

State of New Hampshire
Public Utilities Commission

Docket No. DG 17-198

Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a Liberty Utilities

**Petition to Approve Firm Supply and Transportation Agreements
and the Granite Bridge Project**

Expedited (and Revised¹) Motion to Extend Date for Filing Rebuttal Testimony

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth”), through counsel, respectfully moves the Commission to extend the date for filing its rebuttal testimony from October 21 to December 13, 2019.

The extra time will allow for the Company to respond to Staff’s recommendation that EnergyNorth present additional analysis for consideration “in this proceeding,” which analysis cannot be completed under the current procedural schedule. The 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.

In support of this motion, EnergyNorth represents as follows:

1. EnergyNorth seeks an extension of its October 21 rebuttal testimony deadline for four reasons. First, as stated above, the Commission extended by six weeks the deadline for staff and intervenor testimony. The Commission’s revised schedule also compressed all the

¹ This revised motion omits confidential information that was mistakenly included in the original.

other deadlines to preserve the December hearing dates. Given the factors discussed below, EnergyNorth believes it is now impractical to maintain the December hearing dates and respectfully requests a similar extension, until December 13, which is fair so that its rebuttal testimony can better address the issues raised by Staff and the other parties.

2. Second, there is a substantial volume of testimony for the Company to evaluate. Staff and other parties filed seven pieces of testimony (Liberty Consulting, Randall S. Knepper, Dr. Pradip Chattopadhyay, John A. Rosenkranz, Elizabeth A. Stanton, Ph.D., Paul L. Chernick, and Michael Quinn). EnergyNorth must identify all issues raised in testimony that require rebuttal, conduct the supporting analyses, then draft and file testimony. It is a large undertaking.
3. Third, the Company initially focused on reviewing the testimony to develop a comprehensive settlement proposal that addressed many of the issues raised in testimony. Settlement on any issues could reduce the scope of rebuttal (and the number of issues to be contested at hearing). Unfortunately, the parties were not able to resolve any issues at the October 14 technical session. The Company thought this attempt to narrow the issues in dispute was prudent, but it necessarily took away from rebuttal preparation.
4. Finally, Liberty Consulting testified that EnergyNorth should present additional analysis for consideration “in this proceeding,” Liberty Consulting started by acknowledging that EnergyNorth has an immediate need for a system expansion to provide an additional path for bringing natural gas into its distribution system to serve current and future customers: “We believe that EnergyNorth’s recent customer-growth experience confirms a near-term need for additional capacity over the five-year period covered by the LCIRP forecast period.” *See Direct Testimony of John Antonuk, John Adger, and James Letzelter of the Liberty Consulting Group* in this docket (hereinafter “Staff testimony) at

Bates 009, lines 10-11 (emphasis added); *see* Staff testimony at Bates 10 (“we find increased pipeline capacity to be necessary”).

5. The OCA and PLAN witnesses agreed. *See Direct Testimony of Dr. Pradip K. Chattopadhyay* (“OCA testimony”) at Bates 36-37 (“Even with a planning horizon of about ten years, relying strictly on the Company’s cost estimates, it is apparent that to implement a feasible solution to EnergyNorth’s customers’ needs the Company will need access to incremental feasible supplies”); *Direct Testimony of John A. Rosenkranz on behalf of Pipe Line Awareness Network for the Northeast, Inc.* (“PLAN testimony”) at Bates 27, lines 20-21 (“Based on the Base Case and Low Case demand forecasts, EnergyNorth’s need for additional gas delivery capacity appears to be in the range of 20,000 to 30,000 Dth/day”).
6. In its case in chief, EnergyNorth evaluated the only two options for additional capacity -- the Granite Bridge Pipeline and an expansion of the Concord Lateral. The Company selected the Granite Bridge Pipeline because it substantially increased reliability by providing a second feed into its system, because it was substantially less costly than an upgrade of the Concord Lateral, and because the siting of any upgrade of the Concord Lateral is simply not feasible as it travels through neighborhoods, beneath schools, and across environmentally sensitive areas.
7. Staff made a specific recommendation that EnergyNorth conduct additional analysis with respect to the Granite Bridge Pipeline:

We recommend a careful comparison of incremental expansion of the Concord Lateral sized to support load, if and as it may grow, with the Company’s proposed Granite Bridge Pipeline. That comparison should provide more detailed analysis of the costs of various sizes, equipment configurations, and optionality for the Granite Bridge Pipeline.

Staff testimony at Bates 035, lines 1 to 4.

8. Staff also suggested that the Company submit a pipeline cost estimate based on further developed engineering: “This [pipeline cost] estimate remains based on a fairly low level of preliminary engineering, specifically, the 30 percent minimum required by the New Hampshire Department of Transportation for a Preliminary Conceptual Feasibility Study.” Staff testimony at Bates 030, lines 1 to 3.
9. After listing these and other specific issues for further analysis on individual qualitative metric, Staff testimony at Bates 035 to 037, Staff concluded that EnergyNorth should conduct those evaluations for “this proceeding:” “The Company should develop comparisons, on these characteristics and any others that should be considered, and present them for examination such as that allowed in this proceeding.” Staff testimony at Bates 037, lines 15 to 17 (emphasis added).
10. EnergyNorth seeks an extension in this motion so that it will can present the analysis “in this proceeding,” as Staff testified.
11. For example, in response to testimony regarding the 30% stage of pipeline engineering, Liberty recently completed the 70% engineering of the pipeline and will shortly issue RFPs to a number of pipeline contractors. The RFP responses will give a mature cost estimate for the pipeline. However, the contractors need time to respond to the RFPs, and the Company needs time to evaluate those responses and incorporate them into rebuttal testimony. Absent the requested extension (or with a shorter extension that does not allow this RFP process to run its course) Liberty 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.

12. Liberty respectfully repeats that an extension of less than that requested here would not be sufficient. Some of the work to be done in advance of filing rebuttal involves the work of outside third parties, will take the entire time requested, and thus a shorter extension would deprive the Commission of the benefits of that work.
13. A dispute over the procedural schedule should not cause harm to the substantive record before the Commission.
14. The requested extension of the procedural schedule causes no party harm. This matter has been pending for nearly two years.
15. Note that substantially the same parties agreed to a similar, albeit lesser, adjustment to the procedural schedule in Liberty's LCIRP docket, DG 17-152. The extension requested here maintains the parties' general preference to hear the LCIRP docket first. To the extent the Commission is unwilling to grant the requested extension to December 13, the Company respectfully asks to extend the deadline sufficiently to keep this sequencing of the two dockets and make the rebuttal deadline in this docket no earlier than November 8, 2019.
16. All rights to conduct sufficient discovery and to raise any legal arguments related to the rebuttal testimony would be preserved.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Act on this motion expeditiously, given that the current rebuttal testimony deadline is October 21, 2019;
- B. Extend until December 13, 2019, the deadline for Liberty to file rebuttal testimony in this matter;
- C. Address the balance of the procedural schedule in this matter, as appropriate, after filing the rebuttal testimony; and
- D. Grant such other relief as is just and equitable.

Respectfully submitted,

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a
Liberty Utilities



Date: October 15, 2019

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Certificate of Service

I hereby certify that on October 15, 2019, a copy of this Motion has been electronically forwarded to the service list in this docket.



Michael J. Sheehan