

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-073

OFFICE OF THE CONSUMER ADVOCATE

Show Cause Proceeding

Order Denying Office of the Consumer Advocate's Motion for Reconsideration

ORDER NO. 27,092

January 8, 2025

The Office of Consumer Advocate (the OCA) filed a petition to investigate Liberty Utilities (Granite Electric)(the Company) alleged non-compliance with its vegetation management obligations as agreed upon by the parties and approved by the Commission in in docket DE 19-064, Order No. 26, 376 (June 30, 2020). At the August 27, 2024 prehearing conference, the parties agreed to convert the matter to a show cause proceeding. See Transcript of August 27, 2024 Hearing at 26-28. Additionally, the parties agreed that the primary legal issue did not require discovery and could be determined on legal briefs supplemented by a review of the 2019 Order and subsequent vegetation management dockets. Finally, the parties agreed that after the briefing was submitted further hearing may be necessary. See Id. at 43-44.

Since the August prehearing, the initial briefings as contemplated were filed. Liberty's November 1, 2024 motion for revised process was denied; however, the Commission did provide all parties the ability to file sworn testimony to support their briefing, if desired. See November 18, 2024 procedural order. In response to the November 18, 2024 procedural order, testimony was filed by Liberty on December 13, 2024, reply briefs were timely filed by all parties, and the OCA filed a motion for reconsideration. In its motion for reconsideration, the OCA asserts that they have been denied the ability to

cross-examine the testimony submitted by Liberty which subsequently violates RSA 541-A:33, IV. Liberty has filed an opposition to the OCA's motion for reconsideration.

The Commission has reviewed its November 18, 2024 procedural order, the motion for reconsideration and the opposition to that motion. The Commission finds that its November 18, 2024 order does not violate the administrative procedures act and the motion for reconsideration is DENIED.

The parties agreed to proceed initially on legal briefs, understanding that additional hearings may be necessary. The Commission has reviewed the testimony provided by Liberty that is the subject of dispute in this matter. The testimony is extensive and often contains information that is immaterial to the legal question at hand; however, it appears to be centered on Liberty's reasoning and justification concerning its understanding of the settlement. Many of the facts contained in this testimony are contained in prior Commission dockets. The Commission has discretion to review testimony and assess relevancy. *See* RSA 541-A:33, II. In this case, the Commission is in the preliminary stages of reviewing the briefing and supporting documents. The Commission has yet to determine the course of future proceedings. The Commission agrees that due process is fundamental to administrative law proceedings. In that context, prior to relying on any fact in the testimony presented that is novel to this proceeding, and has not been presented in another docket where it was subject to cross-examination, the Commission will provide the parties with an opportunity to cross-examine the evidence at a future hearing.

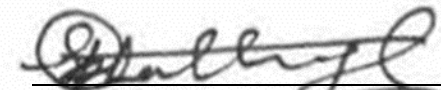
The Commission is still reviewing the legal briefing and testimony provided. Additional hearings may be scheduled should the Commission determine that it needs testimonial evidence to resolve the matter. However, for the reasons stated above, the Commission is not persuaded that its review of the testimony provided by the Company

violates the administrative procedures act and therefore the Motion for Reconsideration is
DENIED.

So ordered, this eighth day of January, 2025.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 24-073

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