

STATE OF NEW HAMPSHIRE

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October 19, 2016

Ms. Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-7319

RE: DG 16-827 Non-Governmental Concord Steam Customers  
Joint Petition to Establish Interconnection/Transition Fund for Non-Governmental Concord Steam Customers

Dear Ms. Howland:

This letter follows up on the motion filed today by the Staff of the Commission, seeking dismissal without prejudice of the petition in the above-referenced proceeding. As Staff has indicated, the Office of the Consumer Advocate (OCA) concurs in the motion. I write, briefly, to elaborate on the OCA's position.

We share the concerns, expressed by the petitioners, about the challenges confronted by certain customers of Concord Steam in light of the impending shutdown of Concord Steam and the resulting need to convert to an alternative source of heat. As noted in the petition, at least some of those customers are nonprofit organizations that operate on tight budgets with few if any capital resources, thus placing them in a situation that is not unlike that which a residential customer would face if presently relying on Concord Steam.

In these circumstances, we believe that it is Liberty Utilities, as the public utility seeking approval in Docket No. DG 16-770 of its agreement to purchase the assets of Concord Steam, that should be the source of any transition assistance that is not otherwise available to Concord Steam customers. We do not believe it is appropriate to require, and reserve the right to challenge the legality of requiring, Liberty customers (including the residential customers whose interests we represent) to provide such assistance via the establishment of a regulatory asset on which, and of which, Liberty would ultimately obtain a return from customers.

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As you know, the petition in Docket No. DG 16-770 is presently under advisement to the Commission following a hearing held on September 9, 2016. The concerns raised in the instant petition speak directly to whether approval of the asset purchase agreement is consistent with the public good standard of RSA 374:30. Therefore, one approach the Commission may wish to consider to the issues raised here would be to reopen the record in Docket No. DG 16-770.

We stand prepared to work with Staff, Liberty Utilities, Concord Steam, Unutil (as the relevant electric utility) and the petitioners on solutions that make the impending transitions feasible for the commercial customers of Concord Steam without relying on financial help from residential customers.

Thank you for this opportunity to clarify our position.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKreis", written in a cursive style.

Donald M. Kreis  
Consumer Advocate

cc: Service List via electronic mail