

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DG 19-xxx

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

Distribution Rate Case

Motion for Waiver of Puc 1605.02, Clean Copy of Tariff

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“Liberty” or the “Company”), through counsel, respectfully moves the New Hampshire Public Utilities Commission pursuant to Puc 201.05 for a waiver of Puc 1605.02, which requires the Company to file both a “clean” and an “annotated” copy of its proposed tariff.

The Company seeks a waiver to only file the annotated, or redlined, version of its proposed tariff when it makes its rate case filing on or about October 31, 2019.

In support of this motion, the Company states as follows:

1. Puc 1605.02(a)(2) states, “in a service or tariff change filing, a utility shall file ... annotated and clean tariff pages showing the proposed changes as required pursuant to Puc 1604.”
2. Puc 1605.02 applies to the Company’s distribution rate case filing because the Company is requesting approval of a number of rate and non-rate related tariff changes. These qualify as “service or tariff changes.” *See* Puc 1602.01(a) (“Service or tariff change’ means any proposed change in any rate, fare, charge, price or the terms or conditions under which service shall be provided”).

3. Since Liberty is filing a general distribution rate case as well as seeking various changes to non-rate items, the Company is filing a new version of its entire tariff, replacing *Tariff for Gas Service - NHPUC NO. 10* with *Tariff for Gas Service - NHPUC NO. 11*, a document of approximately 150 pages.
4. The rate case filing will include a redlined version of Liberty's proposed Tariff No. 11, which will show all the changes from the existing Tariff No. 10. It is the Company's belief that filing a "clean" copy of this proposed tariff is unnecessary and not useful under the circumstances. If the Company was to propose changes to a single page of the tariff, filing a clean version would be sensible because the Commission could simply approve the clean version.
5. In this case, however, there is no chance that the tariff ultimately approved at the end of this docket will be identical to the proposed tariff to be included with the rate case filing. The Company will later file a clean version of the tariff either with a proposed settlement agreement or in compliance with an order resolving this case. Also, it is unlikely that parties will use the clean version of the tariff during the litigation, but will refer to the redlined version instead.
6. Puc 201.05 states that the Commission shall waive the provisions of any of its rules when the waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission. In determining whether a waiver will serve the public interest, the Commission examines whether compliance with the rule would be onerous or inapplicable given the circumstances, or whether the purpose of the rule would be satisfied by another method.

7. Waiver of the requirement to file a clean tariff serves the public interest, will not disrupt the resolution of this docket, is inapplicable given the circumstances, and the purpose of the rule will be satisfied by filing a clean tariff at the conclusion of this case.

WHEREFORE, Liberty respectfully asks the Commission to:

- A. Grant this motion and waive Puc 1605.02 so that the Company need only file an annotated, or redlined, version of its proposed Tariff No. 11; and
- B. Grant such other relief as is just and equitable.

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

By its Attorney,



Date: October 1, 2019

By: _____
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Certificate of Service

I hereby certify that on October 1, 2019, a copy of this Motion has been electronically forwarded to the Office of the Consumer Advocate and to Commission Staff.



Michael J. Sheehan