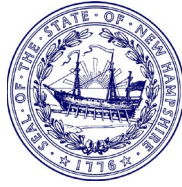


STATE OF NEW HAMPSHIRE

COMMISSIONER  
Jared S. Chicoine

DEPUTY COMMISSIONER  
Christopher J. Ellms, Jr.



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

Tel. (603) 271-3670

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

DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

October 24, 2022

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

Re: DG 22-045 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty  
Winter 2022-23 and Summer 2023 Cost of Gas, *DOE Exhibits, Joint List,*  
*and request to waive late filing*

Dear Chairman Goldner:

On behalf of the Department of Energy (DOE), please find the parties' *Revised Joint Exhibit List* for October 25, 2022 hearing and DOE Exhibits 9-16 (enclosed). Exhibits 9-16, are being provided after Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty or the Company) filed the parties' joint exhibit list and Liberty's exhibits on October 18, 2022.

The DOE seeks the Commission's waiver of late filing. While mindful that the *Hearing Guidelines* in this docket require filing five business days in advance of hearing, the DOE required time to review Liberty's response to data requests, which were not filed until Friday, October 21, 2022. Therefore, as of the filing deadline, DOE did not have Liberty's data responses to DOE TS DR Set 1. In addition, cost of gas (COG) dockets are generally expedited matters, requiring shorter advance filing than normal, and this year all three gas utilities have made multiple supplemental filings, further adding complexity to the process. Liberty's initial filing was August 2, 2022 (LDAC), with supplemental filings on September 1, 2022 (LDAC) a COG filing on September 2, 2022, and an update for LDAC and COG on October 7, 2022, with data response provided October 21, 2022 as stated above. Moreover, contrary to DOE's data request instructions, Liberty declined to either update prior answers to DOE DRs Set 1 and Set 2 or state that they were accurate as filed. *See* DOE Exhibit 11 (Liberty's Response to DOE TS 1-2). The Company, DOE, and OCA held two technical sessions, one of which was extended an additional day, to October 3, 2022.

Waiver is in the public interest because the additional exhibits shed light on important docket matters, and may expedite the hearing scheduled for October 25, 2022, at 9 a.m. In addition, it is reasonable that the DOE could not file what it did not yet possess. Waiving the hearing guideline's October 18 filing deadline will not unduly delay the proceeding or adversely affect the rights of any party. Excluding the exhibits would cause DOE undue hardship. Accordingly, the Commission should waive DOE's late filing, and accept the exhibits for identification at hearing. *See* PUC 201.05.

(continued)

Earlier this morning, DOE asked Liberty and the Office of the Consumer Advocate whether they would assent to the addition of these DOE exhibits and assent to waiver of late filing. As of the time filed, neither Liberty nor OCA has responded.

The parties' *Revised Joint Exhibit List* is as follows (Liberty exhibit include attachments):

1. [Liberty] August 2, 2022 Initial Filing McNamar and Mary Casey—*Confidential Version*
2. [Liberty] Prior exhibit—*Redacted Version*
3. [Liberty] September 1, 2022 Tebbetts Testimony Supplemental LDAC Filing- -  
*Confidential Version*
4. [Liberty] Prior Exhibit – *Redacted Version*
5. [Liberty] September 2, 2022 Tebbetts Testimony COG *Confidential Version*
6. [Liberty] Prior Exhibit—*Redacted Version*
7. [Liberty] October 7, 2022 Tebbetts Technical Statement *Confidential Version*
8. [Liberty] Prior Exhibit – Redacted Version
9. [DOE] October 21, 2022 Deen Arif Technical Statement
10. [DOE] October 10, 2022 DOE letter (recommended treatment energy efficiency charge)
11. [DOE] Liberty's October 21, 2022 Response to DOE TS Set 1-1 to 1-4, 1-6, 1-7, 1-8 with attachments and 1-9.
12. [DOE] Liberty's September 15, 2022 Response to DOE Data Request (DR) 1-2 (updated Liberty's Response to DOE DR Set 1-2, 1-3, 1-5 and 1-6 (without attachments))
13. [DOE] Liberty's September 15, 2022 Response to DOE DR 2-4 (corrections to filing)
14. [DOE] Liberty's September 15, 2022 Response to DOE DR 2-5 (propane, hedging)
15. [DOE] Liberty's September 15, 2022 Response to DOE DR 2-6 (NYMEX rate)
16. [DOE] Liberty's September 15, 2022 Response to DOE DR 2-7 with attachments (FPO)

Consistent with the Commission's current policy, this letter is being filed solely in electronic form. Thank you for your attention to this matter.

Respectfully Submitted,

/s/ *Mary E. Schwarzer*

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

Cc: Docket (electronic service)  
Enclosures

ClerksOffice@puc.nh.gov  
Adam.Hall@libertyutilities.com  
amanda.o.noonan@energy.nh.gov  
catherine.mcnamara@libertyutilities.com  
deborah.gilbertson@libertyutilities.com  
donald.m.kreis@oca.nh.gov  
Energy-Litigation@energy.nh.gov  
Erica.Menard@libertyutilities.com  
Faisal.DeenArif@energy.nh.gov  
Joshua.Tilbury@libertyutilities.com  
karen.sinville@libertyutilities.com  
mary.e.schwarzer@energy.nh.gov  
maureen.karpf@libertyutilities.com  
Melissa.Samenfeld@libertyutilities.com  
michael.sheehan@libertyutilities.com  
ocalitigation@oca.nh.gov  
thomas.c.frantz@energy.nh.gov