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November 2, 2023

***Via Electronic Mail Only***

Daniel Goldner, Chair  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-2429

**Re: DE 23-081 Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty  
Request for Approval of Revenue Decoupling Adjustment**

Dear Chairman Goldner:

On behalf of Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, I write to object to the Department of Energy's (DOE) request to continue the November 8 hearing in this docket indefinitely and to develop a new procedural schedule that will take this docket well past the proposed effective date of November 1, 2023.

DOE's slow-walking of this docket is not an appropriate basis to delay a schedule established in the DE 19-064 Settlement Agreement<sup>1</sup> that the Commission approved in Order No. 26,376 (June 30, 2020)<sup>2</sup> and that is embedded in Liberty's tariff.<sup>3</sup>

The relevant timeline of this docket is stated below, highlighting DOE's lack of any activity for six weeks, then making little effort to keep the scheduled 11/8 hearing date.

Please recall that, on the merits, this is not a complex case. The formula for the RDAF is detailed in the tariff. Liberty applied that formula in the first year of decoupling in DE 22-

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<sup>1</sup> "The Company will make a reconciliation filing by September 1 following the completion of each decoupling year (July 1 to June 30), in which Liberty will calculate the rate increase or rate refund arising from the just completed decoupling year, and request approval for any adjustment to go into effect on November 1 for the following twelve months." Settlement Agreement in Docket No. DE 19-064 at Bates 012 (emphasis added).

<sup>2</sup> "The Settling Parties agreed to additional steps and timelines for implementing the decoupling mechanism." Order No. 26,376 at 9.

<sup>3</sup> "The RDAF shall be effective on the first day of the Billing Year November 1 through October 31 calculated using the preceding Decoupling Year of July 1 through June 30." Tariff Page 138 (emphasis added).

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052. DOE and the OCA supported Liberty's proposed RDAF adjustment.<sup>4</sup> The Commission approved the proposed adjustment in Order No. 26,748 (Dec. 16, 2022). And DOE's audit of that first RDAF (which Liberty has marked as Exhibit 2 in this proceeding) found only minor items to address. The current Year 2 filing should be a repeat of the uneventful Year 1 docket and any necessary adjustments discovered later can be address as this is a reconciling mechanism.

Liberty is prepared to proceed with the November 8 hearing.

Despite the above, Liberty proposes a modified schedule that best preserves a December 1 effective date for the RDAF, as set forth below:

Technical Session	November 8
DOE & OCA Technical Statements due	November 10
Hearing	November 14, 15, or 16

Thank you for your attention to this matter.

Sincerely,



Michael J. Sheehan

cc: Service List

Following is the timeline of relevant events in this docket:

- 9/1 Petition filed with Commission and served on DOE and OCA.
- 9/1 – 10/12 Six weeks of no action in a docket with a Commission-approved and tariff-enshrined effective date of November 1.
- 10/12 Data requests first served on Liberty with very short response time of 7 working days (10/23) necessitated by short time left to the hearing date.
- 10/23 Responses to 14 of the data requests provided with the statement (1) that further responses would be provided prior to the scheduled 10/24 tech session, (2) that the last responses would be provided by 10/26, well in advance of DOE's 11/3 deadline for its technical statement or testimony, and (3) offering a second tech session to discuss the responses, if desired.

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<sup>4</sup> See Transcript of 11/15/2022 Hearing in DE 22-052 at 107-108.

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- 10/24 additional data responses provided.

DOE canceled the approved 10/24 tech session due to lack of all data responses, foregoing the opportunity to discuss and raise any issues with answers provided.

- 10/26 As promised, all remaining data responses provided.

Liberty proposed a revised procedural schedule that essentially extends deadlines and hearing by one week, longer than the 3 extra days Liberty took to answer the data requests (11/1 tech session, 11/10 deadline for DOE testimony, hearing week of 11/13. Liberty received no response until 10/31.

- 10/31 DOE alleged, for the first time, that discovery responses were insufficient, and that DOE needed more time. DOE did not respond to Liberty's proposed schedule revision, claiming the need to wait for supplemental data responses before developing a new schedule.

- 11/1 DOE asked to extend the hearing and establish a new schedule.