



**OFFICE OF THE CONSUMER ADVOCATE**

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December 13, 2023

New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

via e-mail to [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov)

Re: Docket No. DE 23-039  
Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty  
Request for Change in Distribution Rates

To the Commission:

Please treat this letter as the response of the Office of the Consumer Advocate (“OCA”) to the Expedited Motion to Stay Proceeding filed by the Department of Energy on December 13, 2023 and the opposition pleading filed by the subject utility the following day. We are providing our position in letter form in the interest of concision and timeliness, given the urgency of the matter.

The OCA requests that the Commission grant the Department’s motion to stay this proceeding pending resolution of the separate motion filed on the same day by the Department to dismiss the entire rate case. The dismissal motion is comprised of 475 pages of materials and raises grave issues that are, to our knowledge, unprecedented in this jurisdiction. The numerous parties to this docket, and certainly the Commission itself, must now devote careful attention to the Department’s claim, that “permanent rates should not be based on the 2022 financial information Liberty has presented in this case,” Dismissal Motion at 25, and the extraordinary relief the Department has requested. We agree with the Department that allowing the proceeding to continue in these circumstances “would require parties to continue to expend resources and engage in efforts that may be rendered meaningless.” Motion to Stay at 2.

This concern is particularly significant for our office. All but one of our five witnesses are consultants who are paid hourly rates that, at least in the ordinary course of a rate case, would ultimately be billed to customers. In its opposition, the subject utility correctly points out that between now and the period allowed under N.H. Code Admin. Rules Puc 203.07 for response to the dismissal motion, the only task required pursuant to the applicable procedural schedule (data requests from the utility to the parties concerning their recently filed testimony) is assigned to Liberty. But this presupposes that our team has no immediate need to review the testimony filed by other parties on December 13, no immediate need to file data requests in response to that testimony, and no immediate need to continue preparations for other procedural milestones that

loom in the near future. Liberty's position also presupposes that the Commission will be able to rule on the dismissal motion immediately after the deadline for objections. This seems unlikely.

Should the Department prevail in its motion to dismiss, the OCA will ask the Commission to require Liberty's shareholders, rather than its customers, to cover the costs incurred by our office in connection with this proceeding to date. Therefore, we respectfully suggest that it is actually in the utility's best interests for the stay motion to be granted so that neither we nor the Department incur any additional costs before the question of this docket's ultimate fate is resolved definitively via a final and unappealable order on the dismissal motion.

Please contact me if there are any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DKreis', written in a cursive style.

Donald M. Kreis  
Consumer Advocate

cc: Service List, via e-mail