

THE STATE OF NEW HAMPSHIRE

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May 17, 2019

Michael J. Sheehan, Esq.
Liberty Utilities
116 North Main Street
Concord, NH 03301

Re: DE 19-064, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities
Petition for Permanent and Temporary Rates
Motion for Waiver of Puc 1203.02(d) Customer Notice Requirement

Dear Attorney Sheehan:

On April 30, 2019, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty) filed a Petition for Permanent and Temporary Rates (Petition) along with a Motion for Waiver of Puc 1203.02(d), Customer Notice (Motion). Commission Staff (Staff) filed an objection to the Motion, and Liberty filed a response to Staff's objection.¹

Puc 1203.02 governs utility customer relations and the information that a utility must provide its customers whenever it applies for a general rate change. Puc 1203.02(c) requires Liberty to send "to each of its customers a clear and concise statement of the rate schedules applied for and [to] indicate which schedules are applicable to that customer." Puc 1203.02(d) requires Liberty to distribute that information to its customers "no later than 30 calendar days from the date of filing." Here, the rule requires Liberty to distribute the required notice to its customers no later than Thursday, May 30, 2019.

In its Motion, Liberty proposed to post information about the rate case filing on its website and to provide the required notice to its customers in its June bill inserts. Liberty argued that the purpose of the rule would be satisfied before the commencement of the procedural schedule in the permanent rate case. Liberty also claimed that final information was unavailable until just prior to filing and that, therefore, it was not possible to comply with the 30-day requirement specified in Puc 1203.02(d).

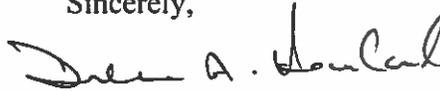
Under N.H. Code Admin. Rules Puc 201.05, the Commission shall waive any of its rules if waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before it. The public interest is served by a waiver if complying with the rule would be onerous or inapplicable or if the rule would be satisfied by an alternative method proposed.

¹ Liberty objected that Staff filed four days late and because Staff requested an affirmative remedy. The Commission found that waiving the deadline for filing a Staff objection under Puc 203.079(e) would serve the public interest and would not disrupt the orderly and efficient resolution of this issue.

The Commission has determined that Liberty's proposed alternative method of providing customer notice does not satisfy the purpose of Puc 1203.02(d). Under Liberty's proposed alternative method, it would send written notice of the requested rate increase through customer bill inserts between June 4 and July 5 (approximately), even though the intervention deadline is May 27, the prehearing conference is scheduled for May 30, and the hearing on temporary rates is expected to be held in mid-June.

In addition, the Commission found that, at the time that Liberty filed its Petition, it had all of the necessary information to provide the required notice to its customers within the 30-day period required by Puc 1203.02(d). Therefore, the Commission denied Liberty's Motion as filed. Instead, given the passage of time, the Commission has granted a partial waiver of the rule and will permit Liberty until June 7, 2019, to distribute notice to customers that have not elected to receive bills and notices electronically. Liberty must distribute the required notice to customers that have elected to receive bills and notices electronically no later than May 30, 2019. In this manner, all customers will receive notice of the proposed rates applicable to them individually prior to the hearing on temporary rates.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name being the most prominent.

Debra A. Howland
Executive Director

cc: Service List

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