

**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: Extension of Stay to May 15, 2024; Cancellation of May 7 and  
May 9, 2024 Hearings; Inchoate DOE Motion to Compel; and  
Request for Joint Filing on Scope**

The Commission takes note of a series of filings made by the New Hampshire Department of Energy (DOE) and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty or the Company) since the Commission's issuance of Order No. 26,952 on February 2, 2024, which extended the stay in this proceeding until April 15, 2024, with the condition precedent that Liberty would file a waiver of the 12-month review deadline pursuant to RSA 378:6, I(a) (May 5, 2024) not later than February 27, 2024. Order No. 26,952 also specified that Liberty was to file the Pricewaterhouse Coopers (PwC) report not later than April 8, 2024, and that the Company was to file a procedural schedule proposal for the next phase of this proceeding not later than April 11, 2024. Order No. 26,952 at 6-7.

Liberty filed the waiver of the 12-month deadline on February 27, 2024, making the condition precedent for the effectiveness of Order No. 26,952 satisfied. Subsequently, on March 5, 2024, the DOE filed a pleading styled as a "Motion for Clarification of Order No. 26,952; DOE Correction of Misstatement; DOE Request For Record Request." In this pleading's cover letter, the DOE asserted that a detailed scope of the PwC report was not yet provided by Liberty to the DOE, and that "[t]he [DOE] therefore requests that the Commission issue a Record Request for all correspondence between Liberty and PwC to date concerning the PwC project, including a copy of the signed engagement, engagement plan, and any other contract(s) and identified, detailed scope." In the Motion for

Clarification segment of the DOE pleading, the DOE stated that "[t]he DOE therefore seeks clarification from the Commission that Liberty must submit revenue requirement schedules and a FERC Form 1 for 2023, and that PwC will assess whether or not the 2023-based revenue requirement and FERC Form 1 are reliable for setting rates in the same manner as it is assessing the 2022-based revenue requirement and FERC Form 1."

Subsequently, on March 15, 2024, Liberty filed a response to the DOE pleading. The Company asserted that "review of the 2023 calendar year data [by PwC] does not require creation of revenue requirement schedules for calendar year 2023;" and "it is only necessary for PwC to determine whether the Company's 2023 general ledger and 2023 FERC Form 1 are accurate and reliable." Also, the Company appended a letter from PwC with an Amended Scope of Work for the PwC report.


On March 19, 2024, the DOE filed a pleading, in the form of a letter, styled as a "DOE Renewed Request for Record Request." This DOE letter reiterated a request to the Commission that the Commission issue a Record Request for "*all* correspondence between Liberty and PwC to date concerning the PwC project, including a copy of the signed engagement, engagement plan, and any other contract(s) and identified, detailed scope."

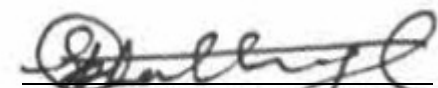
No other parties have made filings in response to the DOE and Company filings, and the Company has not made a filing in response to the March 19 DOE letter. In the interests of administrative efficiency and clarity, the Commission makes the following rulings. First, the DOE pleadings referencing "requests for a Commission record request" are inchoate. Leaving aside any judgment regarding the relevance or necessity for the material referenced by the DOE in the Company's development of the PwC report materials, these pleadings appear to be in the vein of a bilateral discovery dispute between two parties before the Commission, the DOE and Liberty. Such a discovery dispute could be resolved through a motion to compel filed by the DOE, pursuant to the usual

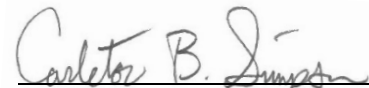
procedures and applicable rules. Ideally, however, the Company would extend all necessary cooperation to the DOE in its development of the PwC report through this unusual rate case process.

Furthermore, there appears, after more than one month, an ongoing dispute between the Company and the DOE regarding the proper scope for the PwC report. In light of this, the Commission hereby orders Liberty to cooperate with the DOE and all other parties to develop a mutually-agreeable scope of work for the PwC report, to be filed with the Commission no later than April 15, 2024. Furthermore, the Commission extends the stay in this proceeding until May 15, 2024, and hereby CANCELS the hearings in this docket scheduled for May 7 and May 9, 2024. Furthermore, the deadlines for submission of the PwC Report and a procedural schedule proposal referenced in Order No. 26,952 are hereby SUSPENDED pending the development and filing of the agreed-upon scope of work for the PwC report.

So ordered, this second day of April, 2024.

  
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Chairman

  
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Pradip K. Chattopadhyay  
Commissioner

  
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# Service List - Docket Related

Docket#: 23-039

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