

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 23-027

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

Petition to Modify Cost of Gas Procedures

Procedural Order Re: Proposed Procedural Schedules

On May 31, 2023, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty) filed a proposed procedural schedule, which was supported by the Office of the Consumer Advocate. On the same date, the New Hampshire Department of Energy filed a proposed procedural schedule.

Liberty's proposed procedural schedule contains three deadlines:

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| June 12, 2023 | Liberty to provide the parties with proposed tariff language to implement the proposed changes to the existing process to divide the COG ¹ and LDAC ² into different schedules within a single docket. |
| June 12, 2023 | DOE to provide the parties with proposed schedule templates for the separate tracks. |
| July 14, 2023 | Parties to inform the Commission as to whether there is agreement on the tariff changes necessary to implement the new procedure. If there is agreement, the parties will ask the Commission to approve the new tariff language without a hearing. If the parties cannot agree, the parties will ask the Commission to schedule a hearing in August so that the Commission can issue an order by September 1, 2023. |

The DOE's proposed procedural schedule contains multiple other deadlines:

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| June 12, 2023 | Liberty to provide the parties with proposed tariff language to implement the proposed changes to the existing process to divide the COG and LDAC into different schedules. |
| June 12, 2023 | Liberty to answer Department Set 1 Data Requests filed into the discovery docket on May 24, 2023, seeking Liberty's specific analysis of tariff language and proposed tariff pages. |
| July 12, 2023 | Liberty to confirm the earliest possible date it can make its LDAC filing, noting that in Dkt. DG 22-045 the LDAC filing was made on or about August 2, 2022. |
| June 16, 2023 | Data Requests to Liberty with questions on tariff language, if necessary. |
| June 19, 2023 | Department will provide the parties with proposed default schedules (templates) for the following tracks: LDAC, EnergyNorth Winter/Summer; |

¹ Cost of Gas

² Local Distribution Adjustment Charge

June 26, 2023	Liberty Keene Winter; Liberty Keene Summer, and said drafts to be consistent with Liberty and DOE's Joint Report in Dockets No. 21-130 and 21-132.
June 29, 2023	Liberty's data responses to DRs are due Technical Session for parties to discuss proposed tariff pages and proposed default schedules. Ideally discussion and adjustments will have occurred prior to this date, and this technical session will provide an opportunity for a final (settlement) discussion.
July 7, 2023	The parties will inform the Commission as to whether there is agreement on the tariff changes necessary to implement the new procedure, and whether there is agreement on the proposed default schedules. If agreement, the parties will ask the Commission to approve the new tariff language and default schedules without a hearing. If the parties cannot reach agreement on the tariff language and/or proposed default schedules, the parties will ask the Commission to schedule a hearing during the last week of July so that the Commission can issue an order before August 14, 2023.

We have reviewed these proposals. Taken together, it appears both Liberty and the DOE propose to circulate a proposal or template separating the track of Liberty's COG (excluding Liberty-Keene's COG proceedings) and LDAC proceedings within a single docket.

In this proceeding, the Commission has endeavored to follow through on prior orders issued in COG/LDAC dockets intended to improve processes and procedures to adjudicate the COG and LDAC adjustment dockets in an adequate and administratively efficient manner that does not compromise the need for COG adjustments to occur on an expedited basis. At each juncture, the Commission has requested two proposals be presented for our consideration, one keeping the adjustments on the same schedule, the other on separate tracks. As stated by the presiding Commissioner at the prehearing conference, the Commission expresses no preference whether the COG and LDAC adjustments be docketed separately or continue to be docketed together. Transcript of May 18, 2023 Prehearing Conference at 25.

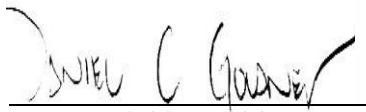
We note that the DOE's proposed discovery deadlines are not assented-to, yet do not differ significantly from applicable default deadlines under the rules. For example, the DOE requests that it be authorized to issue data requests on June 16, 2023, and to have

those data requests responded to on June 26, 2023. All parties to adjudicative proceedings have the right to issue data requests, *see* Puc 203.09, and the DOE's proposed response deadline is identical to the applicable deadline of 10 days absent an approved procedural schedule. Puc 203.09(f). In this instance we decline to compel a technical session where the movant does not assert that a technical session is necessary to acquire evidence. Puc 203.09(j). We do, however, expect that the parties will act in good faith to propose and vet procedural changes, including participating in settlement discussions. We therefore find it to be in the public interest to approve the following procedural schedule:

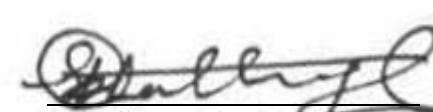
- | | |
|---------------|---|
| June 12, 2023 | Liberty to provide the parties with proposed tariff language to implement the proposed changes to the existing process to divide the COG and LDAC into different schedules within a single docket. |
| June 19, 2023 | Department will provide the parties with proposed default schedules (templates) for the following tracks: LDAC, EnergyNorth Winter/Summer; Liberty Keene Winter; Liberty Keene Summer, and said drafts to be consistent with Liberty and DOE's Joint Report in Dockets No. 21-130 and 21-132. |
| July 14, 2023 | Parties to inform the Commission as to whether there is agreement on schedule and tariff changes necessary to implement a new procedure. If there is agreement, the parties will ask the Commission to approve the new tariff language without a hearing. If the parties cannot agree, the parties will ask the Commission to schedule a hearing. |

The remainder of this proceeding shall proceed in the normal course in accordance with deadlines established above and the Puc ch. 200 rules.

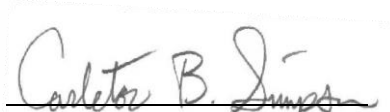
So ordered, this eighth day of June, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-027

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