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February 7, 2020

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities  
Docket No. DG 18-140 - Petition for Approval of a Renewable Natural  
Gas Supply and Transportation Contract  
Staff Report on Process and Conditional Recommendation

Dear Ms. Howland:

On April 1, 2019, at the request of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty), the Commission issued a secretarial letter in this docket postponing until further notice the hearing on the merits scheduled for April 5, 2019. In its April 1 letter, the Commission directed Liberty to file, on or before May 3, 2019, proposed dates for rescheduling the hearing.

On May 1, 2019, Liberty informed the Commission that, in lieu of agreeing to a new hearing date, Staff, the Office of the Consumer Advocate (the OCA), and Liberty had agreed to conduct a technical session on May 30, 2019, "at which the parties would discuss recent developments in the case and would work toward an agreed schedule for the balance of this docket." *Liberty Response to Secretarial Letter dated 04/01/19* (May 1, 2019).

On May 9, 2019, the Commission issued a secretarial letter scheduling a technical session in this proceeding for May 30, 2019. In the same letter, the Commission directed Liberty to file a procedural schedule for the remainder of this docket on or before June 14, 2019. In the alternative, the Commission directed Liberty to file proposed dates agreed to by the parties for rescheduling the merits hearing on Liberty's petition.

A technical session was held as scheduled on May 30, 2019. Participants included Staff, the OCA, and representatives of Liberty Utilities and key project contractors. In the course of discussions, no global agreement was reached on either the proposed revisions or how to proceed with the docket. To date, neither a proposed procedural schedule for the remainder of this docket, nor a request to reschedule the merits hearing has been filed. The parties have not exchanged additional substantive information since the May 30, 2019 technical session.

Given the developments that Liberty cited in its May 1, 2019 letter, which could alter the evidence in the case and require additional discovery, and the fact that eight months have elapsed since the May 30, 2019 technical session with no filing of a proposal for further procedural steps, Staff recommends that this docket be closed without prejudice.

That said, to the extent that Liberty wishes to revise its petition for the purchase and delivery of renewable natural gas supplies based on developments to date in this proceeding, including testimony filed and discussions held, Staff recommends that Liberty file such revised petition with supporting materials no later than Friday, February 14, 2020. Staff further recommends that any revised petition clearly indicate, through redlining and/or highlighting, all changes or updates made in the revised petition filing, including testimony and any attachments that differ from the terms of the original petition filed on September 7, 2018. Staff also recommends that Liberty provide any revisions to the RNG Supply and Transportation Agreement concluded with RUDARPA, as well. If the changes or updates are such that it is not practical to redline and/or highlight all changes, then Liberty should file a new petition. Staff reserves the right to ask that the docket be closed without prejudice if submitted changes are substantial, material, ambiguous, or otherwise confusing.

For the reasons stated above, if Liberty chooses not to file a revised petition by February 14, 2020, as discussed above, Staff respectfully requests that the Commission close this docket without prejudice. If Liberty files a revised petition by February 14, 2020 in the instant docket, Staff will review the filing and, based on that review, make a subsequent recommendation to the Commission.

Sincerely,

*/s/ Lynn Fabrizio*

Lynn Fabrizio, Esq.  
Staff Attorney

cc: Service List - DG 18-140 (by e-mail)

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