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May 21, 2024

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

Re: DG 22-043 Low Income Electric Assistance Program, 2022-2023 Electric Assistance Program Budgets, DOE’s Request for Extension on Brief from May 23, 2024 to May 28, 2024.

Dear Chairman Goldner:

At the hearing on April 18, 2024, the Public Utilities Commission (Commission) directed six record requests to the New Hampshire Department of Energy (“DOE” or “Department”) and asked if the DOE would be agreeable filing a legal brief on two legal questions. See Transcript at 157 (brief) and 182-190 (summary of record requests). At that time, the Commission set a filing deadline of May 23, 2024 for the Department’s legal brief and for the Department’s responses to the record requests. Id. at 182, 192. The Commission also set a reply brief deadline of May 28, 2024, although no parties indicated an intent to file a reply brief. Id. at 183, 193 (Chairman states “. . . I don’t think there will be any reply briefs.”).

The Department will file its responses to record requests on May 23, 2024. However, the Department will require additional time to complete the legal brief. As referenced at the hearing, undersigned counsel has been working on the GRIP GRANT filing concerning the statewide data platform (due May 22, 2024) and will be out of the office tomorrow. See Trans 191-192. Careful review to pull the record requests and the legal questions themselves from the transcript has been time consuming. Given that no reply briefs are anticipated, and in order to file a brief on legal questions that were not anticipated by the Department in advance of the April 18th hearing, the Department respectfully requests an enlargement of time from May 23, 2024 to May 28, 2024 to file its brief on two legal questions of interest to the Commission.

This request is consistent with NH Admin Rules Puc 201.05 because, since no reply briefs are anticipated, the requested delay will not disrupt the orderly and efficient resolution of matters before the commission. In the unlikely event that a reply brief is filed five days after May 28, 2024, the delay would still be *de minimus*. See Trans at 183, 193 (Reply brief to be filed 5 days after DOE brief). Waiver is in the public interest because it has become onerous for the Department to file record requests and the brief on the same day.

The Department regrets this delay and made significant efforts to avoid it, and respectfully requests that the Commission grant the relief requested. Consistent with the Commission's current practices, this letter is being filed only in electronic form. Thank you for your assistance in this matter.

Sincerely,

/s/ Mary E. Schwarzer

Mary E. Schwarzer, Esq.
Hearings Examiner

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