

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-039**

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

**Request for Change in Distribution Rates**

**Procedural Order Re: Scheduling Motions Hearing and Denying Waiver of N.H. Code  
Admin. R. Puc 203.07(e)**

On December 13, 2023, the New Hampshire Department of Energy filed a Motion to Dismiss Rate Filing (Motion to Dismiss) and an Expedited Motion to Stay Proceeding (Motion to Stay). In these filings the DOE seeks: 1) the dismissal of Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty's (Liberty) pending request for permanent rates; 2) an order conditioning Liberty's filing of a subsequent rate petition on a showing that its accounting books and records are accurate, that its FERC Form 1 matches its accounting books and records, and that the rate filing matches both its accounting books and records and its FERC Form 1; 3) an immediate stay of the instant proceeding until the Commission rules on the Motion to Dismiss; and 4) waiver of N.H. Code Admin R. 203.07(e), the 10-day deadline for objections to motions, as it is applicable to the Motion to Stay. On December 14, 2023, Liberty filed an Opposition to the Motion to Stay.

N.H. Code Admin R. 203.07(e) affords parties 10 days to file objections to motions. In its Motion to Stay, the DOE requested waiver of Puc 203.07(e) pursuant to Puc 201.05(a)(1) and (b) in relation to the Motion to Stay. Puc 201.05 authorizes the Commission to waive the provisions of any of its rules upon finding that waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the commission. Puc 201.05(a)(1)-(2). The public interest criterion is informed by whether

compliance with the rule would be onerous or inapplicable given the circumstances and whether the rule would be satisfied by an alternative method. Puc 201.05(b)(1)–(2).


In support of its request to waive the 10-day objection period as it applies to the Motion to Stay, the DOE argues that a stay will prevent the parties from expending resources on a case that will be rendered meaningless if the Motion to Dismiss is granted, and waiving the 10-day deadline for objections to motions would prevent inefficient expenditure of time and resources while the Motion to Dismiss is considered. Liberty opposes staying the proceeding until the Commission receives its response to the Motion to Dismiss, arguing that it is unlikely that the parties will expend significant resources before the deadline, and should the Motion to Dismiss be denied that delays caused by a stay would harm Liberty. Furthermore, Liberty states that it will address whether a stay would be appropriate or could narrow issues in this matter in its response to the Motion to Dismiss.

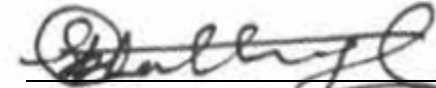
After considering the forgoing arguments, the potential impact a stay would have at this juncture of the procedural schedule if this proceeding is not dismissed, and the significance of the relief sought in the DOE's motions, we decline to waive Puc 203.07(e) as it applies to the Motion to Stay. Objections and replies to the Motion to Dismiss and the Motion to Stay are therefore due **on or before December 26, 2023**.

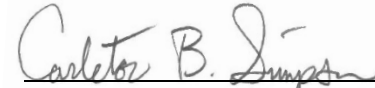
Furthermore, we schedule a motion hearing to occur on **January 4, 2024, at 9:00 a.m.**, to hear argument from the parties on the Motion to Dismiss and the Motion to Stay. Regarding the former, parties should be prepared to discuss the criteria for granting the DOE's Motion to Dismiss, including the threshold question of whether Liberty has adequately presented accurate and complete books and records in support of its rate case to enable this rate case review proceeding to continue. *See, e.g.*, RSA 374:8; RSA 374:13; RSA 374:14; RSA 374:15; RSA 374:17-19; RSA 378:2; RSA 378:5; RSA 378:7; RSA 378:8;

RSA 378:28. Three hours shall be allotted for this hearing. After the deadline for objections and replies to the Motion to Stay has elapsed, the Commission will consider acting on the Motion to Stay for the period of time between such an order and the January 4 motions hearing.

So ordered, this fifteenth day of December, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

# Service List - Docket Related

Docket#: 23-039

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