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DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
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November 1, 2023

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

Re: DE 23-081, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Request for Approval of Revenue Decoupling Adjustment for July 2022 through June 2023;  
Department of Energy Request to Reschedule Hearing

Dear Chairman Goldner:

On September 1, 2023, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty ("Liberty" or "Company") filed a request for Commission approval of a change in distribution rates effective November 1, 2023, to reconcile the second year of the Company's decoupling mechanism. The Commission opened the above-captioned docket and issued a Commencement of Adjudicative Proceeding and Notice of Prehearing Conference and Hearing Order on September 25, 2023, which suspended Liberty's proposed revised revenue decoupling tariff until December 1, 2023, pending further order of the Commission, and scheduled a one-day hearing for November 8, 2023, at 9:00 a.m. The New Hampshire Department of Energy ("DOE" or "Department") filed an assented-to proposed procedural schedule on behalf of the parties to this docket on October 11, 2023, which the Commission approved on October 12, 2023. The parties to this docket are Liberty, the DOE, and the Office of the Consumer Advocate ("OCA") (hereinafter referred to as "the Parties").

Due to delayed and incomplete data responses from the Company, the Department requests that the Commission postpone the hearing scheduled for November 8, 2023, pursuant to Puc 203.13, and reschedule the hearing once complete responses have been received.

The parties' assented-to procedural schedule approved by the Commission on October 12, 2023, included a deadline of October 23, 2023, for Liberty to file responses to data requests submitted by the other parties. The DOE submitted 24 data requests to Liberty on October 12, 2023. A Technical Session was scheduled for October 24, 2023, which would have given the DOE and OCA limited time to review Liberty's data responses beforehand, but which was the only workable date for all parties to be available before Exhibits and Witness Lists were due on November 1, 2023.

At close of business when data responses were due on Monday, October 23, 2023, Liberty submitted responses to 14 of the DOE's 24 data requests, along with a note that the remaining responses would be submitted on Thursday, October 26, 2023. Liberty submitted 5 of the remaining 10 responses on the morning of Tuesday, October 24, 2023. Due to the tight timing between receiving the data responses and the scheduled technical session, as well as the fact that 5 responses important to the DOE's review and interrelated to the other data requests had not been received, a technical session on October 24 as scheduled would not have been productive. The technical session was therefore cancelled. Liberty submitted the remaining 5 data responses on Thursday, October 26, 2023, but the parties have not yet had the opportunity to hold a technical session, again due to lack of availability related to other scheduled technical sessions and hearings.

After reviewing the data responses submitted by Liberty, the Department also noted that several responses were incomplete and/or non-responsive. On Tuesday, October 31, 2023, the Department emailed Liberty and the OCA with a list and description of 6 incomplete responses. In the email, the Department noted that, due to the delayed and incomplete data responses, it planned to request a postponement of the November 8, 2023, hearing. After several emails back and forth, Liberty ultimately was unable to provide a position on the Department's requests in this letter as of the time of this filing. The DOE has not received a position from the OCA as of the time of this filing.

Under the current procedural schedule, Exhibits and Witness Lists are due on today's date, November 1, 2023, and Technical Statements from the DOE and the OCA are due in two days, on Friday, November 3, 2023. Since a number of data responses were late and/or incomplete, and the parties have not yet had the opportunity to hold a technical session, the DOE will not have sufficient time to complete its review and form a final position on Liberty's request for approval of a decoupling adjustment to distribution rates in time for the November 8, 2023, hearing. The DOE therefore requests that the Commission postpone the November 8, 2023, hearing, per Puc 203.13. The DOE proposes that once Liberty has provided complete data responses, the Parties will confer to develop a new proposed procedural schedule to present to the Commission.

The Department has made a good faith attempt to seek the concurrence of the other parties to this request. The Department emailed the other parties on October 31, 2023, informing them of the Department's intent to request postponement of the November 8, 2023, hearing. As stated above, Liberty and the OCA have not given their positions as of the time of this filing. The Department believes that postponing the hearing will promote the orderly and efficient conduct of the proceeding by giving the Department an opportunity to conduct a thorough review of Liberty's filing and submit an informed and complete technical statement for the Commission's review prior to hearing, as well as provide the Department with the opportunity to take an informed position at hearing.

The Department therefore requests that the Commission postpone the hearing currently scheduled for November 8, 2023, in the above-captioned docket, and reschedule the hearing once parties have submitted a new proposed procedural schedule.

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Sincerely,

*/s/ Alexandra K. Ladwig*

Alexandra K. Ladwig  
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Department of Energy

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