

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-044

LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY

2023 Default Service Solicitations

Order Denying New Hampshire DOE Motion for Rehearing of Order No. 27,025

O R D E R N O. 27,050

August 22, 2024

This order denies a New Hampshire Department of Energy (DOE) motion for rehearing of the Commission's Order No. 27,025 relating to cost recovery by Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Company) for certain 2020 vintage Class III Renewable Energy Certificates (RECs) acquired by the Company.

I. MOTION FOR REHEARING AND POSITIONS

On July 24, 2024, the DOE filed a Motion for Rehearing of Order No. 27,025 (Motion). Order No. 27,025 had been issued by the Commission in this instant docket, following a hearing on December 12, 2023. The DOE requested that: the Commission grant rehearing on the issues presented in the Motion pursuant to RSA 365:21 and RSA 541:3; issue a revised order finding that the Company's decision, in July 2020, to purchase Class III RECs sufficient to meet an 8 percent compliance requirement at a price well above the published Alternative Compliance Payment (ACP) rate was imprudent; issue a revised order directing Liberty to return the amount of \$864,640 in costs, approved by the Commission for final recovery in Order No. 27,025, associated with these RECs.

In support of its positions, the DOE, in its Motion, reiterated its litigation positions in this proceeding regarding the alleged imprudency of Liberty's acquisition of the Class III RECs in dispute, presented various semantical arguments disputing

the Commission's word choices in describing the time frames and dynamics at play, and made an overall allegation that the Commission's Order was "unlawful and unreasonable."

On August 1, 2024, the Company filed a timely Objection to the DOE Motion. In its Objection, the Company defended the Commission's choice of words in describing the time frames and dynamics at play in the 2020 Class III REC issue in dispute, as accurately reflecting the relevant facts, and further argued that the DOE Motion should be denied "because it does not point to matters that the Commission may have overlooked or mistakenly conceived and that were material in reaching the Order's conclusion, and the [DOE]'s attempt to relitigate issues directly resolved is not a proper basis for rehearing." Company Objection at 6. No other party presented a response to the DOE's Motion.

The Motion and associated docket filings are posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-044.html>

II. COMMISSION ANALYSIS


Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding, *O'Loughlin v. N.H. Personnel Comm'n*, 117 N.H. 999, 1004 (1977), or by identifying specific matters that were "overlooked or mistakenly conceived by the Commission," *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *See Abenaki Water Company, Inc.*, Order No. 26,312 at 8-9 (November 27, 2019).

Upon reviewing the Motion, the Company Objection, and the record in this docket, the Commission rules that the DOE has not met the burden of proof for rehearing under the above-delineated standards, and therefore DENIES the DOE Motion. The DOE, in its Motion, reiterates the already-presented arguments against a finding of prudence for the Company's acquisition of the RECs at issue that the DOE presented during the pendency of this proceeding, including at hearing. The DOE also fails to meet the burden of showing that specific matters were "overlooked or mistakenly conceived" by the Commission, its semantical arguments notwithstanding. The Commission incorporates by reference the Company's explanations and elaborations presented in its Objection in that regard. The DOE also fails to present new evidence for the Commission's consideration regarding this dispute.


Based upon the foregoing, it is hereby

ORDERED, that the DOE Motion for Rehearing is DENIED.

By order of the Public Utilities Commission of New Hampshire this twenty-second day of August, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 23-044

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