

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

_____)
 Petition of Liberty Utilities (New England Natural
 Gas Company) Corp. d/b/a Liberty, pursuant to
 G.L. c. 164, § 94 and 220 CMR 5.00 for Approval
 of a General Increase in Base Distribution Rates
 for Gas Service and a Performance-Based
 Ratemaking Plan _____)

D.P.U. 25-85

JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE

Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty (“Liberty” or “Company”) and the Office of the Attorney General (“AGO”), and the Low-Income Weatherization and Fuel Assistance Program Network and The Low-Income Energy Affordability Network, and Citizens for Citizens, Inc., jointly (collectively the “Network”) (together the “Settling Parties”), pursuant to 220 C.M.R. § 1.02(5), hereby request that the Department of Public Utilities (“Department”) grant their Motion to Amend the Procedural Schedule in the above-referenced proceeding. The Department of Energy Resources (“DOER”) and the Conservation Law Foundation (“CLF”) assent to this motion.

On June 13, 2025, the Company filed with the Department a petition in the above-referenced matter for approval of a general increase in distribution rates for gas service and a five-year Performance-based Ratemaking Plan. On June 24, 2025, the AGO filed a notice of intervention pursuant to G.L. c. 12, § 11E(a). Thereafter, the Department granted the petitions to intervene of DOER, CLF, and LEAN.

On July 30, 2025, the Department issued a procedural notice setting forth the procedural schedule, including dates for evidentiary hearings.¹ On August 6, 2025, the Settling Parties filed a joint motion, with the assent of DOER, LEAN, and CLF, to amend the procedural schedule (“August 6, 2025 Motion”) to reserve evidentiary hearing dates from December 1, 2025 through December 23, 2025.²

On August 21, 2025, the Department granted the August 6, 2025 Motion, noting “the Department considered several important factors, including allowing the necessary time to develop a complete evidentiary record, affording all current and potential parties a reasonable time to conduct discovery and file testimony and exhibits, and reserving sufficient time for deliberation by the Commission.”³

The Settling Parties herein request an extension to the above-referenced proceeding. Specifically, the Settling Parties request a delay to the start of evidentiary hearings, currently set for Monday, December 1, 2025. The Settling Parties are actively engaged in settlement negotiations and continue to discuss the possibility of a settlement that would resolve all issues in this proceeding. The Company envisions that these settlement discussions would also include the inputs of DOER, LEAN, and CLF, and, if successful, would obviate the need for evidentiary hearings and/or briefing in this proceeding. However, in order to negotiate those terms and to reach a mutually agreeable outcome, a delay of evidentiary hearings is needed to allow all interested parties necessary time to engage in good faith negotiations.

¹ Procedural Notice, at 3–6 (Jul. 30, 2025).

² August 6, 2025 Motion, at 2 (Aug. 6, 2025).

³ Amended Procedural Schedule, at 2 (Aug. 21, 2025).

The Department's regulations grant discretion to the Commission or the presiding officer to extend any time limit prescribed in a proceeding, as long as good cause is demonstrated. 220 C.M.R. § 1.02(5). Further, pursuant to 220 CMR 1.06(5)(b), "the presiding officer shall establish a detailed schedule for the proceeding, including, but not limited to, the dates for the filing of information requests and responses, objections to discovery questions and responses to those objections, evidentiary hearings, and filing testimony, stipulations, settlement proposals, and briefs."

Beginning with the submittal of intervenor testimony and continuing as of the date of this motion, the Settling Parties have engaged in meaningful settlement discussions. Given the upcoming holiday on Thursday, November 27, 2025, and with evidentiary hearings set to begin on Monday, December 1, 2025, the Settling Parties require additional time to discuss and finalize a settlement proposal. Further, this extension will allow the Company to meaningfully engage with other intervenors in an effort to achieve a resolution of all rate case issues. The requested delay will allow all interested parties to continue to engage in productive settlement negotiations while preserving the procedural rights of the Settling Parties and other intervenors.

As discussed herein, the Settling Parties have good cause to request a delay to evidentiary hearings and an extension to the procedural schedule. The Company proposes to delay the start of evidentiary hearings by one month, to January 5, 2026, or a date to be decided upon by the Department in consultation with all parties. This extension of time would allow the Settling Parties to continue to hold discussions on specific settlement proposals, to engage with the other intervenors in this proceeding, and to develop and submit the settlement materials necessary for the Department's consideration in advance of the rescheduled hearings. No parties will be harmed by this delay, which ultimately will provide administrative efficiencies for the ultimate outcome

and litigation of this proceeding, will appropriately reallocate resources for the Department, the Company, and the intervenors, and, if successful, will achieve savings for ratepayers.

In its Order on suspension issued on June 17, 2025, the Department suspended the rates and charges proposed by the Company until May 1, 2026, consistent with G.L. c. 164, §94. The Company, in its initial filing and in responses to information requests (notably Information Requests DPU-3-1, DPU-3-2, and DPU-3-3), has noted that while an approval under the Department's statutory ten-month review process would be due for rates effective May 1, 2026, the Company used a June 1, 2026 effective date to accommodate the potential need for a compliance filing after receiving the Department's order before rates became effective. As such, in the event that settlement discussions are not successful, and litigation is required with evidentiary hearings after the delay requested by this Motion, the Company is open to using a June 1, 2026 effective date, and assents by approval of this Motion, to the Department's issuance of an Order by May 31, 2026, for rates effective June 1, 2026, in the event that settlement discussions are not successful within the timeframe requested herein.

WHEREFORE, for the foregoing reasons, the Settling Parties requests the Department approve this Motion and delay the commencement of evidentiary hearings to allow the Settling Parties and other intervenors to continue to negotiate a mutually agreed upon outcome, the goal of which would be to obviate the need for additional evidentiary process in this proceeding.

Respectfully submitted,

**LIBERTY UTILITIES (NEW ENGLAND
NATURAL GAS COMPANY) CORP. D/B/A
LIBERTY**

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**THE LOW-INCOME
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PROGRAM NETWORK AND
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