

STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
Donald M. Kreis



OFFICE OF THE CONSUMER ADVOCATE

21 South Fruit Street, Suite 18
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February 20, 2024

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

Via e-mail to: ClerksOffice@puc.nh.gov

Re: Docket No. DG 23-067
Liberty Utilities (Energy North Natural Gas) Corp.
Distribution Service Rate Case

To the Commission:

The Office of the Consumer Advocate (“OCA”) is in receipt of a letter filed late this afternoon by the Department of Energy, seeking to extend tomorrow’s deadline for the submission of its prefiled direct testimony. The deadline, of course, applies not just to the Department but also to the OCA.

As noted in the Department’s letter, the OCA opposes this extension request. I write to explain the OCA’s position more fully, submitting our position in the form of a letter rather than a legal pleading given the pressing nature of this controversy.

Everyone involved in this case, including the Commission, has been aware for many weeks now that Energy North and its electric distribution affiliate here in New Hampshire have pending rate cases that have been bedeviled by problems arising out of these companies’ decision to base their rate filings on a test year (2022) that included a difficult, complicated, and apparently not entirely successful cutover to new billing and accounting software. As in the electric rate case, DE 23-039, the Department has moved to dismiss the entire proceeding in light of these problems (tab 61, filed on February 16, 2024).

Both the Department and the subject utility have requested a continued stay of the entire proceeding while the Commission considers the pending dismissal motion. The first of these requests came from the subject utility, on February 5 – more than two weeks ago. Given the Commission’s silence to date on the pending stay requests, the OCA has been working diligently to prepare its written testimony for filing tomorrow. Meanwhile, as revealed in the Department’s letter and unbeknownst to the OCA until now, it appears the Department instructed its witnesses at some point to stand down and, therefore, regardless of what action the Commission takes on the extension request there will be no testimony forthcoming from the Department tomorrow.

Please be advised that the Office of the Consumer Advocate is now officially weary of being whipsawed by these two utilities, and the Department of Energy, as this ongoing struggle over the reliability of the utilities' books and records plays out. We are not seeking an extension of any deadline that applies to our office, believe it would be unfair to grant an extension to the Department of Energy, and regret that it now falls to the Commission to sort out a most regrettable situation. We are eager to cooperate as best we can with the Commission's presumed goal of assuring that the rates of both utilities remain just, reasonable, and lawful.

Sincerely,

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

Donald M. Kreis
Consumer Advocate

cc: Service List