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January 26, 2023

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

Re: DE 23-006 Liberty Utilities (Granite State Electric) Corp. d/b/a  
Liberty Request for Storm Recovery Adjustment Factor Refund,  
*DOE's Proposed Process (not nisi)*

Dear Chairman Goldner:

On January 20, 2023, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty ("Liberty" or "the Company") filed a "Request for Storm Recovery Adjustment Factor Refund," seeking approval of a rate reduction to refund the storm fund balance to customers beginning March 1, 2023, pursuant to Liberty's prior agreement with the Department of Energy (DOE).

On January 24, 2023, the Company filed a letter asking the Commission to approve the requested rate reduction "via order *nisi*." Liberty noted that "the Company has asked the DOE and the Office of Consumer Advocate to weigh in with their respective positions to help speed the Commission's review. Liberty did not contact DOE in advance of its filing.

DOE does not recommend resolution via *nisi* order because Liberty seeks an order adjusting rates. Rate changes are important (and inevitably at least somewhat complicated) and should be examined in a hearing setting—even if not disputed upon filing. Hearings allow all parties and the Commission to question a petitioner about its requested rate change and thus help to ensure that customers obtain safe and reliable service at just and reasonable rates. *See* RSA 378:28 (permanent rates); RSA 378:3 (notice to the Commission and to the public); RSA 378:7 (Commission shall determine rates after a hearing.)

As an alternative to the Company's proposed procedural relief, DOE suggests that DOE and the OCA file technical statements on or before February 15, 2023. The PUC could then notice and schedule a brief hearing—perhaps one hour in duration-- sometime thereafter and issue an order to meet the Company's requested deadline. *See* RSA 378:3, :7. The DOE supports the Company's proposed March 1, 2023 relief so that the requested rate reduction can begin to flow to customers quickly. *See* Liberty's Tariff NHPUC No. 21 at Original Page 26 (specifying that any adjustment of the Storm

Recovery Adjustment Factor shall not be earlier than thirty days after the filing of notice, or such other date as the Commission may authorize).

DOE has not yet determined a position on some aspects of the Company's proposal, including but not limited to the Company's proposal that "at the end of the twelve-month period, the proposed rate will cease. There will be no reconciliation." See Liberty Technical Statement of James M. King at 2.

For the above reasons, DOE respectfully requests that the Commission not issue a *nisi* order in this docket. In the opinion of the DOE, *nisi* orders can be useful for matters that do not result in a change in rates, including the review of most annual storm fund reports. See, e.g., Docket No. DE 22-019 Liberty 2021 Annual Storm Fund Report, *DOE Recommendations and Supporting Technical Statement* at 1 (September 12, 2022) (stating "no rate change is triggered by this filing" and requesting approval of DOE's audit-adjusted amount without a hearing).

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

Docket (electronic service)