

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-039**

**Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty**

**Request for Change in Distribution Rates**

**Department of Energy Motion to Dismiss Rate Filing Without Prejudice to Re-File after a  
FERC Form 1 for 2022 is Submitted**

The Department of Energy (“Department”) pursuant to New Hampshire Code Admin. Rules Puc 203.07.04 hereby moves the Public Utilities Commission (Commission) to dismiss the distribution rate filing of Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty anticipated on April 28, 2023 until Liberty submits a FERC Form 1 for the calendar year ending December 31, 2022.

In support of this Motion, the Department states as follows:

1. On March 29, 2023, Liberty filed a Notice of Intent to File Rate Schedules (NOI) indicating that Liberty intends to request a general rate increase on or about April 28, 2023.
2. Liberty states in the NOI that the test year for this rate filing will be the year ending December 31, 2022.
3. Liberty states in the NOI that the rate years for this request will be the years ending June 30, 2024; June 30, 2025; and June 30, 2026, which means that the new rates will be

requested to be effective July 1, 2023.

4. Liberty states in the NOI that it will seek approval of temporary rates under RSA 378:27.
5. RSA 378:6.I(a) allows the Commission to suspend the effectiveness of the proposed rates for investigation for a period not to exceed 12 months in all. The Department understands this would require the Commission to issue a final order in this case no later than April 28, 2024.
6. Liberty states that it received approval from Federal Energy Regulatory Commission (FERC) for an extension of time to file its FERC Form 1 from the due date of April 18, 2023 until May 31, 2023 and has notified the Commission that it plans to file the FERC Form 1 with the Commission when it files the report with the FERC. *See* Attachment 1 - Letter from Liberty to Commission dated April 11, 2023.
7. FERC Form 1 is an annual report that contains detailed accounting results for (in this instance) the calendar year ending December 31, 2022, including revenues, operation and maintenance expenses, depreciation, plant assets, liabilities, and debt and equity levels, all of which form the foundation for a utility's rate increase request. As part of its standard review of the rate filing, the Department will verify that the information contained in the rate request filing agrees with test year levels reported in the FERC Form 1. Thus, the information contained in the FERC Form 1 is essential to the Department's review of the

- rate request.
8. RSA 378:27, which concerns requests for temporary rates states that “temporary rates shall be sufficient to yield not less than a reasonable return on the cost of the property of the utility used and useful in the public service less accrued depreciation, *as shown by the reports of the utility filed with the commission and the department of energy.*” (emphasis added). FERC Form 1 is one such report, among others, and in the view of the Department is used as a fundamental basis for evaluating a temporary (and permanent) rate request.
  9. RSA 378:28, which concerns permanent rate requests states “[s]o far as possible, the provisions of RSA 378:27 shall be applied by the commission in fixing and determining permanent rates, as well as temporary rates.” Thus, the Department cannot adequately review whether the proposed temporary rates or the permanent rates reflect a reasonable return on net plant, as required by RSA 378:27 and :28 without a FERC Form 1 for the calendar year ending December 31, 2022.
  10. DOE understands that the delay in Liberty’s FERC Form 1 is due to new customer information systems being implemented during the test year. This underscores the need for the full 12-month investigation period because key customer information (*i.e.*, test year revenues) will form the basis for the temporary and permanent rates requested.

**WHEREFORE**, the Department respectfully requests that the Commission dismiss Liberty's rate request upon filing, without prejudice, thus allowing Liberty to re-file its rate increase request once it has submitted a FERC Form 1 for the calendar year ending December 31, 2022 with the Commission and the Department.

Respectfully submitted,

New Hampshire Department of Energy

By its Attorney,

*/s/ Paul B. Dexter*

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