

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 21-127

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
d/b/a LIBERTY UTILITIES**

Petition to Approve Special Contract with Granite Ridge Energy, LLC

COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF HEARING

On June 25, 2021, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities (Liberty) filed a petition requesting the Commission to approve a special contract between Liberty and Granite Ridge Energy, LLC (Granite Ridge) pursuant to RSA 378:18 with a motion for a protective order. In support of its petition, Liberty filed the direct testimony and attachments of William R. Killeen, Director of Energy Procurement for Liberty Utilities (Canada) Corp., the indirect parent company of Liberty. The initial filing and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at www.puc.nh.gov/Regulatory/Docketbk/2021/21-127.html.

I. BACKGROUND AND PROCEDURAL HISTORY

Liberty requests approval of a special contract for its transportation of natural gas from the existing Tennessee Gas Pipeline Company (TGP) meter station in Londonderry, New Hampshire across the Londonderry Lateral, a 2.7-mile pipeline owned by Liberty, to Granite Ridge's natural gas-fired power plant in Londonderry. Granite Ridge would be responsible for purchasing and delivering its own gas supply to TGP's Londonderry meter station.

This gas transportation agreement (2021 GTA) would constitute a "special contract," because Granite Ridge would pay a different rate under the 2021 GTA than

the rate charged under Liberty's current tariff. The 2021 GTA would replace the expiring gas transportation agreement between Liberty's and Granite Ridge's predecessors that the Commission approved in Order No. 23,657 (March 22, 2001) (2000 GTA).

On August 27, 2021, Liberty filed the supplemental direct testimony of Deborah M. Gilbertson, Liberty's Senior Manager of Energy Procurement. In her testimony, Ms. Gilbertson noted that Liberty and Granite Ridge had agreed to an amendment of the 2000 GTA extending it on a month-to-month basis after it expired on September 14, 2021 and until the Commission issued a final order. They also agreed to an amendment of the 2021 GTA to reflect a different commencement date for the 2021 GTA. Liberty requested the Commission to approve the 2021 GTA, as amended.

The Commission issued Order No. 26,518 on September 14, 2021, in which it approved an extension of the 2000 GTA until the first day of the month following the date that the Commission's order in this docket becomes final. In Order No. 26,518, the Commission established a deadline of September 30, 2021 for the Office of the Consumer Advocate, which filed a notice of participation, and the New Hampshire Department of Energy (NHDOE) to file responses to Liberty's petition. The NHDOE filed a letter on September 30, 2021 stating that it supported the Commission's approval of Liberty's petition.

On November 9, 2021, the Commission issued a procedural order requiring Liberty to file responses to record requests. Liberty filed responses to the record requests on November 19, 2021. On March 23, 2022, Liberty filed a letter requesting a ruling in this matter. The Commission has reviewed the record in this matter and determined additional investigation and a hearing to be necessary before issuing a

final ruling on Liberty's petition. One additional set of record requests will be issued by the Commission within ten days of this notice.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issue: whether special circumstances exist so that the terms of the 2021 GTA, as amended, would be just and consistent with the public interest, as required by RSA 378:18. Accordingly, an adjudicative proceeding will be convened to address this issue.

The Commission will be conducting any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation only if the Commission has determined that a sufficient reason has been provided for why one or more of the participants are unable to attend in person. Any party requesting a hybrid hearing format to accommodate those who will be participating remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date. If the Commission determines that a hybrid approach will be used, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform, and a remote hearing link will be posted on the Commission's website.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 378:18, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on July 19, 2022, at 9:00 a.m. Three hours shall be allotted for this hearing; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is,

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Liberty and any other parties on the service list, on or before April 15, 2022. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before April 29, 2022; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written

pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Liberty shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before April 14, 2022. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this thirtieth day of March, 2022.



Daniel C. Goldner
Presiding Officer
Chairman

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket# : 21-127

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