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March 22, 2022

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

Re: DG 21-104; Northern Utilities, Inc., Petition for Change in Rates; Department of Energy's Letter in Support of the Motion by the Office of the Consumer Advocate to Cancel Hearing

Dear Chairman Goldner:

On March 21, 2021, the Office of the Consumer Advocate filed a Motion to Cancel the evidentiary hearing currently scheduled in this proceeding for March 29, 2022. The Department of Energy (DOE) supports the OCA's Motion. DOE agrees that the rules and statutes governing Public Utilities Commission (Commission) process allow pre-hearing conferences as a means for the Commission to manage cases efficiently, but do not provide for mid-course evidentiary hearings.

DOE does not believe that holding an evidentiary hearing on March 29 will improve efficiency in this proceeding. The planned hearing falls at an odd point in the proceeding and its purpose is unclear. DOE is working diligently towards finalizing its testimony in this case following months of work in the discovery phase. DOE's testimony will be filed on April 1st - just a few days after the scheduled hearing. Because DOE's testimony will not yet have been submitted, DOE does not plan to make any witnesses available for questioning at the March 29 hearing. Nor does DOE plan to ask any questions of Northern's witness at the hearing because that would take valuable schedule time to prepare cross examination and, in all likelihood, any answers would come too late to have any meaningful impact on DOE's testimony. DOE will instead use other avenues provided for in the procedural schedule such as discovery and cross examination at evidentiary hearings when they are held in June, in the ordinary course. Attending the March 29 hearing will also detract DOE from working on its direct testimony.

The hearing also will come at significant costs to ratepayers. Northern, understandably, intends to make essentially its entire slate of witnesses available for questioning at the hearing. Most of those witnesses are under contract (that is, not Unutil/Northern employees) who will undoubtedly bill Northern for time spent preparing

for and attending the hearing, as well any travel time and expense. Northern will undoubtedly include those billings as rate case expenses and request recovery.

The DOE believes that the PUC should defer its questioning of Northern's witnesses until all written testimony has been filed, rather than cause Northern and other parties to incur this additional expense and effort at this point in the proceeding.

Consistent with the Commission's *Temporary Changes in Filing Requirements* (March 17, 2020) this letter is being filed solely in electronic form.

Thank you for your attention to this matter.

Sincerely,

/s/ *Paul B. Dexter*

Paul B. Dexter
Staff Attorney/Hearings Examiner

Cc: Service List