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I N D E X

PAGE

SUMMARY OF THE DOCKET BY HEARING EXAMINER FULLER 4

WITNESS: ROBERT GARCIA

EXAMINATION:

Direct Examination by Mr. Sheehan 6

Questions by Hearing Examiner Fuller 10,17

Cross-Examination by Ms. Miranda 15

* * * * *

CLOSING STATEMENTS BY:

Mr. Below 20

Ms. Miranda 21

Ms. Ladwig 21

Mr. Sheehan 22

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E X H I B I T S

NO.	DESCRIPTION	PAGE
6	Revised Direct Testimony of Robert Garcia, with attachments	Pre-marked
7	Comments of the Community Power Coalition of New Hampshire	Pre-marked
8	Position Statement of the New Hampshire Department of Energy	Pre-marked
9	Comments of the NRG Retail Companies	Pre-marked

1 Those are the correct -- it's the ESSMA and the
2 Number 21 tariff, right, Attorney Sheehan?

3 MR. SHEEHAN: That's --

4 HEARING EXAMINER FULLER: I just have three
5 companies and I want to make sure that I'm getting them right.

6 So the first thing I'm going to do is I'm going to
7 take appearances of the parties. We'll see if there's any
8 preliminary matters; and then we'll move into testimony. Does
9 that work for everybody?

10 So Attorney Sheehan, I'll let you get started.

11 MR. SHEEHAN: Good morning, Mike Sheehan for Liberty
12 Utilities, Granite State Electric Corp.

13 HEARING EXAMINER FULLER: Okay. Attorney Miranda?

14 MS. MIRANDA: Good morning, Joey Lee Miranda from
15 Robinson & Cole, on behalf of the NRG Retail Companies.

16 HEARING EXAMINER FULLER: Okay. Mr. Below?

17 MR. BELOW: Clifton Below on behalf of the Community
18 Power Coalition of New Hampshire.

19 HEARING EXAMINER FULLER: Okay. And Attorney
20 Ladwig?

21 MS. LADWIG: Alexandra Ladwig, on behalf of the
22 Department of Energy.

23 HEARING EXAMINER FULLER: Thank you.

24 Any preliminary matters to go over today guys,

1 before we start?

2 I do have Mr. Garcia in the witness box. He is your
3 only witness today, correct, Attorney Sheehan?

4 MR. SHEEHAN: That's correct.

5 HEARING EXAMINER FULLER: Okay. And then I have
6 Exhibit 6, Exhibit 7, Exhibit 8, and Exhibit 9 that have been
7 pre-filed. And Exhibit 6 is Mr. Garcia's revised testimony,
8 and the attachments is actually the tariff and the agreement,
9 correct?

10 MR. SHEEHAN: Correct.

11 HEARING EXAMINER FULLER: All right.

12 I will swear you in, Mr. Garcia. And then I'm going
13 to let Attorney Sheehan start his testimony. So just raise
14 your right hand for me.

15 (WHEREUPON, ROBERT GARCIA, was duly sworn and
16 cautioned by the Hearing Examiner.)

17 HEARING EXAMINER FULLER: Thank you. All right.

18 Your witness, Mr. Sheehan.

19 MR. SHEEHAN: Thank you.

20 DIRECT EXAMINATION

21 BY MR. SHEEHAN:

22 Q Mr. Garcia, start with the basics; your name and your
23 position with Liberty?

24 A My name is Robert Garcia. I'm manager of rates and

1 regulatory affairs for Liberty.

2 Q Mr. Garcia, you've been involved in this docket since
3 your arrival at the Company some months ago; is that correct?

4 A I arrived at the Company in September of '24. So
5 right at the heels of the settlement process, the conclusion
6 of the settlement.

7 Q And for this phase 2, you have provided the Commission
8 with what's been marked as Exhibit 6, your revised direct
9 testimony; is that correct?

10 A That's correct.

11 Q And as Ms. Fuller just mentioned, attached to your
12 testimony is the agreement which we've actually called the
13 Energy Service Supplier Agreement, no letter M. And the
14 revisions to our tariff; is that correct?

15 A That's correct.

16 Q Do you have any corrections or changes to your
17 testimony this morning?

18 A I do not.

19 Q And do you adopt your written testimony as your sworn
20 testimony today?

21 A I do.

22 Q A brief overview, Mr. Garcia, the parties spent a lot
23 of time working on both the agreement and the tariff the last
24 few months. And is it our understanding that there is general

1 agreement to the language in the supplier agreement?

2 A Well, I don't believe we reached any formal settlement
3 agreement in the proceeding. I believe we generally reached
4 an understanding on --

5 Q Okay.

6 A -- on the key supplier agreement installations that we
7 can make.

8 Q And certainly --

9 A That we could make. Sorry.

10 Q And certainly, if parties have questions,
11 clarifications, today's their chance; is that correct?

12 A Yes. That's the hope, yes.

13 Q And as to the tariff language, similarly, that was
14 also reviewed by the parties and general agreement on that
15 language as well as far as we know? Except for the schedule,
16 and we'll get to that.

17 A Yeah. Probably partial. Well, I think with the
18 exception of the schedule, there probably was a general
19 agreement, to be fair to say.

20 Q So why don't you walk through the schedule issue, for
21 lack of a better word? As I understand it, the reason for
22 revised testimony was to change the schedule that the Company
23 initially proposed; is that correct?

24 A That's correct. The testimony we filed --

1 HEARING EXAMINER FULLER: Just for clarification for
2 myself, schedule, you mean an implementation schedule,
3 correct?

4 THE WITNESS: Yes.

5 HEARING EXAMINER FULLER: Okay. Thank you.

6 A What was I saying? Yeah, that's correct. The
7 testimony we filed back in -- originally filed back in
8 December with the Commission's order of August of last year
9 had set forth dates, like, hard dates like August 1, September
10 1. But then in light of the -- the -- the delay in the
11 proceeding from the settlement discussions that were pursued,
12 we converted that timeline -- largely convert that timeline
13 into a formula; a very rough formula, but a formula.

14 Not knowing when exactly -- because the formula for
15 the dates all kind of centered on when we received a
16 Commission order. And -- and -- and ground zero, the starting
17 point would be the first of the month following the receipt of
18 that order, which is when our tariffs would typically go into
19 effect. And from that date on, that's where if you look at
20 Bates page -- bottom of page 16 through bottom of Bates page
21 18 --

22 HEARING EXAMINER FULLER: And this is in Exhibit --

23 THE WITNESS: 6.

24 HEARING EXAMINER FULLER: 6.

1 A You'd see the formulaic schedule that -- we came up
2 with the acronym TED for a tariff effective date. And it's
3 the days from that date, are all the initial steps that are
4 outlined.

5 BY MR. SHEEHAN:

6 Q And Mr. Garcia, through conversations with the
7 parties, there may be some proposed changes to the schedule.
8 Assuming the Commission does not approve this schedule, does
9 the Company have a plan B, if you will?

10 A Yes, I guess we would -- if certain changes need to be
11 made, I think we could accommodate those.

12 Q Okay.

13 MR. SHEEHAN: That's all I have for direct. Thank
14 you.

15 QUESTIONS BY HEARING EXAMINER FULLER:

16 Q Okay. Just before we start the cross, can you Mr.
17 Garcia, can you take me through the TED schedule that Liberty
18 is proposing? I know it's I know it's here, but just for the
19 for testimony today, can you just walk me through what exactly
20 Liberty's proposing?

21 A Certainly. So TED, again, begins the first day of the
22 calendar month following receipt of the Commission's order
23 approving the tariff revisions and the supplier agreement. 10
24 days from that date approximately, it all depends on, you

1 know, is it falling on a weekend and all that -- that's why I
2 said earlier it's, you know, it's -- it's rough, but it's, you
3 know, approximate, I guess, is the word. We would distribute
4 the approved electric supplier service agreements to the
5 suppliers 30 days from the tariff effective date, within 30
6 days, we would file for approval of the initial discount rate
7 to be applied, or DPR; and as well as the additional payment
8 date. The -- the settlement agreement reached on a formula
9 for what the payment date for the purchase of receivables
10 would be every year. And so it can float from year to year,
11 probably by a matter of days, I would imagine. But that needs
12 to be approved.

13 Q So just for clarity, for myself, the payment date is a
14 moving target depending on approval of Commission order, it's
15 not the 15th of the month or the middle of the month?

16 A No, it's not a hard date. The -- again, the
17 settlement agreement that was approved back in -- by the
18 Commission back in August of '24, that settlement agreement
19 sets forth a formula for the determination of what day that
20 that will occur on or the 12-month periods, you know, that
21 it's set forth.

22 Q Okay. Go on. Thank you.

23 A We would set 40 days from the tariff effective date as
24 the deadline for suppliers to return the signed electrical

1 supplier agreements.

2 And then -- and then 54 days from the effective date,
3 we would propose to send notifications to these suppliers that
4 do not return that agreement, you know, basically, warning
5 them that they're -- they're not in compliance with our tariff
6 requirement to sign the new agreement, and that their
7 customers are going to be dropped, returned to default supply.

8 And then 68 days from the tariff effective date, we're
9 going to notify their customers that they're going to be
10 dropped. So basically, we provide a buffer period to resolve
11 any issues that suppliers might have with signing the
12 agreement before action is really taken. And I would say the
13 real formal action in this process that I've outlined so far
14 is that when we start telling the customers that their
15 suppliers are no longer going to be a supplier, and that
16 they're going to be returned to default supply, and that they
17 would have options for seeking alternative suppliers. I think
18 that's something we had informally committed to working on
19 with the DOE in terms of the content of those notifications,
20 should that situation arise.

21 And then we would expect within two months, which
22 would be about 90 days from TED -- the tariff effective date,
23 sorry.

24 Q No, as a complete aside, I love TED. I have a one

1 child whose name is Ted, so it's giving me quite a lot of joy
2 that it's called TED. It's bringing me great amusement.

3 A So -- so since we -- we would file within 30 days of
4 the tariff effective date, we would set -- we would expect an
5 order approving the initial DPR and initial payment date
6 within two months, give or take; could be a little sooner,
7 could be a little later.

8 And then in 120 days, really beginning with the first
9 of the billing cycle, prior to the billing cycle when POR goes
10 live. So it's that -- it's that monthly period preceding
11 that, is when we would need to stop -- we need to start
12 dropping, returning the customers to default supply. Because
13 if they're still on at that point in time, we would end up
14 purchasing the receivables in the following month once POR
15 goes live. So they would need to be removed.

16 And -- and then 150 days from the tariff effective
17 date -- again, give or take, because we're looking at that
18 first day of the month. But that's approximately five months,
19 150 is what's that's intended to apply. We would -- POR would
20 go live.

21 165 days, I believe there are some requirements under
22 22-0505 (phonetic) providing an updated list of default supply
23 customers pursuant to this process. Because I guess some of
24 them might -- some of the customers might be changing

1 suppliers, potentially.

2 And then in 180 days, which would be about 30 days
3 after implementation of the POR per the settlement agreement,
4 we would purchase any outstanding receivables that were billed
5 previously through consolidated billing. And then whatever
6 the date per the formula would be, would be the first time we
7 buy the receivables for that -- for that monthly billing
8 period that the POR takes effect. But I can't say that
9 offhand without calculating the formula, but it will be some
10 time in the following month.

11 HEARING EXAMINER FULLER: Okay. Now turn turn it
12 over to cross-examination. Unless Attorney Sheehan has any
13 more direct questions at this time?

14 MR. SHEEHAN: I do not. Thank you.

15 BY HEARING EXAMINER FULLER:

16 Q I do have one question before I turn it over. If we
17 were to adopt this type of moving target schedule, the first
18 firm date you or Liberty needs is our approval date, and then
19 all the rest of the dates could be set from that, correct?

20 A Yeah. And in the testimony I believe we offered in
21 the compliance filing to convert the formula into firm dates,
22 taking into account, you know, weekends, and holidays, will
23 probably fall out in terms of that stuff.

24 Q And how many -- and just how many suppliers are we

1 talking about? How many contracts?

2 A That would be converted?

3 Q Yeah. No, just from the first step is sending the
4 updated agreements to your suppliers to sign? Just how many
5 suppliers are we talking about?

6 A Oh, I don't know offhand. I'd have to look at the
7 (indiscernible) report. I could do that in a minute.

8 HEARING EXAMINER FULLER: Okay. Thank you.

9 I'm going to go to the Department of Energy, and
10 then we'll go to NRG after.

11 So it's your witness.

12 MS. LADWIG: Nothing from the Department.

13 HEARING EXAMINER FULLER: Thank you.

14 Attorney Miranda?

15 MS. MIRANDA: Thank you.

16 CROSS-EXAMINATION

17 BY MS. MIRANDA:

18 Q Good morning. The scheduled pre -- excuse me. The
19 schedule presumes that there will be suppliers who do not
20 return the agreement; isn't that correct?

21 A Yes. It addresses the possibility that that will
22 happen in order to create a certainty into the implementation
23 timeline.

24 Q But if all the suppliers return their agreements, that

1 would be 40 days from TED? That's the deadline that's being
2 proposed, is 40 days from TED, correct? For suppliers to
3 return the signed --

4 A Yes.

5 Q -- ESSAs? And would it be possible for the Company to
6 implement and begin POR the later of 30 days from the
7 Commission order approving the DPR and payment date, or the
8 date on which I'm going to suppose all suppliers actually
9 return it when they're supposed to, 30 days after the
10 suppliers return all of the agreements?

11 A In the event that all -- all suppliers return --
12 there's signed supply agreements in a timely fashion, I
13 believe the earliest we could implement, you know, our --
14 would be approximately 90 days from TED.

15 Q So about half the time that is current -- no,
16 actually, it's a little less than --

17 A Two months.

18 Q Two months? Okay. So it's two months sooner?

19 A 50 days, yeah.

20 Q Okay. And by the time, at least based on the schedule
21 you currently have laid out, by the time the Company files for
22 approval of the DPR and payment date, they likely won't know
23 if all the suppliers have returned the agreements because the
24 deadline is later, correct?

1 A Yeah.

2 Q But the Company would know by the time -- again,
3 assuming the schedule goes as planned, the Company would know
4 by the time they receive approval of the DPR payment date if
5 all the suppliers have returned their ESSAs?

6 A Sorry. Can you repeat that?

7 Q Let me back up. Let me try it this way. The current
8 schedule contemplates that the Commission will issue an order
9 approving the DPR and payment date about 90 days from TED,
10 correct?

11 A Correct.

12 Q Okay. And so by that point, the Company will know if
13 the supplier timely returns the ESSAs; is that correct?

14 A That's correct.

15 Q Okay. And that's it, actually. Thank you very much.

16 QUESTIONS BY HEARING EXAMINER FULLER:

17 Q Just to follow up on that. So if all the suppliers
18 sign the TED and you return them, you're going -- and I'm on
19 the top of page 18. You're skipping the one, two, three --
20 the next three bullets, correct?

21 A Yeah. All these in --

22 Q You're skipping the what if they don't?

23 A Exactly.

24 Q Okay.

1 A That's -- that's what fills out the bulk of the
2 schedule for implementation that's outlined there.

3 Q And it may be in your attached exhibits, but that date
4 certain list that the Company is going to provide upon
5 approval of the agreement and the tariff, could there be an
6 alternative date certain list if provided by Liberty, if all
7 the supplier agreements were returned?

8 A Yeah. That's not currently in attachment 2 to my
9 testimony, just as providing for potential POR implementation
10 within 90 days. That alternative is not covered, but it could
11 be added.

12 HEARING EXAMINER FULLER: Okay. Thank you.

13 Attorney Sheehan, if these were approved, is there
14 any objection to having that alternative schedule supplied as
15 a compliance? And then obviously, there would be an
16 obligation on Liberty to, maybe probably after the DPR is
17 approved, to provide notice to the Commission whether or not
18 you're still waiting on suppliers? So we know which schedule
19 to go to. So that way nobody is wondering, are we on A or on
20 B?

21 MR. SHEEHAN: Yeah, I think I understand. So we
22 proposed the long schedule, after the order we can put firm
23 dates to that. And that after the order we could put firm
24 dates to an alternative schedule, which is fine. And then in

1 addition, once we know which schedule will be implemented, we
2 can notify the Commission. That's your question answered.

3 HEARING EXAMINER FULLER: That's exactly -- that's
4 exactly my question. I think that might help with some of the
5 concerns of NRG. Just to make sure, we get it implemented as
6 soon as possible, knowing that there are provisions if they
7 don't have a supplier agreement signed and returned. But if
8 everything is working accordingly, there can be a date certain
9 for implementation. I think that's what I hear is the
10 concern. And I think that might solve the problem.

11 MR. SHEEHAN: And the answer is yes.

12 HEARING EXAMINER FULLER: Okay. Thank you.

13 Mr. Below, do you have questions for this witness?

14 MR. BELOW: No questions. Thank you.

15 HEARING EXAMINER FULLER: Okay. Thank you.

16 I have no more questions for you, sir. Thank you.

17 Mr. Below, did you want to offer any testimony
18 today?

19 MR. BELOW: I could, or I could just comment.

20 HEARING EXAMINER FULLER: Okay. Well, I think if --
21 I'm going to allow everybody to make sort of, like, a closing
22 comment, I think that probably would suffice unless you had
23 anything specific to add?

24 MR. BELOW: No. That's fine.

1 HEARING EXAMINER FULLER: Okay. So why don't I
2 start with you?

3 Mr. Garcia, you can stay there or you can go sit
4 next to Attorney Sheehan. Whatever you want is totally fine.

5 MR. GARCIA: Okay. Thank you.

6 HEARING EXAMINER FULLER: Okay. So if we don't have
7 any other testimony today, we'll go into some closing
8 comments. I'm going to let Mr. Garcia sit down, and then I'm
9 going to go to you, Mr. Below.

10 MR. BELOW: Okay. Thank you.

11 Okay, the Community Power Coalition supports the
12 proposed language for the tariff and supply agreement
13 revisions. We provided comments, which are Exhibit 7, in
14 phase 2. It was a very collaborative process. But within the
15 stakeholders in this group and the other utilities to try to
16 align as much as as we reasonably could in the different
17 provisions. We do support the proposal to have this
18 alternative time frame that could move quicker. So appreciate
19 NRG and the hearing examiner for clarifying how that could
20 occur; and Mr. Sheehan. And we do believe that the approval
21 of this proposal would be just and reasonable and in the
22 public interest. Thank you.

23 HEARING EXAMINER FULLER: Thank you.

24 I'm going to go to Attorney Miranda.

1 MS. MIRANDA: Thank you. The NRG Retail Companies
2 also generally, support -- they do support the agreement and
3 the tariff changes, with the exception of the schedule.
4 Because it does not currently contemplate that all the
5 suppliers actually will timely return their agreements. But
6 we do support the alternative that the hearing examiner put
7 forth and that Liberty indicated that would be acceptable to
8 them as a means to ensure that the POR program gets
9 implemented as quickly as feasible.

10 The NRG Retail Companies do believe that the
11 materials submitted are just and reasonable and in the public
12 interest, and encourage the Commission to approve them with
13 the requirement that the Company propose an original and an
14 alternative schedule in their compliance filing with the DPR
15 payment date. Thank you.

16 HEARING EXAMINER FULLER: Thank you.

17 Attorney Ladwig?

18 MS. LADWIG: Thank you. To echo CPCNH and NRG's
19 comments, we appreciate the collaborative process that all the
20 parties went through and support Liberty's proposed ESSMA and
21 tariff changes. We had had some concerns that partially led
22 to developing this implementation schedule of just making sure
23 that customers of any supplier who didn't sign the agreement,
24 had a sufficient time frame to be notified before they were

1 dropped from that supplier. And so I think that's part of why
2 that timeline was worked out. And so we think that Liberty's
3 proposal largely addresses that and is a workable solution.
4 And we agree that the proposal is just and reasonable and in
5 the public interest would support its approval. Thank you.

6 HEARING EXAMINER FULLER: Thank you.

7 Attorney Sheehan?

8 MR. SHEEHAN: I don't think I have too much to say.
9 But we echo everything that has happened so far. The process
10 was as it should be, collaborative and productive. And we
11 are, as I said before, willing to propose the alternate
12 schedule with fixed dates at the appropriate time. And Mr.
13 Garcia is scrambling now trying to find out the number of
14 suppliers before we close the record, but I don't think we'll
15 get there.

16 So is that something you --

17 HEARING EXAMINER FULLER: You can just file -- and
18 you could file --

19 MR. SHEEHAN: Just a letter?

20 HEARING EXAMINER FULLER: Just just a letter is
21 fine. So we know what -- I think it's a valuable piece of
22 information. But if you can just file a letter by the end of
23 the week, that would be great.

24 MR. SHEEHAN: Okay. And that's all I have. Thank

1 you.

2 HEARING EXAMINER FULLER: Thank you.

3 Is there any objection to striking the ID on the
4 exhibits and just entering them as full exhibits today, by
5 anybody? Okay, I'm seeing shaking of the head, so that's
6 good. The the ID is stricken, and then the exhibits are full
7 exhibits in this docket.

8 If there's nothing else today, I'm going to conclude
9 this hearing and let everybody go back to the snowy day.

10 Thank you.

11 (Whereupon the hearing was adjourned at 9:30 a.m.)

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CERTIFICATE

I, Traci Fine, a court-approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST(S): Deanna Hinchy, CDLT-254

TRACI FINE, CDLT-169
Proofreader

February 8, 2025