

STATE OF NEW HAMPSHIRE

INTERIM COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.



DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-3670

FAX No. 271-1526

Website:
www.energy.nh.gov

November 22, 2021

Via Electronic Mail Only

Daniel C. Goldner, Chair
Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301

Re: DG 21-132 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a
Liberty-Keene Division, Winter 2021/2022 Cost of Gas
*Tariff No. 11 Compliance filing—Energy’s response to Liberty’s
November 19, 2021 letter.*

Dear Chair Goldner:

The Department of Energy (Energy) is writing in response to Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty-Keene Division (Liberty or the Company)’s letter dated November 19, 2021, filed in this docket.

Energy objects to Liberty’s position that Tariff No. 11 has “gone into effect by operation of law because the Commission did not act [in Docket No. DG 20-105] within 30 days of the filing.” See Liberty Letter dated November 19, 2021 (filed in this docket, referencing filing in Docket No. DG 20-105).

In Energy’s view, the PUC acted. In Docket No. DG 20-105, the Public Utilities Commission (PUC) filed a letter of non-compliance dated September 13, 2021, finding Liberty’s tariff page non-compliant because:

“[d]uring review of the tariff filing, it was determined that the tariff on Original Page 101 does not reflect any changes to the Revenue Decoupling Adjustment Factor (RDAF) for any class of customer, and that the methodology for this was altered by the settlement agreement...”

In Energy’s view, the PUC’s September 13, 2021 letter was sufficient action to require Liberty to do more than file a statement in Docket No. DG 20-105 the next day, disputing the PUC’s analysis. The burden to correct or resolve compliance falls to Liberty and not to the PUC or to other parties. Energy further notes that the PUC has not withdrawn its letter of non-compliance. Liberty’s November 19, 2021 citation to RSA 378:3 and PUC 1603.03(a) (1), [*sic* 1603.07(a) (1)?] is unpersuasive.

However, Energy does not believe these issues should be litigated by letter. Rather, Energy renews its request that in the event the compliance tariff pages filed in this docket, Docket DG 21-132, are found by the PUC to be consistent with Order 26,542 (October 29, 2021) regarding matters directly related to establishing the Liberty-Keene Winter 2021-2022 cost of gas, that the PUC accept those tariff pages and further note that Tariff No. 11 has yet to be found fully compliant. See Docket No. DG 20-105.

Pursuant to the March 17, 2020 secretarial letter, only an electronic version of this letter will be filed.

Respectfully Submitted,

/s/ Mary E. Schwarzer

Mary.E. Schwarzer
Staff Attorney/Hearings Examiner
Department of Energy

Docket (electronic service)