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DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

January 4, 2024

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

Re: DG 23-076 Liberty Utilities (EnergyNorth Natural gas) Corp. d/b/a Liberty  
Winter 2023-2024 and Summer 2024 Cost of Gas and LDAC Filing, *DOE*  
*Assented-to Request for Late Filing of December 5, 2023 Technical Statement*

Dear Chairman Goldner:

Enclosed please find the New Hampshire Department of Energy's "Technical Statement of Faisal Deen Arif, Gas Director and Ashraful Alam, Utility Analyst." *See* Commencement of Adjudicative Proceeding and Notice of Hearing (Sept. 19, 2023) at 5 (requiring Department to file a technical statement regarding LDAC on December 5, 2023).

Yesterday, it came to my attention that although the New Hampshire Department of Energy ("DOE" or "Department") filed a technical statement on December 5, due to administrative error the PUC Clerk's Office email address was inadvertently omitted. *See* Attachment 1, (December 5, 2023 service email from DOE to all parties). Accordingly, the Commission has not received the DOE's filing.

The DOE asks the Commission to waive the December 5 filing deadline pursuant to NH Admin Rules Puc 201.05. By and through counsel, Liberty Utilities (EnergyNorth Natural Gas) d/b/a Liberty, and the Office of the Consumer Advocate, assent to the relief requested in this motion.

Waiver is appropriate because all other entities on the service list received the filing on December 5, 2023, thus largely satisfying the purpose of the Puc 201.05 because other parties had timely notice of what was filed, and today's filing gives the Commission time to review the technical statement before hearing. In addition, compliance with the rule would now be impossible. These criteria mean, as defined by Puc 201.05, that waiver "serves the public interest." In addition, the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. Thus, all waiver criteria are met. *See* Puc 201.05.

The DOE has attached, for Commission review, exactly what was sent to other parties on December 5, 2023 to this letter. *See* Attachment 2 (including a cover letter dated December 5, 2023, the service, list, showing that DOE intended to serve the Commission’s Clerk’s Office, and the December 5, 2023 Technical Statement of Alam and Arif). The DOE made three filings into this docket on December 5, 2023, including a “request to Carve-out for Adjudication,” an objection to the OCA’s Motion for Rehearing, and – it was thought—the technical statement. Had there been only one filing, the DOE anticipates it would have identified the email address omission sooner.

Consistent with the Commission’s current practices, this letter is being filed only in electronic form.

Thank you for your assistance in this matter.

Sincerely,

/s/ *Mary E. Schwarzer*

Mary E. Schwarzer, Esq.  
Hearings Examiner

Encl.

cc: Service List (Electronically)

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**Schwarzer, Mary**

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**From:** Waterhouse, Amy  
**Sent:** Tuesday, December 5, 2023 2:53 PM  
**To:** Alam, Ashraful; Deen Arif, Faisal; Tyler.Culbertson@libertyutilities.com; ENGY: Litigation; Frantz, Tom; Robert.Garcia@libertyutilities.com; deborah.gilbertson@libertyutilities.com; maureen.karpf@libertyutilities.com; James.King@libertyutilities.com; Kreis, Donald; Lynch, Molly; Alyssa.Maston@libertyutilities.com; Erica.Menard@libertyutilities.com; Noonan, Amanda; CA: Litigation; Luke.Sanborn@libertyutilities.com; Schwarzer, Mary; michael.sheehan@libertyutilities.com; karen.sinville@libertyutilities.com; Joshua.Tilbury@libertyutilities.com; Adam.Yusuf@Libertyutilities.com  
**Subject:** Docket No. DG 23-076; Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Winter 2023–2024 and Summer 2024 Cost of Gas and LDAC Filing- DOE Technical Statement  
**Attachments:** DG 23-076 - LDACC\_DOE\_Technical\_Statement\_Arif\_\_Alam.pdf

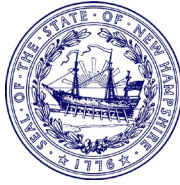
Good afternoon,

Enclosed for filing in the above reference docket is the Technical Statement of Faisal Deen Arif and Ashraful Alam.

Thank you for your kind attention in this regard.

Best,

*Amy J. Waterhouse*  
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December 5, 2023

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

Re: DG 23-076 Liberty Utilities (EnergyNorth Natural gas) Corp. d/b/a Liberty  
Winter 2023-2024 and Summer 2024 Cost of Gas and LDAC Filing, *DOE  
Technical Statement Regarding LDAC of Faisal Deen Arif, Gas Director and  
Ashraful Alam, Utility Analyst*

Dear Chairman Goldner:

Enclosed please find the New Hampshire Department of Energy's "Technical Statement Regarding LDAC of Faisal Deen Arif, Gas Director and Ashraful Alam, Utility Analyst." *See* Commencement of Adjudicative Proceeding and Notice of Hearing (Sept. 19, 2023) at 5 (requiring Department to file a statement consistent with the parties' default schedule in Docket No. DG 23-027, DOE Letter dated July 14, 2023).

Please note, this technical statement does not comment on Liberty's decoupling year 5 (DY 5) analysis, in which the Company asserts that it is due approximately \$5 million dollars. Due to the delay in Liberty's production of discovery in an earlier docket regarding DY4 and DY3 --Docket No. DG 22-045 --the Department's understanding of Liberty's application of Tariff No. 11 to RDAF calculations cannot yet be completed. DOE has filed a request to carve out the issue from adjudication and leave the matter in this docket subject to a future (additional) hearing. *See* DOE Letter (filed December 5, 2023) (proposing to carve out DY5 for adjudication and to treat RDAF rate as interim rate); Docket No. DW 22-045 Commission's Procedural Order Re: Request to Postpone Hearing and for Other Relief (December 4, 2023).

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Sincerely,

/s/ *Mary E. Schwarzer*

Mary E. Schwarzer, Esq.  
Hearings Examiner

cc: Service List (Electronically)

Docket #: 23-076

**SERVICE LIST - DOCKET RELATED - Email Addresses**

Printed : 12/5/2023

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