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October 7, 2021

Via Electronic Mail Only

Dianne Martin, Chairwoman  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: Docket No. DG 21-130 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a  
Liberty Winter 2021/2022 Cost of Gas Filing and Summer 2022 Cost of Gas Filing  
*Puc 203.09(f) permits modification of procedural schedule Energy has requested*

Dear Chairwoman Martin:

I am writing in response to Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty or the Company)'s assertion in a letter filed yesterday at 7 :00 p.m. and likely docketed today, that the data request response deadline Energy has requested is inconsistent with Puc 203.09 (f). Liberty is mistaken.

Puc 203.09 (f) states "A response to a data request shall be made within 10 days of the date of receipt **or in accordance with a procedural schedule established by the commission.**" (emphasis added).

Thus, the Commission has the authority to provide additional or fewer days in which the utility must provide a response. The Commission is authorized to grant the relief requested, and should do so. The October 20, 2021 response deadline the Department of Energy (Energy) requests is reasonable under the circumstances. Energy has given itself only two business days after the October 13, 2021 technical session in which to issue data requests—a far shorter timeframe that Energy might wish. Further, the utilities have flagged a significant increase in gas prices for the coming season of between 30% and 40%. Thus the subject matter deserves the fullest investigation possible, consistent with the expedited time frame, designed to allow the Commission to consider the most current market conditions in advance of setting the cost of gas.

Finally, there are two other expedited cost of gas proceeding moving forward at the same prompt pace. Liberty proposed providing Energy with responses in this docket, DG 21-130, on *the very last business day, Friday*, before the hearing on Monday, October 25, 2021 at 9 a.m. Moreover, in Docket DG 21-132, Liberty-Keene will be providing data responses on Thursday, October 21, 2021 by noon, which Energy must also review

before the DG 21-132 hearing on Monday, October 25, 2021 at 1:00 p.m. Each of Liberty's data responses may also become an exhibit, which will be submitted after the hybrid hearing guidelines deadline of October 20, 2021. Energy offers here that the data response filing and response deadlines might be based on calendar dates only, not a 4:30 p.m. COB deadline—that is the most Energy can do to expand the available time at this date.

In addition, this is the first season of expedited cost of gas hearings that has been held with the Public Utilities Commission and the Department of Energy were divided, and the procedural framework is in flux. At some future date, after adjudication for Winter 2021-22, the course of expedited hearings might be agreed upon in the new organizational setting.

Energy renews its request that the Public Utilities Commission approve the modified procedural schedule as follows, including an October 20, 2020 response date, consistent with Puc 203.09 (f). Ideally, Liberty's answers to pending data requests will be sufficient, and additional requests will not be necessary; however one cannot predict that in advance of the October 13 technical session.

<u>Event</u>	<u>Date</u>
Data Requests following Technical Session	October 15, 2021
Liberty Responses to Technical Session Data Requests	October 20, 2021

Pursuant to the March 17, 2020 secretarial letter, only an electronic version of this letter will be filed.

Respectfully Submitted,

/s/ Mary E. Schwarzer

Mary.E. Schwarzer  
Staff Attorney/Hearings Examiner  
Department of Energy

Docket (electronic service)