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December 29, 2022

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

Re: DG 22-057 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a/
Liberty-Keene, *DOE's Position on Liberty-Keene's tariff pages effective
December 1, 2022 as filed on December 28, 2022*

Dear Chairman Goldner:

The Department of Energy (DOE) files this letter to explain DOE's position on a December 28, 2022 filing, which Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty-Keene ("Liberty-Keene" or "the Company") referenced as "Winter 2022-2023 Cost of Gas—December 2022 Monthly Cost of Gas Adjustment," and which DOE understands to be the Company's *November Monthly Cost of Gas Adjustment for Rates Proposed to be Effective December 1, 2022.*"

DOE notes that Liberty-Keene's local distribution adjustment charge (LDAC rate) is established in the EnergyNorth cost of gas docket. *See* Order No. 26,715 (October 31, 2022) *as modified by* Order No. 26,737 (November 30, 2022)¹ in Docket No. DG 22-045. DOE further notes that so long as the tariff pages filed as part of Liberty-Keene's "Monthly Cost of Gas Adjustments" illustrate no more than the Company's exercise of the authority granted to it by the Commission in Order No. 26,716 (October 31, 2022) to increase rates as much as 25% or lower rates without restriction, the proposed rates shall be effective December 1, 2022, subject to future reconciliation in the Winter 2023-24 cost of gas. In addition, so long as authority for any other change depicted in the tariff pages is referenced in the footer, said tariff pages may reflect other changes.

In the opinion of DOE, the tariff pages filed December 28, 2022 for effect December 1, 2022 are non-complaint for the following reasons. First, the tariff pages include summer rates; no summer rates have been approved or even reviewed or proposed for Liberty Keene. *See* Order No. 26,716; Order No. 26,737 at 3 (November

¹ In Order No. 26,737, among other things, the Commission accepted Liberty's unusual *post-hearing* correction of energy efficiency charges Liberty incorrectly calculated in its October 7, 2022 filing. Prior to the Commission's November 30, 2022 ruling, the DOE also recommended that the Commission accept Liberty's corrected LDAC figures.

30, 2022) (Commission directed Liberty-Keene to remove summer rates). Second, the tariff pages incorrectly define the summer period as running from October 1 through October 31. *See* Twentieth Revised Page 88 (“effective December 1, 2022”). The summer period runs from May 1 through October 31. Third, the orders Liberty-Keene identifies in the footer are incomplete because Order No. 26,737 cannot be cited independently. As Order No. 26,737 only updates portions of Order No. 26,715, both orders should be cited. *See* Order No. 26,715 (establishing the LDAC rate applicable to Liberty-Keene for November and December 2022).

With regard to the rates themselves, the LDAC rate is consistent with the rate in place pursuant to Order No. 26,737.

In its December 28, 2022 filing, updating what DOE understand to be the Company’s *November Monthly Cost of Gas Adjustment for Rates Proposed to be Effective December 1, 2022* Liberty-Keene proposed to lower rates from \$2.1216 to \$2.1118 effective December 1, 2022. This is consistent with the rate information Liberty-Keene provided in its November 23, 2022 filing in which the Company identified an estimated Winter 2022-23 over collection of \$9,673.

Finally, DOE notes that Liberty-Keene’s cover letter dated December 28, 2022 and describing rates to be effective December 1, 2022 is confusing. The final sentence in the second paragraph says, “This revised tariff page supersedes the replacement page 88 (Nineteenth Revised) submitted on December 15, 2022 in effect for November 1, 2022.” Upon investigation, DOE understands that Liberty filed updated compliance tariff pages for the period beginning November 1, 2022 on December 15, 2022. It is standard that the Twentieth Revised Page (effective December 1, 2022) replaces the Nineteenth Revised Page (effective November 1, 2022). DOE notes that the cover letter also errs in identifying the summer period as running from October 1 through October 31.

In summary, for the reasons described above, DOE recommends that Liberty refile the Liberty-Keene tariff page to be effective December 1, 2022 so that the tariff page: does not include summer rates of any kind, correctly defines the summer period, and includes Order No. 26,715 (October 31, 2022) in the footer.

Consistent with the Commission’s current policy, this letter is being filed solely in electronic format. Thank you for your attention to this matter.

Respectfully Submitted,

/s/ Mary E. Schwarzer

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Enclosures

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