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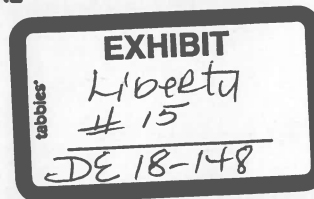
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STATE OF NEW HAMPSHIRE



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August 31, 2018

Judith Tompson  
9 Lancelot Ct., Apt. 8  
Salem, NH 03079

**Re: Liberty Utilities, Disconnection of Service**

Dear Ms. Tompson:

Thank you for speaking with me on August 29, 2018, and on August 30, 2018, about your Liberty Utilities account and the Commission's approval of Liberty's second request for permission to disconnect your medically-protected electric service. This letter memorializes our discussions and provides additional information to assist you with filing a formal complaint with the Commission, to contest your Liberty account balance and the Commission's decision to allow Liberty to disconnect your account.

Based on our conversations, I understand that you dispute the balance and the Commission's decision to allow disconnection to proceed, because you received - or should have received - annual fuel assistance benefits in amounts that equaled or exceeded the annual costs of your usage. Stated another way, you understood that the entire fuel assistance benefit each year would be paid to Liberty and applied as a credit to your Liberty account. Had this happened, you assert that you would not have an outstanding balance. Your position is that, to the extent the full annual benefits were not paid to Liberty, the fuel assistance notices were deceptive in that they did not inform you that benefits would only be applied to current charges during certain months of the year. You also contend that Liberty should have informed you if the company did not receive the entire annual benefit each year so that you could have pursued relief from the fuel assistance program.

As we discussed, to request a hearing, you need to file a formal written complaint with the Commission and in that complaint request a hearing. To assist you with such a filing, I enclose a copy of the Commission's procedural rules. NH Code of Admin. Rules Puc 204.01 permits the filing of formal complaints with the Commission. Puc 203.02 sets out the requirements for written submissions to the Commission. By copy of this letter, I am directing Liberty to suspend collection activity on your account until September 17, 2018, to give you time to file a formal complaint. If no complaint is filed by that date, Liberty may resume its collection activity by sending you a notice of disconnection, as required by Puc 1203.11. For your information, I also enclose a copy of the Commission's utility Customer Relations rules, which includes Puc 1203.11.

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Liberty has prepared copies of the account records that you requested. Liberty notified the Commission that it first sent the records to you by regular mail and that it also attempted to have the records delivered using UPS 2<sup>nd</sup> Day Air, however, you were not available to receive the UPS delivery. As we discussed, by copy of this letter, I ask Liberty to re-send the documents in a way that allows for tracking but does not require you to be present to accept the delivery. If delivery by mail in this way does not work, I will ask you to make arrangements with me for in-person delivery of the documents.

Liberty confirmed that the account associated with your service address is now in your name. According to Liberty, after a State court ordered your landlord to continue providing electricity to your address in an eviction action brought by your landlord, Liberty transferred the account to your landlord. Liberty indicated that, after hearing from your landlord's attorney that a Federal court denied a similar motion and that the State court order was not valid, the company transferred the account back into your name. As we discussed, by copy of this letter, I ask Liberty to provide the dates that the account was transferred to your landlord and back to you and to confirm that no part of the balance that existed before the account was transferred to your landlord's name was transferred to your landlord or deducted when the account was transferred back into your name.

Liberty has also confirmed that your account is currently medically protected, but the company stated that, in late June 2018, during a telephone conversation between a company representative and your physician, the doctor told the company that the written certification he provided was invalid. Liberty explained that your account will continue to be medically protected until the expiration of that written certification unless and until your physician confirms the certification's invalidity in writing.

As you requested, I enclose a copy of my email to Liberty dated August 29, 2018, in which I ask the company about suspending disconnection activity related to your account. Because my request was phrased as a question, I have included language in this letter to make clear to the company that all collection activity, including disconnection, should be suspended until at least September 17, 2018. By copy of this letter, I inform Liberty that I have told you that you do not need to respond by August 31, 2018, to the notice left on your door in order to stop disconnection activity because the Commission has asked the company to stop such activity temporarily, to allow for your filing of a formal complaint.

You asked me for written support of the policy that requires fuel assistance benefits to be paid only for current charges (instead of unpaid balances) and only during certain months of the year. I enclose a copy of the Fuel Assistance Manual used by the Office of Strategic Initiatives, which administers the federal fuel assistance program (FAP). Tracy Desmarais is the FAP administrator for New Hampshire, and she directed me to two sections of the manual, which address your question. On page 9, you will find an Annual Program Schedule, which states that April 30 is "[t]he last date for an applicant to apply for the FAP in the current program year. *All credits with vendors terminate and unused benefit balances roll back into the program.*" (emphasis added) Ms. Desmarais also informed me that all FAP benefit letters to recipients state, "All unused Fuel Assistance Program credits will

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expire on April 30" of the benefit year." In addition, Ms. Desmarais pointed to page 41 of the manual, which states in the General Payment section:

Services rendered prior to October 1 of each year by vendors of deliverable fuels are not an allowable payment except in the case of wood deliveries, which may be authorized for delivery prior to October 1.

Services rendered prior to November 1 by utility vendors are not an allowable payment. However, due to the unique billing cycle of regulated utilities, the CAA may make regular or budget payments for bills that include any part of November energy included in it. For example, an applicant submits a bill from a utility company covering energy usage between October 15 and November 12. Since the bill documents November usage, the entire bill is an allowable payment.

The unpaid bill becomes the first payment deducted when a credit is established with the same energy supplier.

Lastly, Page 5, in the Introduction section of the manual, includes the following description of the program, "The Fuel Assistance Program provides certified income-eligible households with *assistance in paying their energy bills during the winter heating season.*" (emphasis added)

Ms. Desmarais also provided me with information about your FAP benefits. Due to your low usage, only a portion of the benefits were paid to Liberty.


Program year	Benefit	Paid by CAA	Unused
17/18	\$945.00	\$ 191.99	\$753.01
16/17	\$675.00	\$ 193.80	\$481.20
15/16	\$675.00	\$ 362.91	\$312.09
14/15	\$675.00	\$ 444.28	\$230.72
13/14	\$675.00	\$ 274.19	\$400.81
12/13	\$675.00	\$ 187.52	\$487.48
11/12	\$405.00	-	-

If you have additional questions about FAP, I suggest you direct them to Ms. Desmarais, who can be reached at (603) 271-2685.



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In conclusion, I believe I've responded to all of your questions and requests for information. Please contact me with any additional questions or concerns. Thank you.

Sincerely,  
  
Rorie E. Patterson  
Assistant Director  
Consumer Services and External Affairs

cc: Jessica Allen  
Liberty Utilities  
15 Buttrick Rd.  
Londonderry, NH 03053

Year	Amount	Category	Unit
2017	10,100	Electricity	101.00
2017	2,100	Gas	21.00
2017	2,100	Water	21.00
2017	2,100	Sewer	21.00
2017	2,100	Trash	21.00
2017	2,100	Landfill	21.00
2017	2,100	Recycling	21.00
2017	2,100	Other	21.00
2017	2,100	Other	21.00
2017	2,100	Other	21.00