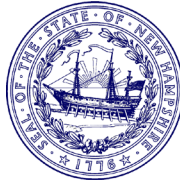


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DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

February 20, 2024

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

Re: DG 23-067; Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty;
Request for Change in Distribution Rates; *New Hampshire Department of Energy
Request to Modify Procedural Order and Extend Deadline to File Testimony*

Dear Chairman Goldner:

For the reasons explained below, the New Hampshire Department of Energy (DOE or the Department) asks the Public Utilities Commission (PUC or Commission) to extend the deadline for the Department's testimony in this docket to April 19, 2024. Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty or Company) has no objection to this request; however, the Office of Consumer Advocate (OCA) opposes this request.

On October 19, 2023 the Commission approved the parties' proposed procedural schedule, which set the deadline for DOE and OCA to file its testimony on February 21, 2024. On February 5, 2024 Liberty filed a Motion to Extend Stay of Proceeding until April 12, 2024 to allow the Company to file an expert consulting report. On February 12, 2024 the DOE filed a Partial Objection and Partial Assent to Liberty's Motion for Stay of Proceeding. The Department agreed to Liberty's request to stay the proceeding, but requested that the PUC stay this proceeding until the Commission rules on the Department's pending Motion to Dismiss in Liberty's electric rate case, DE 23-039, and the Department's forthcoming Motion to Dismiss in this Liberty gas rate case. On February 16, 2024 the Department filed a Motion to Dismiss the Liberty gas rate case. As of February 20, 2024 the PUC has not ruled on either Liberty's Motion to Stay or the DOE's Motions to Dismiss.

The Department's request for additional time to file its testimony is consistent with the New Hampshire Code of Administrative Rules Puc 202.04(c)(2) because the change will "not unduly delay the proceeding or adversely affect the rights of any party." Both the DOE and Liberty support a Stay, albeit for different reasons, and thus are also in effect supporting an extension of the DOE's deadline to file testimony. As articulated in the Department's Partial Objection and Partial Assent to Liberty's Motion, a stay (or extension of the deadline to file testimony) would avoid "undue hardship or

inconvenience.” Puc 202.04(c)(1).

An extension would allow the Department to avoid expending a significant amount of resources that may be rendered wasteful if the DOE’s Motion to Dismiss or Liberty’s Motion to Stay is granted. In an effort to minimize undue financial burden to the ratepayers who ultimately bear all rate case expenses, the DOE testimony is not completed because the Department has been conserving its resources in anticipation of the PUC ruling on the pending Motions. Even if the Commission denies the Department’s Motion to Dismiss and grants the Company’s request to file an expert consulting report, requiring the Department to file its testimony on February 21 would be burdensome and a waste of resources because the expert report would likely render significant portions of the DOE testimony moot.

Based on the foregoing, the Department respectfully request that the Commission extend the Department’s deadline to file testimony from February 21, 2024 to Friday, April 19, 2024. Other procedural dates in the schedule, approved on October 19, 2023, would need to be amended, but given the pending Motions to Dismiss and Stay, the Department is not proposing specific dates at this time.

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/ Molly M. Lynch

Molly M. Lynch, Esq.
Staff Attorney/Hearings Examiner
New Hampshire Department of Energy

cc: Service List (electronically).