

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-039**

**Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty  
Request for Change in Distribution Rates**

**New Hampshire Department of Energy  
Expedited Motion to Stay Proceeding**

Pursuant to New Hampshire Code Admin. Rule Puc 203.07, the New Hampshire Department of Energy (“Department”) hereby moves the Public Utilities Commission (“Commission”) to stay the procedural schedule in the above-captioned proceeding, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (“Liberty” or “Company”)’s Request for Change in Distribution Rates, pending the Commission’s ruling on the Motion to Dismiss filed by the Department on December 13, 2023. This Motion is filed on an expedited basis in order to prevent the Commission and parties to this docket from expending further time and resources in this proceeding while the Commission considers the Motion to Dismiss.

In support of this Motion, the Department states as follows:

1. On July 12, 2023, the parties to this docket filed an assented-to proposed procedural schedule to govern this proceeding.<sup>1</sup>

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<sup>1</sup> Docket No. DE 23-039, Tab 44.

2. The Commission approved the Parties' proposed schedule in a Procedural Order dated July 24, 2023.<sup>2</sup>
3. On December 13, 2023, the Department filed a Motion to Dismiss Rate Filing in the above-captioned docket ("Motion to Dismiss"). The Department moved to dismiss Liberty's rate filing on the grounds that the financial information upon which the rate filing is based cannot reasonably be relied upon for setting permanent rates.
4. To allow a proceeding to continue when the underpinnings of the case are flawed would require parties to continue to expend resources and engage in efforts that may be rendered meaningless. If the Commission grants the Motion to Dismiss, then any resources expended between this date and such dismissal would have been fruitless and avoidable. A stay in the proceeding would prevent parties from expending more resources while waiting for a decision on the Motion to Dismiss.
5. Pursuant to RSA 541-A:31 and N.H. Code of Admin. R. Puc 203.13 and 203.15, the Commission has authority to direct the timing and process of an adjudicatory proceeding. That authority includes the power to stay or suspend activity in an adjudication when doing so would promote the efficient resolution of issues before the Commission. *Residents of Colonial Drive, Moultonborough, Order No. 26,841 at 7 (June 8, 2023)*. Granting this Motion will promote efficiency because if the Motion Dismiss is granted, the stay will have avoided expenditure of resources on a case that ultimately was dismissed.

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<sup>2</sup> Docket No. DE 23-039, Tab 49.

Due to the expedited nature of this Motion and the relief requested, the Department also requests that the Commission waive the 10-day filing deadline under Puc 203.07(e) for filing objections to a motion and issue a decision on this Motion as soon as is practicable.

6. A waiver of the 10-day deadline for objections would serve the public interest pursuant to Puc 201.05(a)(1) and (b), for the reasons described above regarding the resources invested in this proceeding.
7. A waiver of the 10-day deadline would also not disrupt the orderly and efficient resolution of the proceedings, pursuant to Puc 201.05(a)(2). To the contrary, granting the stay would prevent the inefficient expenditure of time and resources while the Motion to Dismiss is considered.

**WHEREFORE**, the Department respectfully requests that the Commission:

- 1) Stay the above-captioned proceeding until the Commission rules on the Department's Motion to Dismiss; and
- 2) Waive the 10-day deadline for motions to object under Puc 203.07(e) and rule on this Motion as soon as is practicable; and
- 2) Grant such other relief as is just and required.

Respectfully submitted,

New Hampshire Department of Energy

By its Attorneys,

*/s/ Paul B. Dexter*  
*/s/ Matthew C. Young*  
*/s/ Alexandra K. Ludwig*

21 South Fruit Street, Suite 10  
Concord, NH 03301  
603-271-3670

Date: December 13, 2023