

**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**

**Order Granting Motion to Stay by the New Hampshire Department of Energy**

**O R D E R N O. 26,924**

**December 29, 2023**

This order approves a motion to stay this proceeding filed by the New Hampshire Department of Energy (DOE), until January 31, 2024, while allowing the Commission's consideration of the DOE's motion to dismiss Liberty's rate case to proceed in the meantime.

**I. BACKGROUND**

On December 13, 2023, the DOE filed an Expedited Motion to Stay the general rate case proceeding for Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty or the Company), considered in this instant Docket No. DE 23-039 (Motion to Stay). The Motion to Stay was filed by the DOE in conjunction with its Motion to Dismiss the Company's rate filing; in the Motion to Stay, the DOE requested that the Commission waive the 10-day deadline, established in N.H. Code Admin. Rules Puc 203.07(e), pursuant to Puc 201.05(a), for objections to the Motion to Stay. Also on December 13, 2023, the Office of the Consumer Advocate (OCA) filed a letter stating that it concurred with the DOE's Motion to Stay.

On December 14, 2023, Liberty filed its objection to the Motion to Stay. On December 15, 2023, the Commission issued a procedural order denying the DOE's request to waive the 10-day response period under Puc 203.07(e), and noting that this period would terminate on December 26, 2023. Furthermore, the Commission stated

in its procedural order that it would hold a hearing on January 4, 2024 to hear arguments from the parties on the Motion to Dismiss and the Motion to Stay, but also indicating that “[a]fter the deadline for objections and replies to the Motion to Stay has elapsed [*i.e.*, December 26, 2023], 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.”

The Motion and associated docket filings are posted on the Commission’s website at <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-039.html>.

In its Motion to Stay, the DOE indicated that it sought to avoid the unnecessary expenditure of resources through the ongoing discovery process through this proceeding, in light of the relief concurrently sought by the DOE through its Motion to Dismiss. The OCA shared these concerns through its letter of support, and further indicated that a significant resource burden would be imposed on the OCA by the ongoing discovery and testimonial-review process in this proceeding, barring the Motion to Stay being approved. In its objection to the Motion to Stay, Liberty requested that the Commission deny the DOE Motion to Stay, and in the alternative, defer the Commission’s decision regarding whether a stay of the proceeding is appropriate until the Company had made its response to the Motion to Dismiss. (This Company response to the Motion to Dismiss was subsequently filed on December 26, 2023).

Also, on December 18, 2023, and December 20, 2023, the Company served voluminous data requests on the DOE and OCA, to which the OCA issued objections in part on December 21, 2023, and the DOE issued objections in part on December 28, 2023.

## **II. COMMISSION ANALYSIS**

Pursuant to RSA 541-A:31 and N.H. Code Admin. Rules Puc 203.13 and 203.15, the Commission has the authority to direct the timing and process of an adjudicatory proceeding. That authority includes the power to stay or suspend activity in an adjudication when doing so would promote the efficient resolution of issues before the Commission. *See, e.g., Residents of Colonial Drive, Moultonborough*, Order No. 26,841 (June 8, 2023) at 7. Pursuant to RSA 365:28, “[a]t any time after the making and entry thereof, the [C]ommission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it. This hearing shall not be required when any prior order made by the [C]ommission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held.” RSA 365:28.

In these circumstances, we find it appropriate to revisit the terms of our December 15, 2023 procedural order in this matter, as it pertains to the DOE’s Motion to Stay, as we rule that granting such a stay until January 31, 2024, would be just and reasonable, and in the public interest. Our rulings regarding the Motion to Stay in the procedural order were based on our ministerial authority over the procedural schedule in adjudicated matters, and thus did not require a public hearing, making our amendment of our approach to the Motion to Stay by this Order appropriate under RSA 365:28. Our reasoning for this amendment is as follows. It has become clear that significant resources are being expended by the DOE and OCA in this phase of the proceeding in connection with the Company’s discovery requests, and furthermore, major discovery disputes are arising that will consume further resources, including the adjudicative resources of the Commission. The threshold question in this phase of the proceeding is the consideration of the DOE’s Motion to Dismiss, which has the support of the OCA. The Commission believes that adequate time and provision of

resources to the addressing of this question, in advance of and beyond the January 4, 2024 hearing scheduled, is of the utmost importance. To this end, we hereby GRANT the DOE Motion to Stay until the close of Commission business on January 31, 2024, with the proviso that the Commission will continue its review and consideration of the DOE Motion to Dismiss, and that the January 4, 2024 hearing will continue as scheduled for the purposes of considering the Motion to Dismiss.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the DOE's Motion to Stay this proceeding in Docket No. DE 23-039 is GRANTED, until the close of Commission business on January 31, 2024, unless otherwise ordered by the Commission, with the proviso that the Commission's consideration of the DOE's Motion to Dismiss shall continue in the meantime.


By order of the Public Utilities Commission of New Hampshire this 29<sup>th</sup> 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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