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PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
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October 18, 2019

Re: DG 17-198 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities
– Granite Bridge Project
Expedited (and Revised) Motion to Extend Date for Filing Rebuttal Testimony

To the Parties:

On October 16, 2019, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) filed an Expedited (and Revised) Motion to Extend Date for Filing Rebuttal Testimony (Motion). Liberty requested that the current, approved date for filing its rebuttal testimony be changed from October 21 to December 13, 2019, an extension of 53 days. Liberty supported its Motion by arguing that “extra time will allow for the Company to respond to Staff’s recommendation that EnergyNorth present additional analysis for consideration ‘in this proceeding,’” and the “analysis cannot be completed under the current procedural schedule.”

Liberty argued that the current, approved procedural schedule was “substantially compressed with the Commission’s August 12, 2019, retroactive six-week extension of the deadline for Staff, OCA, and Intervenor testimony from July 31 to September 13, leaving insufficient time for EnergyNorth’s rebuttal.” Liberty contended that the approximately two-month extension it has requested will permit the Company to better address the issues raised by Staff and the other parties. Liberty further maintained that it has a substantial volume of testimony to evaluate and that it lost time toward preparing its rebuttal by focusing on reviewing the testimony to develop a comprehensive settlement proposal to address many of the issues raised in testimony. Liberty added that certain parties, including Staff, the Office of the Consumer Advocate (OCA), and Pipe Line Awareness Network for the Northeast, Inc. (PLAN), testified that the Company’s recent customer-growth experience confirms a near-term need for additional capacity over the next five- to ten-year planning period. Liberty further added that Staff testimony suggested that the Company should submit pipeline cost estimates based on further engineering review, as well as a comparison of incremental expansion of the Concord Lateral pipeline as an alternative option to the proposed Granite Bridge Pipeline. Liberty has requested the extension to issue a Request for Proposals for a 70 percent-level engineering analysis and develop new cost estimates for the Granite Bridge Pipeline. Liberty stated that, absent the requested extension, it “will be forced to file rebuttal testimony before that process is complete, thus depriving the Commission of information regarding the refined cost estimates based on the advanced 70% engineering, information that EnergyNorth believes would be helpful in resolving this docket.”

On October 17, 2019, Staff, the OCA, Conservation Law Foundation (CLF), and PLAN jointly filed an objection to and recommendation regarding the revised procedural schedule

proposed by Liberty (Joint Objection/Recommendation). In their joint filing, Staff, the OCA, CLF, and PLAN clarified the procedural steps undertaken thus far in this docket. They noted that the Company made a supplemental filing in support of its petition in March 2019 that warranted a supplemental Order of Notice issued on April 3, 2019, and argued that Liberty should not be permitted to change its proposal again, at this late date, through rebuttal testimony.

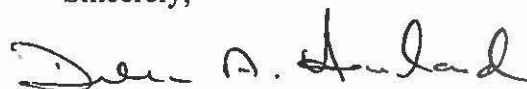
The Joint Objection/Recommendation also corrected Liberty's characterization of Staff and party testimony, and noted that Liberty's request for an extension is effectively an admission that the analyses recommended by participants in this proceeding were not performed, and that those analyses are necessary for the Commission's decision in this case. At the same time, however, the Joint Objection/Recommendation noted that Liberty's proposed revisions to the procedural schedule provide just one week for Staff and the parties to review the new, previously requested analyses prior to hearing, thereby unfairly burdening participants in the docket. The Joint Objection/Recommendation requested that the Commission deny the extension and reaffirm the current, approved schedule, or, in the alternative, approve an extension of 18 days to November 8, 2019, for Liberty to file its rebuttal testimony, with discovery to follow and a technical session/settlement conference, if needed, to be held on November 20, 2019.

The Commission has reviewed the arguments set forth in the filings. Based on its review, the Commission has concluded that Liberty anticipates providing analyses and evidence that other participants in the proceeding appear to have requested through the course of the proceeding. The Commission noted that rebuttal testimony is not intended to permit a petitioner to submit new evidence or amendments at the end of an adjudicative proceeding; rather, the purpose of rebuttal is to refute or counter evidence presented by parties to the proceeding.

Given Liberty's request for an opportunity to conduct analyses at this point in the proceeding, the Commission has determined that a suspension of the procedural schedule is warranted. Liberty may conduct the new analyses that it has proposed and submit its conclusions when ready. The presentation of new analyses suggests that Liberty's filing may go beyond permissible rebuttal testimony and constitute a supplement or amendment to the petition. After Liberty submits the information, the Commission will review and assess the submission to determine whether further procedural steps, including discovery and amended testimony, will be needed in this docket, or whether the filing will require a new proceeding to permit adequate review of the revised project analyses and plans.

Accordingly, the procedural schedule in Docket DG 17-198 is hereby suspended until further notice.

Sincerely,



Debra A. Howland
Executive Director

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