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DEPARTMENT OF ENERGY  
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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  
January 1, 2023 as filed on December 29, 2022*

Dear Chairman Goldner:

The Department of Energy (DOE) files this letter to explain DOE's position on a December 29, 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—January 2023 Monthly Cost of Gas Adjustment," and which DOE understands to be the Company's *December Monthly Cost of Gas Adjustment for Rates Proposed to be Effective January 1, 2023.*"

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)<sup>1</sup> in Docket No. DG 22-045 and *NiSi* Order No. 26,745 (December 14, 2022) in Docket No. DE 22-081. 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 January 1, 2023, 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 29, 2022 for effect January 1, 2023 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

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<sup>1</sup> 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 rate.

Liberty-Keene. *See* Order No. 26,716; Order No. 26,737 at 3 (November 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* Twenty-first Revised Page 88 (“effective January 1, 2023”). The summer period runs from May 1 through October 31.

DOE continues to reserve its right to review the Company’s proposed correction of the October 7, 2021 over/under collection as previously stated. *See* DOE’s statement filed December 27, 2022 in this docket.

With regard to the rates themselves, the LDAC rate is consistent with the rate in place pursuant to Order No. 26,745 (December 14, 2022) in Docket No. DE 22-081.

In its December 29, 2022 filing, updating what DOE understand to be the Company’s December Monthly Cost of Gas Adjustment for *Rates Proposed to be Effective January 1, 2023* Liberty-Keene proposed to lower rates from \$2.1118 to \$1.8120 effective January 1, 2023. This is consistent with the rate information Liberty-Keene provided in its December 22, 2022 filing when the Company identified an estimated Winter 2022-23 over collection of \$233,395.

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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