

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Docket No. DE 20-170

ELECTRIC DISTRIBUTION UTILITIES

Electric Vehicle Time of Use Rates

**DEPARTMENT OF ENERGY'S ASSENTED TO MOTION TO ACCEPT LATE-FILED
SETTLEMENT AGREEMENT AND REQUEST TO REVISE HEARING SCHEDULE**

NOW COMES the Department of Energy (“DOE”), a party to this proceeding, and on behalf of Unutil Energy Systems, Inc., Liberty Utilities (Granite State Electric) Corp., and the Office of the Consumer Advocate, and the Department of Environmental Services (collectively, “the Settling Parties”), moves the Commission pursuant to N.H. Code Admin. R. Puc 203.07 and Puc 203.20(f) to accept the attached late-filed Settlement Agreement. The DOE also requests that the January 19, 2022, hearing previously allotted to review of the Unutil proposal instead focus on review of the attached Settlement Agreement. In support of this Motion, the DOE states as follows:

1. On December 27, 2021, the DOE filed an assented to motion to amend procedural schedule in the instant proceeding, indicating that the settlement negotiations to date had been productive and that an amended schedule would provide the parties with additional time to negotiate, potentially limiting or eliminating the need for the Commission to resolve disputed issues at hearing. The Commission granted the DOE’s assented to motion on December 30, 2021. Many, though not all, of the parties to the proceeding have now reached a Settlement Agreement.

2. Pursuant to Puc 203.20(e), settlement agreements are to be filed no less than five business days prior to hearing. However, Puc 203.20(f) provides the Commission the authority to accept late-filed settlements when such acceptance promotes the orderly and efficiency conduct of the proceeding and will not impair the right of any party to the proceeding.

3. Docket No. DE 20-170 involves many rate related and non-rate related issues regarding independent proposals set forth by three different utilities and includes multiple non-utility parties with varying backgrounds and interests. The Commission has scheduled four full days of hearings on these matters. Commission acceptance into the record, and review of, the late-filed Settlement Agreement would allow those hearings to proceed in the most administratively efficient manner possible, likely limiting the number of disputed issues that the Commission must resolve at hearing. The DOE can represent to the Commission that all parties who have actively participated in the proceeding during the past six months have provided their assent to the Commission acceptance of the late-filed Settlement Agreement into evidence.¹

4. Relatedly, on January 6, 2022, the Commission issued a procedural order establishing a procedural schedule that designated January 19, 2022 as the date during which it would hear testimony and allow questions regarding Unitil's proposal and January 25, 2022 as the date during which it would hear testimony and allow questions regarding Liberty's proposal. Given that the Unitil and Liberty have now settled the proceeding in a consolidated manner, and a manner that now deviates from their initial proposals, the DOE requests on behalf of the Settling Parties that the Commission begin hearings on January 19, 2022, by providing the opportunity to hear testimony and allow questions on the Settlement Agreement, rather than the Unitil proposal.

WHEREFORE, for the reasons set forth herein, DOE respectfully requests that the Commission:

1. Accept the late-filed Settlement Agreement; and
2. Begin review of the late-filed Settlement at the January 19, 2022, hearing that the Commission previously scheduled for review of the Unitil proposal; and

¹ Although the Town of Derry and the New England Convenience Store & Energy Marketers Association were both granted intervention in this proceeding, neither has participated in this proceeding since the Commission issued its August 2021 procedural schedule.

3. Grant such further relief as is just, equitable, and appropriate.

Respectfully submitted,
Department of Energy
By its Attorney,

/s/ Brian D. Buckley

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I hereby certify that, on January 14, 2022, a copy of this Response has been sent electronically to the Service List in this matter.

Brian D. Buckley

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