

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DG 20-105

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
D/B/A LIBERTY UTILITIES

Distribution Service Rate Case

Motion for Waiver of Puc 1605.02, Clean Copy of Tariff

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (“EnergyNorth” 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 with its rate case being filed this date.

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 EnergyNorth is filing a general distribution rate case, 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 EnergyNorth'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. The Commission has recently granted similar waiver requests. *See* October 29, 2019, Secretarial Letter in Docket No. DG 19-161, and Transcript of May 30, 2019, prehearing conference in Docket No. DE 19-064, at page 24.

8. 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, the Company 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: July 31, 2020

By: _____
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Certificate of Service

I hereby certify that on July 31, 2020, a copy of this motion has been electronically forwarded to the service list in this docket.



Michael J. Sheehan