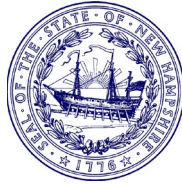


STATE OF NEW HAMPSHIRE

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

October 25, 2022

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

Re: DG 22-057 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Keene Winter 2022-23 *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 26, 2022 hearing and DOE Exhibits 5 and 6 (enclosed). Exhibits 5 and 6 are being provided after Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Keene (Liberty or the Company) filed the parties' joint exhibit list and Liberty's exhibit deadline of October 19, 2022. (Liberty filed exhibits and a witness list on October 20, 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 technical session data requests, which were not filed until Monday October 24, 2022. Therefore, as of the filing deadline, DOE did not have Liberty's data responses to DOE Technical Session data requests, 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 Keene's initial filing was made on September 15, 2022 with supplemental filing on October 7, 2022, and with data response provided October 24, 2022 as stated above. The Company, DOE, and OCA held one technical session in this docket.

DOE also may call Gas Director Faisal Deen Arif, and asks waiver to add him to the witness list at this time.

Waiver is in the public interest because the additional exhibits shed light on important docket matters, and Gas Director Deen Arif may expedite the hearing scheduled for October 26, 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 19 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)

Near the close of business, 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] Sept 15 2022 Testimony Gilbertson and Tebbetts—*Confidential Version*
2. [Liberty] Prior exhibit—*Redacted Version*
3. [Liberty] October 7, 2022, Tebbetts Testimony COG *Confidential Version*
4. [Liberty] Prior Exhibit—*Redacted Version*
5. [DOE] Liberty Response to DOE Technical Session data request Set 1 (filed October 24, 2022) with excel 1.1(c).
6. [DOE] Liberty's Response to DOE data request Set 1, 1-4 through 1-8.

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

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