

STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE  
Donald M. Kreis



TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-1172

OFFICE OF THE CONSUMER ADVOCATE  
21 S. Fruit St., Suite 18  
Concord, N.H. 03301-2429

Website:  
[www.oca.nh.gov](http://www.oca.nh.gov)

October 12, 2022

Chairman Daniel C. Goldner  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Docket No. DG 17-152  
Liberty Utilities (Energy North Natural Gas) Corp.  
2017 Least Cost Integrated Resource Plan  
Order No. 26,702

Dear Chairman Goldner:

The Office of the Consumer Advocate (“OCA”) is in receipt of the above-referenced order, issued earlier today. This letter is not intended as a formal response to that order; any such response from the OCA will unfold according to the timeline and process specified in RSA 541:3 *et seq.*

Rather, I am writing this letter, in a spirit of respect and comity, to clarify and, I hope, to correct a misunderstanding reflected in footnote 3 on page 5 of Order No. 26,702. In the footnote, the Commission refers to “allegations” from our office that the Commission described as “inflammatory.”

The “allegations” in question appear in one sentence from page 3 of the pleading the OCA filed on September 29, 2022 (tab 142), captioned “Objection to Motion for Waiver of Certain LCIRP Requirements.” The sentence reads: “What has occurred here is that the utility and its regulator have now, *in effect*, collaborated on a plan to do an end-run around RSA 378:40” (emphasis added).

It is important to the Office of the Consumer Advocate, and to me personally as an attorney, that the Public Utilities Commission and anyone else who happens to read Order No. 26,702 understand that we do not believe there is any inappropriate, illegal, or unethical collaboration occurring between our state’s utility regulator and any of the utilities subject to its jurisdiction or any other parties with business before the agency.

When I drafted the pleading in question, I thought that by using the phrase “in effect” I was making clear that I did not claim there had been any *actual* collaboration. Rather, I was inferring a kind of *implicit* agreement among the PUC and various utilities that the practices to which I was objecting were a useful way to avoid certain unwelcome consequences imposed by RSA

378:40. Obviously, I failed to make myself clear and I acknowledge my responsibility for any misunderstandings my pleadings or other public communications engender.

To be absolutely clear, I have been actively engaged with the PUC since 1999 and, as is well-known, spent eight years as an employee of the agency. I have never observed even the barest hit of inappropriate conduct and it remains my informed opinion that the PUC adheres vigilantly to its ethical obligations. In the highly unlikely event I ever believed otherwise, I would eschew public comment and, instead, bring my concerns to the attention of the Department of Justice.

These are challenging times for everyone in New Hampshire who is involved in the operation or regulation of public utilities. Electric and gas rates are soaring, partisan allegations are flying about as the November 8 election approaches, regional questions of fuel security this winter loom, and available resources are strained. I earnestly apologize for having made a statement in my September 29 pleading that included words that were unhelpful in these circumstances and were, as the Commission suggested, inflammatory. We will endeavor to be more precise, circumspect, and respectful in the future.

Thank you for the opportunity to clarify the position of the Office of the Consumer Advocate.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald M. Kreis', written in a cursive style.

Donald M. Kreis  
Consumer Advocate

cc: Service List