

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-039**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY**

**Request for Change in Distribution Rates**

**Procedural Order Re: DOE's Motion to Compel**


On August 31, 2023, the New Hampshire Department of Energy (DOE) filed a motion to compel Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) to file responses to two of its Set 4 data requests, DOE 4-14 and DOE 4-16. In its motion, the DOE stated that it submitted its Set 4 data requests to Liberty on July 21, 2023, but that Liberty still had not filed responses to these data requests as of August 31, 2023, 19 business days after the response deadline. According to the parties' assented-to July 12, 2023 proposed procedural schedule, that the Commission approved by procedural order dated July 24, 2023, the parties "agree[d] that responses to data requests will be due 10 business days from the issuance of the requests, unless otherwise specified in the schedule."

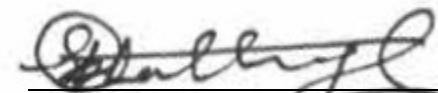
The DOE requested the Commission to waive the deadline for filing a motion to compel, which was 15 days from the deadline for providing the response, *see* N.H. Admin. R., Puc 203.09(i)(2), representing that it made a good-faith effort to resolve this matter, as required by Puc 203.09(i)(4), by giving Liberty additional time to file responses and reaching out to counsel on multiple occasions, though some of these communications went unanswered. The DOE did not, however, request a waiver of Puc 203.07(e), which allows objections to a motion, other than a motion for rehearing, to be filed within 10 days of the date the motion is filed. It asked that the Commission order Liberty to file responses to DOE 4-14 and DOE 4-16 no later than September 8, 2023, which is before September

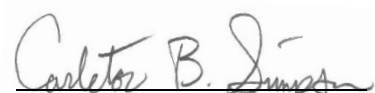
11, 2023, when the 10-day objection period expires. *See* N.H. Admin. R., Puc 202.03(b). No response to the DOE's motion to compel has been filed as of today's date.

The DOE's request to waive Puc 203.09(i)(2) is GRANTED. We expect all parties to respond to communications from other parties and to make their best efforts to fulfill their discovery obligations in a timely manner and in accordance with the existing procedural schedule, so that proceedings before the Commission will proceed efficiently and without unnecessary delay. We anticipate that the parties will be able to resolve this matter, which may involve amending one or more of the deadlines for rolling discovery contained in the approved procedural schedule to afford the DOE opportunities for further discovery based on Liberty's late-filed responses, without the Commission's further involvement, by September 11, 2023. In the event that this is not possible, Liberty shall have until the close of business on September 11, 2023 to file a written response, in pleading form, *see* Puc 203.04, to the DOE's motion to compel.

So ordered, this seventh day of September, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket: 23-039

Printed: 9/7/2023

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