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DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
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September 1, 2022

Daniel C. Goldner, Chairman
Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301-2429

Re: DG 22-041, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, Petition for Approval to Recover Revenue Decoupling Adjustment Factor Costs, Department of Energy Status Update

Dear Chairman Goldner:

In Order No. 26,663 (August 4, 2022), the Commission directed the Department of Energy (DOE) to provide an "update on the status of its investigation into Liberty's 2021-2022 RDAF by September 1, 2022." See Order No. 26,663 at 6 (issued in Docket Nos. DG 20-105, DG 21-130, and DG 21-132).

By way of background, on July 6, 2022, Liberty filed its *Petition for Approval to Recover Revenue Decoupling Adjustment Factor Costs*, consistent with Order No. 26,535 at 1-3 (October 22, 2021) (limiting the scope of the Winter 2021-22 and Summer 2022 Cost of Gas by carving out the \$4 million in allegedly improperly refunded rates without prejudice). On July 6, 2022, the Office of the Consumer Advocate filed a motion to dismiss; Liberty filed an objection on July 15, 2022. The motion to dismiss remains pending at this time.

Pursuant to Order No. 26,663, DOE provides the following update on the status of its RDAF investigation. DOE continues to investigate the RDAF formula, both in Docket No. DG 22-041 and now also with respect to a new claimed RDAF under-collection in the amount of approximately \$4.3 million as identified by Liberty in its Winter 2022-23 and Summer 2023 Cost of Gas (COG) filing. See DG 22-045 Direct Testimony of Catherine McNamara (filed August 2, 2022), Schedule 4 Bates 086 (showing RDAF under-collections of \$3.6 million residential, \$841K C&I). In Docket No. DG 22-045, DOE issued data requests on August 9, 2022, with Liberty's responses due on August 15, 2022, pursuant to the parties' procedural schedule. At Liberty's request, DOE extended the response deadline to August 26, 2022; however, to date, Liberty has not provided the requested RDAF data responses.

On August 26, 2022, Liberty proposed carving out the new RDAF issue from Liberty's 2022-23 COG proceeding, DG 22-045, and addressing that issue on a separate procedural track. At present, DOE continues to work with Liberty to investigate all RDAF issues. DOE anticipates that the parties will work cooperatively to file a proposed procedural schedule in this docket, Docket No. DG 22-041, if the Commission denies the OCA's pending motion to dismiss; that procedural schedule should provide opportunities for discovery by the parties in the docket.

Consistent with the Commission's current policy, this letter is being filed solely in electronic form.

Sincerely,

/s/ Mary E. Schwarzer

Mary E. Schwarzer
Staff Attorney/Hearings Examiner

cc: Service List

Dkt. Nos. DG 22-041, DG 22-045, DG 20-105, DG 21-130, DG 21-132

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