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**DEPARTMENT OF ENERGY**

21 S. Fruit St., Suite 10  
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December 13, 2024

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

RE: DE 24-073; Office of the Consumer Advocate; Show Cause Proceeding; *DOE Letter Relative to Submission of Additional Testimony*

Dear Chairman Goldner:

On November 18, 2024, the Commission issued a Procedural Order in the above referenced docket pertaining to a Motion for Revised Process (Motion) filed by Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (“Liberty,” or “Company”). In its Order the Commission denied the Company’s Motion but required the following of the parties: (1) Submission of testimony needed to support either its initial brief or anticipated reply brief shall be filed by December 13, 2024; and (2) Reply briefs to the initial briefs shall be filed by December 27, 2024.

The proceeding stems from the Office of the Consumer Advocate’s May 10, 2024, Petition to open an investigation pursuant to RSA 374:7 alleging noncompliance by Liberty with both N.H. Admin. Code Puc 307.10 and the DE 19-064 Settlement Agreement concerning Liberty’s Vegetation Management planning and practices. By Procedural Order dated June 18, 2024, the Commission opened this adjudicatory proceeding to consider the issues raised by the OCA. By Procedural Order dated August 28, 2024, the Commission sought briefs on two issues:

1. Whether the Company is in contempt of the terms of the settlement agreement as contained in docket DE 19-064, Order No. 26, 376 (June 30, 2020), by allegedly failing to fulfil its requirements for vegetation management as contained in the settlement.
2. If the Company is found to be in contempt, what is the appropriate remedy?

On October 22, 2024, the Department submitted its Initial Brief addressing these questions. In its Initial Brief, the Department cited extensively to facts that were taken from previous Liberty vegetation management plan/VMP related dockets. Thus, the Department declines to submit additional testimony at this time and instead relies on its Initial Brief as presented, including the citations therein. The Department’s Initial Brief referenced several dockets involving Liberty’s vegetation management budget and performance pursuant to relevant sections of Settlement Agreements from Liberty’s two most recent completed rate cases: DE 19-

064 and DE 16-383<sup>1</sup>. Docket DE 19-064 contains the most recent Settlement Agreement, which governs the budget and performance aspects of Liberty’s vegetation management plans since 2021. The preceding Settlement Agreement (from DE 16-383) governed the budget and performance aspects prior to being replaced in DE 19-064. In its Initial Brief in this docket, the Department analyzed the differences in the terms of the two Settlement Agreements showing that the DE 19-064 Settlement Agreement contained an additional ratepayer protection, in that “[t]he Company shall not recover any VMP expenses that exceed 10% of [\$2,200,000] or in excess of \$2,420,000, through the annual reconciliation filing, or otherwise.”<sup>2</sup> In its Initial Brief, the Department provided legal analysis in support of its interpretation relative to the unambiguous meaning of the terms of the Settlement Agreement in DE 19-064. The Department referenced the testimony of Staff Witness Kurt Demmer from DE 19-064 surrounding the impetus for the additional ratepayer protection.<sup>3</sup> Further the Department pointed to the Company’s underperformance as described in the Department’s technical statements filed in each of the annual vegetation management plan dockets under the governing DE 19-064 Settlement Agreement.<sup>4</sup>

In sum, the proceedings surrounding the pertinent Settlement Agreements and facts surrounding Liberty’s vegetation management past practices are well documented and cited in the Department’s Initial Brief. Given this, the Department does not have additional testimony in support of its Initial Brief at this time.

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

Sincerely,

*/s/ Marie-Helene Bailinson*  
Marie-Helene Bailinson-Georges, Esq.  
Hearings Examiner/Staff Attorney

Cc: Docket Service List

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<sup>1</sup> See Department’s Initial Brief dated 10/22/24, Pages 2 and 6

<sup>2</sup> See Department’s Initial Brief dated 10/22/24, Pages 2, 6 and 7.

<sup>3</sup> See Department’s Initial Brief dated 10/22/24, Page 6.

<sup>4</sup> See Department’s Initial Brief dated 10/22/24, Page 4

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