

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 22-009**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY AND  
WOODSVILLE WATER AND LIGHT DEPARTMENT**

**Joint Petition to Alter Franchise Area in the Town of Bath**

**Order Granting Petition**

**O R D E R N O. 26,638**

**June 8, 2022**

**I. PROCEDURAL HISTORY AND BACKGROUND**

On February 28, 2022, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) and Woodsville Water and Light Department (Woodsville) (together, the Joint Petitioners) filed a joint petition to modify their respective franchise areas in Bath, New Hampshire regarding property located at 781 Monroe Road in Bath (the Property). In support of their petition, the Joint Petitioners filed exhibits showing the location of the Property and the proposed change to the franchise map.

On April 12, 2022, Attorney Schwarzer filed a notice of appearance on behalf of the Department of Energy (DOE).

On April 28, 2022, the Commission issued a notice of adjudicative proceeding in this matter.

On May 25, 2022, in response to a Commission directive contained in the notice of adjudicative proceeding, Liberty filed information related to the proposed service extension required to serve the Property and financial details supporting the extension.

On June 3, 2022, the DOE filed a letter in support of the relief sought in the joint petition, including analysis and an updated map of the franchise area generated by the DOE (DOE Attachment 1).

The joint petition, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-009.html>.

## **II. POSITIONS OF THE PARTIES**

### **a. Joint Petitioners**

The Joint Petitioners stated that Stephen and Mary Ann Rood (the Customers) are building a new home at the Property in Bath, within Woodsville's franchise area and about one quarter mile from Woodsville's existing electric facilities. Based on discovery responses addressing DOE record requests, and provided to the Commission in Liberty's May 25, 2022 filing, the Woodsville Water and Light Department Commission declined to extend service to the Customer's Property at a December 21, 2021, meeting due to uncertainties relating to the franchise rights and other difficulties associated with extending service. According to the petition, the Property is located next to Liberty's existing franchise area and about one quarter mile from Liberty's existing electric facilities, and Liberty is willing to provide electric distribution service to the Customers. The Joint Petitioners agreed to modify their respective franchise boundaries to permit Liberty to provide electric service to the Customer's Property.

### **b. Department of Energy**

The DOE stated that its Regulatory Support Division reviewed the joint petition, engaged in formal and informal discovery with both Liberty and Woodsville, and reviewed Liberty's calculation of the prospective customer's payment consistent with Liberty's tariff. The DOE's Enforcement Division also created franchise maps (DOE Attachment 1) that it and Liberty agreed accurately records the current boundary and the proposed adjustment. This map shows that the Property is partially located within Woodville's

existing franchise territory and partially within Liberty's existing franchise territory. According to the DOE's analysis: 1) only Liberty is presently able to provide service to the Property; 2) the requested adjustment to the franchise boundary between Liberty and Woodsville is necessary for Liberty to provide electric service to the Property; 3) providing service to the Property is reasonable and appropriate; and 4) Liberty's estimated cost to the Customers is consistent with its tariff.

Accordingly, the DOE concluded that adjusting the franchise boundary would be in the public good and serve the public interest based on the information provided by the Joint Petitioners and recommended that the Commission approve the joint petition. The DOE further recommended that the Commission adopt the proposed new franchise boundary as shown on the DOE generated map, and that the Commission approve the Joint Petition on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing.

**c. Customers**

The Customers filed comments in this docket supporting the joint petition.

**III. COMMISSION ANALYSIS**

Pursuant to RSA 374:26, the Commission shall grant a franchise to provide utility service when it finds that such action would be in the public good. In addition, we are guided by RSA 374-F:3, V(a) which states that "electric service is essential and should be available to all customers." In this docket, the Customers requested electric service from Woodville, and were declined to service by Woodville's commission, leaving Liberty as the most reasonable and appropriate service provider. In addition, DOE Attachment 1 shows that the Property is already partially within Liberty's existing franchise area.

Liberty, Woodville, the DOE, and the Customers agree that the best way to provide electric service to the Customers is to transfer that portion of Woodville's franchise

territory that contains a part of the Property to Liberty, allow Liberty to provide electric service to the Customers, and that doing so would be in the public good. As the Joint Petitioners point out, RSA 374:26 permits the Commission to make a public good finding without a hearing when all interested parties are in agreement. We find that such is the case in this instance, and where notice has been provided pursuant to the notice of adjudicative proceeding, we find that granting the joint petition meets the public good standard and grant the joint petition without hearing pursuant to RSA 374:26.

**Based upon the foregoing, it is hereby**

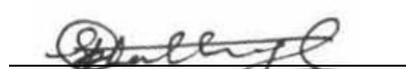
**ORDERED**, that the Joint Petition to Alter Franchise Area in the Town of Bath, filed by Liberty and Woodville, is hereby GRANTED, and it is

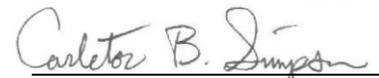
**FURTHER ORDERED**, that the DOE generated service territory map, DOE Attachment 1, is hereby adopted as the official map of the Joint Petitioners' new franchise boundary as altered by this order; and it is

**FURTHER ORDERED**, that the prehearing conference scheduled for June 23, 2022, at 1:30 p.m. is CANCELLED.

By order of the Public Utilities Commission of New Hampshire this eighth day of June, 2022.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket# : 22-009

Printed: 6/8/2022

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