STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

DE 26-045

LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY

Request for Change in Rates

Order Nisi Approving Settlement Agreement and Maintaining Distribution Rates at Current Levels for the Purposes of Setting Temporary Rates

O R D E R N O. 28,261

November 25, 2026

In this order, the Commission approves, on a nisi basis, the settlement agreement regarding the temporary rate phase of the Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) distribution rate proceeding reviewed in this docket. This settlement agreement, entered into by Liberty, the New Hampshire Department of Energy (DOE), and the Office of the Consumer Advocate (OCA) (together, 'Settling Parties'), leaves Liberty's distribution rates unchanged from current rates, thereby making temporary rates for Liberty a null 'rate' pending the Commission's decision on Liberty's permanent distribution rate proposals in this proceeding. The Commission is carefully monitoring Liberty's situation in light of the recent publication of a DOE-managed, and Commission-ordered, information technology audit (IT Audit), and will engage deeply in the now-commenced permanent rate phase of this proceeding.

Liberty filed its petition for an increase in its general distribution rates on October 6, 2026, in which Liberty requested, pursuant to RSA 378:27, a temporary increase in distribution rates to be effective December 1, 2026, and reflecting an increase in annual revenue of $1,241,708. This proposed increase would have resulted in a 2.3 percent increase in Liberty's distribution revenue and a 1 percent increase in Liberty's total revenue. See Settlement Agreement at Pages 1-2.

On October 28, 2026, the DOE filed the IT Audit report in the docket for Liberty's gas-utility affiliate (Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty) distribution rate case proceeding, Docket No. DG 26-037. This IT Audit report, prepared by the DOE's consultant, Schneider Downs, referred to certain alleged deficiencies in accounting and information controls in both the gas-utility affiliate, and the Liberty electric distribution utility subsidiary, and had been ordered by the Commission as part of its rulings in the last full distribution rate cases for these companies (DE 23-039 and DG 23-067). The Commission responded to the IT Audit in the gas-affiliate case by suspending the proposed tariffs for temporary rates and scheduling a continued hearing in DG 26-037 for November 19, 2026, by means of a procedural order issued on October 30, 2026.

In this DE 26-045 Liberty electric-utility case, Liberty filed a redacted version of the IT Audit report on November 13, 2026, together with a motion for confidential treatment arguing in support of Liberty's preferred redactions for this material that had been originally filed by the DOE. (The question of confidentiality and redactions for the IT Audit report remains outstanding, and will be addressed at a consolidated hearing for both DE 26-045 and DG 26-037 on December 16, 2026, as scheduled by a Commission procedural order issued on November 20, 2026).

By Order No. 28,254, issued on October 23, 2026, the Commission had originally planned for a hearing on temporary rates in DE 26-045 on November 19, 2026. However, on November 16, 2026, the Settling Parties tendered the settlement agreement for the Commission's consideration, which, as discussed below, would leave Liberty's distribution rates unchanged from current rates. In light of this, the Commission issued a procedural order, also on November 16, 2026, inquiring of the parties as to whether they would have any objection to the Commission addressing the settlement agreement by means of an order issued on a nisi basis. Liberty, the DOE, and the OCA each filed responses to the Commission's inquiry on November 17, 2026 stating that they would have no objection to the Commission taking up the settlement agreement within an Order Nisi, and cancelling the forthcoming hearings on temporary rates for DE 26-045 and DG 26-037 scheduled for November 19. In response, the Commission issued a procedural order on November 18, 2026 cancelling the November 19 hearing for this docket, and likewise issued a procedural order in DG 26-037 cancelling the November 19 hearing in that docket.

The terms of the settlement agreement presented to the Commission by the Settling Parties[1] are simple. The settlement agreement specifies "that temporary rates will be set equal to current distribution rates. Accordingly, no updated rate schedules are necessary if this Settlement Agreement is approved. There are no bill impacts associated with this Settlement Agreement." Settlement Agreement at Page 3. Also, "[t]he agreement to maintain current rates as temporary rates has been made in order to reach settlement and shall not establish precedent in this or future rate proceedings." Id. Though the settlement agreement temporary 'rates' would essentially be a

[1] One party to this DE 26-045 proceeding, the Community Power Coalition of New Hampshire, did not join the settlement agreement, and the settlement agreement represented that the "Community Power Coalition of New Hampshire takes no position with respect to [Liberty's] temporary rate proposal or this Settlement Agreement." Settlement Agreement at Page 1.

nullity, the settlement agreement referred to such "temporary distribution rates" as becoming effective as of December 1, 2026. Id. The Settling Parties also agreed "that the [Liberty] vegetation management program (VMP) annual recovery cap of $3 million" would "remain unchanged" under the terms of the settlement agreement "and that the VMP performance requirements agreed to in the DE 23-039 Settlement Agreement will remain in place for calendar year 2027. Specifically, and consistent with Section 8.2 of the DE 23-039 Settlement Agreement, during calendar year 2027 [Liberty] will continue to dedicate one vegetation management crew to hazard tree removal, and shall complete 117 miles of tree trimming." Settlement Agreement at Page 2.

Having reviewed the terms of the settlement agreement, that fixes the temporary rates for Liberty pursuant to RSA 378:27 at the same level as Liberty's current distribution rates as of December 1, 2026, we view this approach to meet, in its barest essentials, the standards of RSA 378:27, with the following reservations and elaborations. Based on our initial review of the IT Audit report, there appears to be grounds for our concern, and close attention, regarding the accounting systems at Liberty and its gas-utility affiliate. These matters were of central concern in the last distribution rate case for Liberty, DE 23-039. The settlement agreement presented here offers a path to administrative efficiency and wise regulatory resource allocation, wherein the temporary-rate phase will be closed, and Liberty, the DOE, and other parties will be able to engage fully in the permanent-rate phase of this proceeding, wherever it leads. Our approval of this settlement agreement is by no means any sort of endorsement of the current accounting-system structure at Liberty, nor does our approval limit, in any way, our future approach to such situations, or to our ultimate adjudication of this rate case. The Commission expects to issue a number of Information Requests to Liberty, and potentially, the DOE, regarding the findings

presented in the IT Audit report in the near term. Also, the Commission requests that the parties provide up-to-date and clear information regarding case developments in this proceeding going forward, as appropriate and necessary, through the use of generic case filings when warranted, rather than waiting for testimonial deadlines.

In approving this settlement agreement, the Commission also grants the embedded waiver requests for filing deadlines presented by the Settling Parties in their motion filed on November 16, 2026.

Based upon the foregoing, it is hereby

ORDERED NISI, subject to the effective date below, that the settlement agreement referenced herein, pertaining to Liberty's temporary rates effective as of December 1, 2026, which leaves the Liberty distribution rates unchanged from current rates, is hereby APPROVED; and it is

FURTHER ORDERED, that the waiver request made by the Settling Parties in their motion of November 16, 2026 is hereby GRANTED; and it is

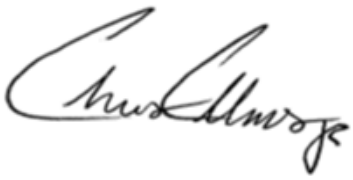
FURTHER ORDERED, that Liberty shall post a copy of this Order Nisi on its website within two business days of the date of this Order, with an affidavit of publication to be filed with this office on or before December 1, 2026; and it is

FURTHER ORDERED, that all persons interested in responding to this Order be notified that they may submit their comments or file a written request for a hearing, stating the reason and basis for a hearing, no later than December 15, 2026; and it is

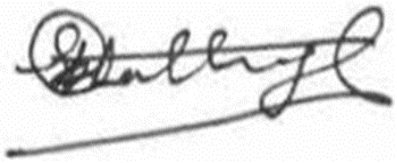
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than December 24, 2026; and it is

FURTHER ORDERED, that this Order shall be effective November 30, 2026, unless Liberty fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-fifth day of November 2026.



Christopher J. Ellms, Jr.
Chairman



Pradip K. Chattopadhyay
Commissioner



Mark W. Dell'Orfano
Commissioner

Service List - Docket Related

Docket#: 26-045

Printed: 11/25/2026

Email Addresses

Adam.Yusuf@Libertyutilities.com
adminassistconcord@nhlandlaw.com
albdios.v.fioravante@energy.nh.gov
alexandra.k.ladwig@energy.nh.gov
amanda.o.noonan@energy.nh.gov
bullimore@nhlandlaw.com
carol.a.chellman@oca.nh.gov
ClerksOffice@puc.nh.gov
Clifton.Below@CommunityPowerNH.gov
Deana.Dennis@CommunityPowerNH.gov
dghansen@CAEnergy.com
dmullinax@blueridgecs.com
donald.m.kreis@oca.nh.gov
donovan.e.capel@energy.nh.gov
elizabeth.r.nixon@energy.nh.gov
Energy-Litigation@energy.nh.gov
Felicia.Midkiff@libertyutilities.com
gary.m.cronin@energy.nh.gov
Heather.Tebbetts@LibertyUtilities.com
Ian.Harmon@libertyutilities.com
Ila.delaVega@libertyutilities.com
jacqueline.m.trottier@energy.nh.gov
James.W.Stoutenborough@energy.nh.gov
Jeffrey.Faber@libertyutilities.com
jjdevirgilio@gmail.com
jkelley@keeganwerlin.com
jralston@keeganwerlin.com
jrw@psu.edu
karen.sinville@libertyutilities.com
Kelechi.P.Nwanaga@energy.nh.gov
Kourtni.Yager@LibertyUtilities.com
lee@nhlandlaw.com
manzelli@nhlandlaw.com
Marc.H.Vatter@oca.nh.gov
Marie-Helene.B.Bailinson@energy.nh.gov
Matthew.J.Fossum@oca.nh.gov
mewen@indecon.com
Michael.J.Cronin@energy.nh.gov
michael.sheehan@libertyutilities.com

mmalukoff@indecon.com
mtclark@CAEnergy.com
nacrowley@CAEnergy.com
ocalitigation@oca.nh.gov
Padmaja.Baru1@energy.nh.gov
paul.b.dexter@energy.nh.gov
regulatory.nh@libertyutilities.com
Robert.Garcia@libertyutilities.com
Robyn.I.Sarette@energy.nh.gov
RoxieMcCullar@consultant.com
Samantha.B.Woodworth@energy.nh.gov
steven.mullen@libertyutilities.com
swang@caenergy.com
tmlarkinassociates@gmail.com
willoughbyconsulting@gmail.com