speech and freedom of assembly.
6. The City of Concord Health & Licensing Officer responsible for demonstration permitting, Eugene Blake, see Exhibit "A," previously advised Husband that he is not in his office on Thursdays (today, July 16, 2015, is a Thursday). As Husband is leaving the area for a longstanding, pre-existing commitment tomorrow (Friday,

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<sup>2</sup> Given that the requested rescheduling to July 21, 2015 would move the hearing up to within only six (6) days of the July 15, 2015 motion's filing, as calculated by N.H. Code Admin. Rules Puc 202.03, such rescheduling would violate the requirement under N.H. Code Admin. Rules Puc 203.13(a) that said rescheduling motions be filed within seven (7) days of the subject proceeding—minimally as the due notice intent and requirements of the rule apply to the rights of the public interested in Commission hearings; if not as said rule requirements pertain to the movant and parties in the case themselves. Beyond the due process requirements of its own rules, the requested rescheduling does not provide fair, reasonable and otherwise due notice to concerned citizens. Husband would further note that, for the reasons aforesaid, the motion to reschedule does not meet the substantive grounds for granting the motion under N.H. Code Admin. Rules Puc 203.13(c).

July 16, 2015), not returning until Sunday, July 19, 2015, that leaves only Monday, July 20, 2015, for Husband to try and obtain new demonstration permitting for July 21, 2015, if the subject hearing is rescheduled to that date (which, again, is not even clear yet)—and to rearrange the demonstration with other involved participants—and this is not reasonable or lawful, for the reasons aforesaid.

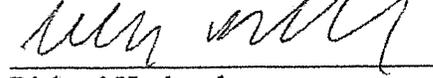
7. Under N.H. R.S.A. 541-A:32 1(b) and (c), a petition to intervene *must* be granted if the petitioner states facts demonstrating how his rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition otherwise qualifies under the law), and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. Under N.H. R.S.A. 541 -A:32 II, the Commission *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” This petition meets both standards for the rights and reasons aforesaid. With regard to the “orderly” and “prompt” conduct of the proceedings, the petitioner notes that the same must be only be found if maintained within Constitutional requirements.

WHEREFORE, Husband respectfully petitions and moves the Commission to:

- A. Allow him to intervene for the reasons and purposes aforesaid, in such capacity as is allowed by law;
- B. Accept this pleading as an objection to the motion to reschedule the subject hearing to begin on July 21, 2015, and deny said motion;

C. Grant such other and further relief as the Commission deems just, lawful and otherwise appropriate.

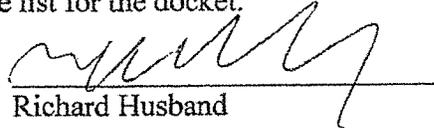
Respectfully submitted,



Richard Husband  
10 Mallard Court  
Litchfield, NH 03052  
Telephone No. (603)883-1218  
E-mail: [RMHusband@gmail.com](mailto:RMHusband@gmail.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have on July 16, 2015, served an electronic copy of this petition on each person identified on the Commission's service list for this docket, by delivering it to the e-mail address identified on the Commission's service list for the docket.



Richard Husband

**EXHIBIT "A"**

PERMIT NO. \_\_\_\_\_

Return to: Code Administration  
Health Services Division  
37 Green Street  
Concord NH 03301

-Police Department Use Only-
No. of Officers Required _____
Restrictions: _____
_____
APPROVED _____
Concord Police Dept.

LICENSE FEE: \$ 15.00

When feasible, we request that this application be submitted prior to the proposed event for processing. Please make checks payable to the City of Concord

**APPLICATION FOR MARCH / DEMONSTRATION / PICKET PERMIT**

Organization Name N/A - a group of concerned citizens against the NED pipeline Phone N/A

Address N/A - various NH towns

Person in charge of event Richard Husband

Address 10 Mallard Court, Litchfield, NH 03052 Phone 603-540-9817

Proposed date(s): From: July 22, 2015 To: July 23, 2015

Proposed time(s): From: 7:30 a.m. To: 6:00 p.m. each day

Number of persons expected to participate: 15-50

Location/Route\* where event is to be held: in front of Public Utilities Commission, 21 S. Fruit Street

Is event being held on the City Plaza - front of "Arch Yes [ ] No [X]

Is electricity needed Yes [ ] No [X] please indicate times needed: \_\_\_\_\_ AM \_\_\_\_\_ PM

Request for street closure: Yes [ ] No [X]

Letter for street closure attached: Yes [ ] No [X]

**Letter for Street Closure Must be submitted to \_\_\_\_\_ and a copy to the Health & Licensing office along with this application. Approval for Street Closure from the City Council must be received before permit is issued**

\*A map detailing the exact route must accompany this application. N/A - not marching, no route

Owner of premises and address: State - Public Utilities Commission offices, 21 S. Fruit Street

**PLEASE INCLUDE FULL DETAILS OF THIS EVENT** Reason for demonstration, carrying signs, live bands, guest speakers, musicians, tents, Note tents larger than 200sq feet need a permit from the Fire Dept.

Opposing PUC proceeding concerning approval of Liberty Utilities petition for approval of firm transportation agreement with Tennessee Gas Pipeline LLC/Kinder Morgan; protesting, carrying signs

Applicant's Signature [Signature] Date 7/15/15

APPROVED \_\_\_\_\_ Date \_\_\_\_\_

Licensing Officer

**THIS PERMIT MAY BE REVOKED FOR JUST CAUSE ACCORDING TO THE CITY OF CONCORD CODE OF ORDINANCES, CHAPTER 15, ARTICLES 15-10-3 & 15-10-15 A-D, WHICH INCLUDES NOISE OF A REASONABLE LEVEL. THE GRANTING OF A PERMIT BY THE CITY OF CONCORD TO USE THIS AREA FOR PUBLIC DEMONSTRATION OR DISPLAY INDICATES NEITHER ENDORSEMENT NOR SUPPORT BY THE MUNICIPALITY OF THE VIEWS OR RELIGIOUS BELIEFS OF THE LICENSEES.**

**Subject:** FW: Demonstration  
**From:** "Richard Husband" <richard.husband@allen-fuller.com>  
**Date:** 7/16/2015 8:58 AM  
**To:** <rmhusband@gmail.com>

**From:** Blake, Eugene [mailto:EBlake@ConcordNH.gov]  
**Sent:** Wednesday, July 15, 2015 11:41 AM  
**To:** 'Richard Husband'  
**Subject:** RE: Demonstration

Hi, you are all set, it's going out in today's mail.

Gene

**From:** Richard Husband [mailto:richard.husband@allen-fuller.com]  
**Sent:** Wednesday, July 15, 2015 10:48 AM  
**To:** Blake, Eugene  
**Subject:** Re: Demonstration

Hi, Gene:

Am I all set on the demonstration permit? If not, when do I know?

Thanks,

Richard Husband

On Wed, Jul 8, 2015 at 7:49 AM, Blake, Eugene <EBlake@concordnh.gov> wrote:  
Thank you.

Gene

**From:** Richard Husband [mailto:richard.husband@allen-fuller.com]  
**Sent:** Tuesday, July 07, 2015 12:48 PM  
**To:** Blake, Eugene  
**Subject:** Re: Demonstration

Hi, Gene:

The completed protest application we have discussed is attached. The original signed application, with \$15.00 check for the application fee, is going out in today's mail.

Thanks,

Richard

On Mon, Jul 6, 2015 at 2:16 PM, Richard Husband <[richard.husband@allen-fuller.com](mailto:richard.husband@allen-fuller.com)> wrote:  
Thanks, Gene--got it!

Richard

On Mon, Jul 6, 2015 at 2:05 PM, Blake, Eugene <[EBlake@concordnh.gov](mailto:EBlake@concordnh.gov)> wrote:  
Hi Richard, here is the application.

Gene

Eugene A Blake  
Health & Licensing Officer  
City of Concord  
37 Green Street  
Concord, NH 03301  
Phone [603-230-3640](tel:603-230-3640)  
Fax [603-225-8586](tel:603-225-8586)  
[eblake@concordnh.gov](mailto:eblake@concordnh.gov)

BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Re: Liberty Utilities (EnergyNorth Natural Gas) Corp.

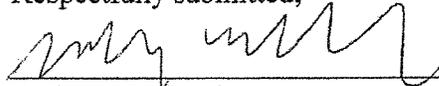
Docket DG 14-380

**WITHDRAWAL OF PETITION TO INTERVENE OF RICHARD HUSBAND**

I, Richard Husband, hereby withdraw the petition to intervene in the above-referenced proceeding that I filed with the New Hampshire Public Utilities Commission (“PUC”) on July 16, 2015 (“Petition”), noting as follows:

1. Since the Petition was filed, the PUC, of its own initiative and by commendable efforts, procured a new protest permit that allows for a protest on the date(s) of the rescheduled hearing at issue. In particular, the work of the following individuals is appreciated: Claire (sorry, last name unknown), in assisting me with filing; Anne Ross, in advising that the new permit had been obtained; and Executive Director and Secretary, Debra Howland, in contacting the City of Concord herself to request the new permit. I greatly appreciate that the PUC appreciates the right of protest.
2. Despite the rescheduling of the hearing, by rearranging their own schedules, a number of individuals have indicated that they should be able to make the protest, anyway: always intended only as a symbolic representation of those with an opposition to the approval sought in this proceeding and not a mass gathering, our goal should be met.

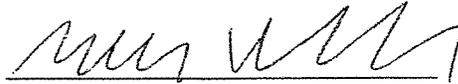
Respectfully submitted,



Richard Husband  
10 Mallard Court  
Litchfield, NH 03052  
Telephone No. (603)883-1218  
E-mail: [RMHusband@gmail.com](mailto:RMHusband@gmail.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, on July 20, 2015, served an electronic copy of this withdrawal on each person identified on the Commission's service list for this docket, as well as Attorney Sarah B. Knowlton, by delivering it to the e-mail address identified on the Commission's service list for the docket, and to Attorney Knowlton's e-mail address of record.

  
Richard Husband