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January 18, 2022

***Via Electronic Mail Only***

Daniel Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-2429

**Re: Docket No. DG 20-105; Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty  
Petition for Permanent Rates**

Dear Chairman Goldner:

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a/ Liberty ("Liberty") recently filed a motion for rehearing of Order No. 26,536 (Oct. 29, 2021) which denied Liberty's request for cost recovery of its pre-construction expenses related to the Granite Bridge Project. Liberty argued that the Granite Bridge Project would have required a siting permit from the New Hampshire Site Evaluation Committee ("SEC") pursuant to RSA 162-H:5, I ("No person shall commence to construct any energy facility within this state unless it has obtained a certificate pursuant to this chapter"). See Motion at Paragraph 7 and footnote 5.

However, as noted in its Motion, Liberty never applied for a siting permit nor commenced any construction activities related to the Granite Bridge Project. See id. Without an SEC permit, Liberty was in fact prohibited from commencing any construction and did not do so.

I write to respectfully direct the Commission's attention to RSA 162-H:2, III, which defines "commencement of construction" and enumerates several activities that are expressly excluded from the definition. Where neither RSA chapter 378, the Commission's rules, nor the Court in Appeal of Pub. Serv. Co. of N.H., 125 N.H. 46 (1984) address the issue of

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when construction work commences, the Commission should be guided in its interpretation of whether construction work within the meaning of RSA 378:30-a ever commenced by considering the especially relevant definition of "commencement of construction" in RSA 162-H:2, III.

Pursuant to the Commission's March 17, 2020 secretarial letter, only an electronic version of this filing will be provided.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Sheehan", written in a cursive style.

Michael J. Sheehan

Cc: Service List