

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE:JOINT PETITION OF THE NARRAGANSETT
ELECTRIC COMPANY AND SOUTHERN
UNION COMPANY FOR APPROVAL OF
PURCHASE AND SALE OF ASSETS

Docket D-06-13

**THE TOWN OF TIVERTON'S MOTION TO COMPEL
MORE RESPONSIVE ANSWERS AND/OR DOCUMENT
PRODUCTION TO SOUTHERN UNION COMPANY**

The Town of Tiverton moves to compel Southern Union Company ("SUC") to file more responsive answers and/or produce documents that are responsive to the Town of Tiverton's Data Requests Nos. 1-1, 1-2, and 1-5.

Town of Tiverton Data Request 1-1

Provide all documents evidencing any and all internal communications of New England Gas Company/Southern Union regarding any estimated cost of remediation of contaminated property(ies) regarding any estimated cost of remediation of contaminated property(ies) in Tiverton.

Response

Southern Union objects to Town of Tiverton Data Request 1-1 on the basis that it requests information that is not relevant to the issues properly under consideration by the Division, is overly broad, is not reasonably calculated to lead to discovery of evidence relevant to the issues in this proceeding and seeks privileged information. Subject to and without waiving such objections, Southern Union responds as follows:

Please see responses to Attorney General Data Request 2-7 and Division Data Request 4-4.

Argument

The Town of Tiverton ("Tiverton") was allowed to intervene in this action regarding issues related to Southern Union's ability to pay for a future judgment for the remediation of contaminated property in Tiverton. Any information Southern Union possess relative to the cost of remediation is highly relevant to this issue. To the degree the information is relevant, Southern Union should be required to provide a privilege log so that Tiverton

may evaluate the claim of privilege.

Additionally, the response to the Attorney General Data Request 2-7 referenced in Southern Union's response to this request is just as non-responsive as its response herein. The response to the Division's Data Request 4-4 is equally non-responsive. Tiverton's request seeks communications dealing with costs to remediate, not simply a final estimate.

Town of Tiverton Data Request 1-2:

Provide all documents evidencing any and all communications with Narragansett Electric Company/National Grid regarding any estimated cost of remediation of contaminated property(ies) in Tiverton.

Response:

Southern Union objects to Town of Tiverton Data Request 1-2 on the basis that it requests information that is not relevant to the issues properly under consideration by the Division, is overly broad, is not reasonably calculated to lead to discovery of evidence relevant to the issues in this proceeding and seeks privileged information.

Argument:

The Town of Tiverton ("Tiverton") was allowed to intervene in this action regarding issues related to Southern Union's ability to pay for a future judgment for the remediation of contaminated property in Tiverton. Any information Southern Union possess relative to the cost of remediation is highly relevant to this issue. To the degree the information is relevant, Southern Union should be required to provide a privilege log so that Tiverton may evaluate the claim of privilege.

Town of Tiverton Data Request 1-5:

Provide a list of any other legal action (whether federal, state, administrative or otherwise) in which New England Gas/Southern Union and/or any subsidiary of the parent company has been named a defendant or liable party for environmental contamination. Include in your answer the title of the action, the action docket number, the jurisdiction, the current procedural posture of the action, and any disposition of the action.

Response:

Southern Union objects to Town of Tiverton Data Request 1-5 on the basis that it requests information that is not relevant to the issues properly under consideration by the Division, is overly broad, is not reasonably calculated to lead to discovery of evidence relevant to the issues in this proceeding.

Argument:

Southern Union has argued that information relative to its ability to pay for a future remediation is not necessary because it will stipulate that it is liable to the degree that Fall River Gas Company would be liable. However, whether there are other pending cases that may result in an expensive remediation that Southern Union may be required to pay is clearly an issue of concern relative to its ability to finance a future costly remediation in Tiverton. Additionally, Southern Union's performance or non-performance of remediations in similar cases where it has been found liable is a significant issue in this case.

CONCLUSION

For the above reasons, Tiverton requests the hearing office issue an order compelling production of the requested information.

TOWN OF TIVERTON
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Date: _____, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the within Response was served via e-mail and via first class, postage pre-paid mail upon the following referenced on Exhibit A on this 12th day of June, 2006.