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July 30, 2021

Via Electronic Mail

Susan M. Gagne
Tariff Administrator
New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Dear Ms. Gagne:

**Re: Docket No. DE 19-064; Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty
July 28, 2021, Letter of Non-Compliance**

I write in response to your above-referenced letter of non-compliance with respect to a number of tariff pages that were filed by Liberty in Docket No. DE 19-064 on July 6, 2021. In your letter, you referenced and reproduced Puc 1605.02 "Service or Tariff Change, Filing Requirements" and stated that with respect to the filed tariff pages they were not compliant with the referenced rule because the filing did not include annotated (a/k/a "redlined") versions of the pages in addition to the clean versions of the pages. I respectfully submit that Puc 1605.02 applies to the filing of proposed changes to the tariff and not filings made in compliance with orders approving changes to the tariff. In other words, Puc 1605.02 includes the components of an initial filing made by a utility to request a proposed change(s) to its tariff and would include things such as annotated and clean tariff pages, supporting testimony, narrative, or technical statement, supportive schedules, etc.

It is unclear from your letter whether the concern is with the tariff pages filed on July 6, 2021, or upon review of the cited Puc 1605.02, with Liberty's April 6, 2021, initial filing regarding the scheduled step adjustment in this proceeding. I attempted to contact you on July 28, 2021, to clarify the issue, but as yet have not received a return communication. Thus, I will address each of the possible concerns, both of which lead to the same conclusion of no compliance issues.

If your concern centers on the tariff pages submitted on July 6, 2021, as stated above, Puc 1605.02 does not apply to that submittal. If it did, then all of the supporting documentation listed in the rule would also need to be included with the compliance tariff pages. Such an outcome is clearly not what is intended by Puc 1605.02. In addition, Liberty has not historically included redlined tariff pages as part of compliance filings, and there is no rule that requires such inclusion.



Addressing the second potential concern, although your July 28, 2021, letter appears on its face to be in reference to the tariff pages that were filed on July 6, 2021., upon further examination it appears that your concern may be related to the fact that redlined tariff pages were not included with the April 6, 2021, initial filing in the recent part of this proceeding. The cover letter to Liberty's April 6, 2021, filing regarding a step adjustment included a request for a waiver of Puc 1603.05(a)(1) which requires a utility, when filing to revise an existing tariff, to submit "the entire page on which any revision occurs." Liberty requested the waiver because at the time of filing other dockets were pending which impacted many of the same tariff pages and would have rendered any tariff pages included in the April 6, 2021, filing meaningless as they would never go into effect as proposed due to changes that would have occurred in the other pending dockets. Liberty notes that the Commission never acted on the waiver request, either in approval or denial. However, Liberty submits that as the April 6, 2021, filing was accepted without the redlined tariff pages, a hearing was held, and an order approving rates was issued (Order No. 26,494, July 1, 2021), the waiver was effectively granted by the Commission's actions. The request for, and implicit granting of, the waiver explain why annotated tariff pages were not submitted.

What is evident from your letter is that there does not appear to be any problems with the content or substance of the tariff pages submitted on July 6, 2021. Given that fact, Liberty requests that the letter of non-compliance be withdrawn as the tariff pages that were submitted are fully compliant with the requirements of Order No. 26,494.

Please feel free to contact me if you have any questions with respect to this letter. Also, for any future types of tariff compliance matters, please feel free to reach out to me or the Liberty representative who submitted the particular filing if you have any questions or concerns so we can attempt to avoid any correspondence that may not be required.

Sincerely,

Steven E. Mullen

Enclosure

Cc: Service List