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August 15, 2022

Via Electronic Mail Only

Chairman Daniel C. Goldner  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: Docket No. DG 21-036 Liberty Utilities (EnergyNorth Natural Gas) d/b/a Liberty Utilities, Petition for Approval of a Renewable Natural Gas Supply and Transportation Agreement. *DOE response to Commission Request for Procedural Schedule and Request for Enlargement of Time until August 19, 2022*

Dear Chairman Goldner:

On July 12, 2022, the Commission issued a procedural order granting Liberty Utilities (EnergyNorth Natural Gas) d/b/a Liberty Utilities (hereinafter "Liberty" or "the Company")'s request to reactivate the docket and directing the Company to "consult with other parties and file either an agreed -upon procedural schedule or proposed procedural schedule on or before August 15, 2022."

The recent legislation provides that "...all utilities that elect to purchase renewable natural gas shall conduct a competitive bidding process through requests for proposals (RFPs) for renewable natural gas supply and shall consult with the department of energy on all issues related to RFPs." See SB 424-FN Final Version, codifying legislation as RSA 362:1:2, III (available in this link [billText.aspx \(state.nh.us\)](http://billText.aspx(state.nh.us))). Based upon information and belief, the contract filed in the above referenced docket was not the result of Liberty's conducting an RFP process as now required by the newly enacted statute.

On August 1, 2022, by email, DOE counsel asked Liberty and OCA counsel to consider a renewed request to stay this docket in light of the new legislation, which became effective June 24, 2022. No response was received. On August 11, by email, DOE renewed its request to counsel. Liberty shared a proposed procedural schedule with DOE and OCA earlier this afternoon, August 15.

On August 2, 2022, Liberty sent DOE an initial draft RFP, as required by SB 424-FN. Today, DOE shared preliminary comments with Liberty, subject to further DOE review.

In light of the evolving nature of this docket, and given that Liberty has not answered the Commission's July 11, 2022 question with regard to when Liberty will "file an amended petition stating what relief it is **now** seeking in light of SB 424-FN's enactment" (emphasis added), the DOE is requesting an enlargement of time in which to file a proposed procedural schedule, or motion to stay (or equivalent relief) until the end of this week. In DOE's view, at this time, it is not practical to try to agree upon a procedural schedule in this docket unless or until Liberty meets the requirements of the new legislation and its RFP process is concluded. Once the steps are met as required in SB-424-FN, DOE will promptly file a proposed procedural schedule.

DOE is filing this letter so as to timely meet the Commission's August 15, 2022 deadline. Consistent with the Commission's March 17, 2020 letter, this letter is being filed solely in electronic form. Thank you for your attention to this matter.

Sincerely,

*/s/ Mary E. Schwarzer*

Mary.E. Schwarzer  
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