

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 23-067

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. d/b/a LIBERTY

Request for Change in Distribution Rates

Procedural Order Re: Rescheduled Hearing on Temporary Rates

By procedural order dated September 26, 2023, the Commission cancelled the hearing on temporary rates in the above-captioned matter originally scheduled for today, September 27, 2023. After Commission business hours on September 26, 2023 (at 5:59 p.m.), counsel for the New Hampshire Department of Energy (DOE) filed a letter advising the Commission that the DOE and Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty) “reached a settlement agreement” regarding Liberty’s request for temporary rates in this proceeding, wherein Liberty would seek to collect “approximately” \$8.7 million in additional revenue.

The DOE letter further advised that “[d]ue to the press of time, the [DOE] has not been able to ascertain the [Office of the Consumer Advocate (OCA)]’s position on this settlement.” Certain technical details regarding the DOE-Liberty settlement agreement were provided by the DOE letter, but no waiver of the provisions of N.H. Code Admin. Rules Puc 203.20(e), requiring that settlements and stipulations be filed no less than five (5) days prior to hearing, was requested by the DOE.

Subsequently, after business hours on September 26, 2023 (9:41 p.m.), and in the morning of today, September 27, 2023 (9:23 and 9:24 a.m.), Liberty filed: (1) a letter concurring with the DOE letter filed relating to the DOE-Liberty settlement agreement, advising that the temporary rate increase specified by the settlement agreement would be \$8,706,258, and requesting that the Commission schedule a hearing regarding the DOE-

Liberty settlement agreement on temporary rates for this afternoon, September 27, 2023; (2) a revised witness list and exhibit list; and (3) a proposed hearing Exhibit 2, presenting accounting schedules for the proposed DOE-Liberty settlement agreement.

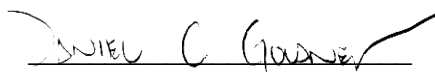
No waiver was sought by Liberty for the Commission's acceptance of these materials, even though the Hearing Guidelines issued by the Commission on August 25, 2023 in conjunction with and pursuant to Order No. 26,877 (commencing this adjudicative proceeding and scheduling the September 27 hearing on temporary rates) require that all witness lists and proposed exhibits be filed at least five (5) business days in advance of hearing. Liberty's exhibit and witness list was also styled as a "joint" list, despite uncertainty regarding the position of the OCA regarding these materials and the DOE-Liberty settlement agreement.

There are weighty issues for consideration regarding the proposed DOE-Liberty settlement agreement on temporary rates, and review of the Commission, and other parties, of the supporting materials requires far more time than mere hours before a proposed rescheduled hearing. No waiver of Puc 203.20(e) or Hearing Guidelines was sought, but in any instance, the Commission does not view an acceptance of the DOE-Liberty late-filed settlement hours in advance of hearing as promoting the orderly and efficient conduct of this proceeding, or not impairing the rights of any party to the proceeding. Puc 203.20(f). Furthermore, there is the need for adequate notice to the public and parties regarding a rescheduled hearing date for this matter.

Therefore, the Commission has rescheduled this matter to October 27, 2023 starting at 9:00 a.m. The hearing shall be conducted in person, in accordance with the hearing guidelines issued on August 25, 2023. The Commission requests that the DOE provide the written testimony of a subject matter expert in support of the DOE-Liberty

settlement agreement at least five (5) business days in advance of hearing, or not later than October 20, 2023.

So ordered, this 27th day of September, 2023.

A handwritten signature in black ink, appearing to read "DANIEL C. GOLDNER", written over a horizontal line.

Daniel C. Goldner
Presiding Officer
Chairman

Service List - Docket Related

Docket# : 23-067

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