

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 20-105

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

**Petition to Approve a Changes in Rates Otherwise Approved in Order No. 26,654
Order *Nisi* Granting Petition to Approve a Changes in Rates Otherwise Approved
in Order No. 26,654**

O R D E R N O. 26,798

April 4, 2023

In this order *nisi*, the Commission authorizes Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty) to make corrective modifications to rates approved in Order No. 26,654, as well as other tariff changes requested in Liberty's petition.

I. BACKGROUND AND PROCEDURAL HISTORY

In Order No. Order 26,654 (July 27, 2022) (Order No. 26,654) the Commission approved a \$4 million step adjustment to Liberty's revenue requirement, as well as recoupment of revenues back to the effective date of the step adjustment under the settlement agreement on permanent rates in this matter. A recoupment proposal, including rate calculations designed to recoup \$4 million over one year, was filed by Liberty on June 1, 2022 (Tab 123). An opportunity to review the recoupment proposal was afforded to the parties, and the Department of Energy affirmed its support of Liberty's recoupment plan in a letter filed July 1, 2022. The Commission's ordering clauses in Order No. 26,654 approved the recoupment proposal and rate change request as filed by Liberty on June 1, 2022. Order No. 26,654 at 4.

On August 16, 2022, Liberty filed compliance tariff pages.

On September 15, 2022, the Commission identified five tariff pages that contained rates that varied from approved rates, and issued a Letter of Non-Compliance (Tab 138) based on these variances.

On January 19, 2023, Liberty filed compliance tariff pages accompanied by a cover letter and several attachments. Liberty's cover letter stated that the rates identified in the Commission's September 15, 2022, non-compliance letter differed from the approved rates, but were nonetheless correct because the underlying rate schedules contained a mathematical error. Liberty also proposed other new revisions to other tariff pages.

On February 17, 2023, the Commission issued a procedural order determining that Liberty's January 19, 2023, tariff filing was non-complaint, and directing Liberty to seek permission to modify Commission approved rates and to implement any other corrective tariff changes.

On March 6, 2023, Liberty filed its Petition to Approve Changes in Rates Otherwise Approved in Order No. 26,654 (Petition).

Liberty's Petition and related docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-105.html>.

II. LIBERTY'S REQUESTED TARIFF CHANGES

In its Petition, Liberty requested permission to make several tariff changes that it construed as either correcting mathematical errors identified following the issuance of Order 26,654 or other technical corrections to existing tariff pages. The effective date of the tariff changes is requested to be on the original effective date of the tariff pages, August 1, 2022. These corrections and other changes are summarized as follows:

Pgs. 1st revised 65 and 14th revised 89: Rate class G-44 all over 100 therms per 30-day

Rate approved in Order 26,654: 0.4509
 Requested rate change: 0.4510.

Pg. 1st revised 69: Rate class G-46): Winter Period all therms per 30-day month

Rate approved in Order 26,654: 0.3659
 Requested rate change: 0.3658.

Pgs. 1st Revised 79 and 14th revised 89: Customer Charge Per Meter

Rate approved in Order 26,654: 80.64
 Requested rate change: 80.70¹

Pgs. 14th revised 87 and 89: Winter Header

Previous filed page: April 1, 2021, to April 30, 2022
 Requested term change: April 1, 2022 to April 30, 2022

Pg. 14th revised 89: Summer period first usage block

Previous filed page: 40 therms
 Requested term change: 20 therms

Pg. 15th revised 88: Rate R-4*

Previous filed winter period cost of gas rate/total rate: \$2.4835/\$2.9251
 Requested change to rate: \$1.3659/\$1.8075

Pg. 15th revised 88: Rate G-42*

Previous filed customer charge/total rate: \$0.00/\$0.00
 Requested rate change to rate/total rate: \$171.19/\$171.19

*Winter rates are not applicable for the August 1, 2022 rate, however, the proposes the correction to be compliant with the orders last authorizing the winter period rate changes.

III. COMMISSION ANALYSIS

The Commission has the authority “after notice and hearing, to alter, amend, suspend, annul, set aside, or otherwise modify” its prior orders under RSA 365:28.

The authority granted under this provision is to be “liberally construed.” Appeal of the Office of the Consumer Advocate, 134 N.H. 651, 657 (1991); Meserve v. State, 119 N.H. 149, 152 (1979). Further, the Commission is authorized to fix rates after a

¹ The Commission notes that Liberty requested approval 62.08, the G-51 base rate, however the tariff compliance filings and context suggest that it seeks approval of 80.70 for G-55 customers. See Petition at Bates page 2.

hearing, upon determining that rates, fares, and charges are just and reasonable. RSA 378:7.

The specific rates approved and implemented in this matter were based on a filing submitted after hearings on Liberty's step adjustment. The requested changes are not construed to be substantive rate changes, rather they are minor corrections to three rate classes that Liberty identified in implementing an approved rate change.

In addition, Liberty proposes further changes to headers, pricing terms, and rates that are intended to correctly memorialize orders and approved terms, and again are not construed by the company as substantive changes to rates or terms of service.

Having reviewed these requests, the Commission agrees that these are corrective and administrative changes that properly implement Liberty's approved rates, and we determine that the proposed changes are appropriate. We therefore GRANT Liberty's Petition to Approve a Changes in Rates Otherwise Approved in Order No. 26,654 on a *nisi* basis, ensuring interested parties and customers are afforded notice and have the ability to comment and request a hearing.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Liberty's Petition to Approve a Changes in Rates Otherwise Approved in Order No. 26,654 is GRANTED and the rates described in this order are APPROVED; and it is

FURTHER ORDERED, that Liberty shall post a copy of this order *nisi* on its website within two business days, such posting to be documented by affidavit filed with this office on or before April 14, 2023; and it is

FURTHER ORDERED, that a copy of this order *nisi* shall be posted on the Commission's website within two business days; and it is

FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than April 21, 2023, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for a hearing shall do so no later than April 28, 2023; and it is

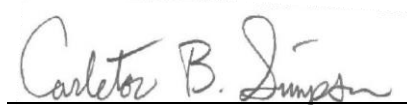
FURTHER ORDERED, that this order shall be effective May 5, 2023 unless any publication or filing obligation set forth above is not complied with or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Liberty's January 19, 2023, compliance tariff pages are accepted and approved on a temporary, interim, and provisional basis until such time as the issue of the applicability and interpretation of Liberty's NHPUC No. 11 tariff is resolved. See Order No. 26,541 (October 29, 2021) and Order No. 26,542 (October 29, 2021).

By order of the Public Utilities Commission of New Hampshire this fourth day of April 2023.



Daniel C. Goldner
Chairman



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 20-105

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