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DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
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December 22, 2023

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

Re: DE 23-081, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Request for Approval of Revenue Decoupling Adjustment for July 2022 through June 2023;
Department of Energy Request to Suspend Procedural Schedule

Dear Chairman Goldner:

On September 1, 2023, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty ("Liberty" or "Company") filed a request for Commission approval of a change in distribution rates effective November 1, 2023, to reconcile the second year of the Company's decoupling mechanism. The Commission opened the above-captioned docket and issued a Commencement of Adjudicative Proceeding and Notice of Prehearing Conference and Hearing Order on September 25, 2023, which suspended Liberty's proposed revised revenue decoupling tariff until December 1, 2023, pending further order of the Commission, and scheduled a one-day hearing for November 8, 2023, at 9:00 a.m. The New Hampshire Department of Energy ("DOE" or "Department") filed an assented-to proposed procedural schedule on behalf of the parties to this docket on October 11, 2023, which the Commission approved on October 12, 2023. The parties to this docket are Liberty, the DOE, and the Office of the Consumer Advocate ("OCA") (hereinafter referred to as "the Parties").

Due to delayed and incomplete data responses from the Company, the Department filed a request that the Commission postpone the hearing scheduled for November 8, 2023, and reschedule the hearing once complete responses were received. The Commission issued an order on November 6, 2023, postponing the November 8 hearing and requesting that the parties file a revised proposed procedural schedule on or before November 22, 2023. The parties filed an assented-to revised proposed procedural schedule on November 21, 2023. The Commission approved the parties' revised schedule on November 22, 2023; scheduled a one day hearing for February 1, 2024; and further suspended the proposed tariff until March 1, 2024, in order to accommodate the new hearing date.

Pursuant to the parties' revised assented-to procedural schedule approved by the Commission on November 22, 2023, the parties held a technical session on Wednesday, November 29, 2023. The Department issued a set of 21 technical session data requests on

Tuesday, December 5, 2023, pursuant to the procedural schedule, with responses due from Liberty on Tuesday, December 19, 2023.

After hours on Tuesday, December 19, 2023, Liberty filed responses to 14 of the 21 data requests. The Company noted that it was unable to finalize all requests in this set at that time, but anticipated being able to provide responses to the remaining requests (7 out of 21) by Friday, December 22, 2023. Liberty provided no notice to the Department that the responses would be filed after hours and would only be partial. As of the filing of this letter, the Company still has not provided the remaining responses.

According to the procedural schedule, technical statements are due from the Department and the OCA by Wednesday, January 10, 2024. Due to the delayed responses and uncertainty of when the remaining 7 responses will be received; as well as uncertainty of whether the responses will be complete, given a prior issue with incomplete data responses in this docket, as described above; the Department requests that the Commission suspend the current procedural schedule in this docket until the Company has provided complete data responses.

The DOE proposes that once Liberty has provided complete data responses, the Parties may confer to develop new proposed due dates for the technical statements and exhibit and witness lists in this matter.

The Department therefore requests that the Commission suspend the procedural schedule in this docket until such time as Liberty has provided the remaining 7 of 21 data responses in this matter and the Department is able to verify that all data responses are complete.

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

Sincerely,

/s/ Alexandra K. Ladwig

Alexandra K. Ladwig
Staff Attorney/Hearings Examiner
Department of Energy

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