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December 20, 2023

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 2022-2023 and Summer 2023 Cost of Gas, *DOE's Individual Update to the Commission*

Dear Chairman Goldner:

On November 21, 2023 the New Hampshire Department of Energy (“DOE” or “Department”) filed a *Request to Postpone Hearing Day Two Scheduled for December 13, 2023 and for Expedited Review of DOE Request* (hereinafter “*Request to Postpone*”). On December 4, 2023, the Commission granted certain relief and directed the parties to “notify the Commission of the status of discovery and any assented-to dates for the rescheduled hearing on or before December 20, 2023.” *See Procedural Order Re: Request to Postpone Hearing and for Other Relief* (Dec. 4, 2023). This letter is the DOE’s individual response to the Commission’s directive.

Status of Discovery (DOE’s Individual Report)

The DOE’s *Request to Postpone*, proposed an alternative schedule, including but not limited to a potential second hearing date during the week of February 5, 2023, assuming Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty or “the Company”) provided “adequate and meaningful discovery response on or before **December 1, 2023.**” *See Request to Postpone* at 3 (Emphasis in original). Unfortunately, discovery was not provided on that date.

DOE, Liberty, and the Office of the Consumer Advocate (OCA) met for a technical session on December 13, 2023. At that time, outstanding discovery was discussed, and Liberty made a commitment to identifying a deadline on Friday, December 15, 2023 (i.e., the deadline would be provided on December 15; the deadline to provide discovery was not, itself, December 15). At the December 13 technical session, the parties discussed deliverables. On December 13, 2023, Liberty notified DOE for the first time that it could not provide some of the discovery in the format requested, and DOE and Liberty discussed an alternative approach, which Liberty committed to meeting. The DOE memorialized the discussion in a timely email.

The December 15 deadline came and went. Liberty has not provided any additional discovery responses to date, or even a proposed deadline for that discovery. Accordingly, at this time, DOE is unable to comment in any meaningful way regarding when DOE might file a supplemental technical statement and/or be ready for hearing.

Requested Relief

In light of repeated extensions DOE made to Liberty, DOE respectfully asks that the Commission delay a request to the parties to submit a proposed procedural schedule until *after* such time as Liberty has already provided the discovery that remains at issue, and such time as Liberty's response is satisfactory to DOE.

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

Respectfully Submitted,

/s/ Mary E. Schwarzer

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