



ORIGINAL

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

March 26, 2018 - 9:11 a.m.  
Concord, New Hampshire

DAY 6 HEARING

RE: DG 17-048  
LIBERTY UTILITIES (ENERGYNORTH  
NATURAL GAS) CORP. d/b/a LIBERTY  
UTILITIES: Request for Change in  
Rates. (*Hearing on the Merits*)

PRESENT: Chairman Martin P. Honigberg, Presiding  
Commissioner Kathryn M. Bailey  
Commissioner Michael S. Giaimo

Sandy Deno, Clerk

APPEARANCES: Reptg. Liberty Utilities (EnergyNorth  
Natural Gas) Corp. d/b/a Liberty  
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Michael J. Sheehan, Esq.

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Al-Azad Iqbal, Gas & Water Division

Court Reporter: Susan J. Robidas, NH LCR No. 44

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1 P R O C E E D I N G S

2 CHAIRMAN HONIGBERG: We're here  
3 this morning to continue the EnergyNorth Gas  
4 rate case. This is Day 6, I think, of the  
5 hearing. Mr. Iqbal is still on the stand. Is  
6 there anything we need to do before questioning  
7 resumes?

8 [No verbal response]

9 CHAIRMAN HONIGBERG: All right.  
10 Mr. Dexter, I assume you have the microphone.

11 MR. DEXTER: Well, when we  
12 finished Friday, I had asked Mr. Iqbal a  
13 question about his concerns with the monthly  
14 aspects of the weather -- I'm sorry --  
15 decoupling adjustment that's incorporated into  
16 the settlement, and he had answered a sentence  
17 with a lot of adjectives. And I'd like to ask  
18 him to explain each of those adjectives, and  
19 that would be my final question.

20 AL-AZAD IQBAL, PREVIOUSLY SWORN

21 DIRECT EXAMINATION (cont'd)

22 BY MR. DEXTER:

23 Q. So, Mr. Iqbal, do you recall the question  
24 that we ended with last week?

1 A. Yes, I do.

2 Q. Do you recall that we were talking about the  
3 monthly adjustment aspect of the decoupling  
4 mechanism embodied in the settlement? You do  
5 recall that?

6 A. Yes, I do.

7 Q. And could you summarize, briefly, the answer  
8 that you gave. And then if you'd like to add  
9 something to those various elements of  
10 concern that you laid out in those answers,  
11 I'd like you to do that now.

12 A. Yes. The one-sentence answer I give is it's  
13 ineffective, costly, unclear, unnecessary,  
14 counterproductive on the goal of energy  
15 efficiency. And there are simpler solution  
16 of cash flow issue right now. Let's start  
17 with ineffective.

18 Now, the whole idea of this monthly  
19 adjustment is to give the customer some cash  
20 flow benefit, that they will get some money  
21 when the bill is higher. But if I remember,  
22 one of our question to the Company witness  
23 was that, when we are doing it, how much cash  
24 flow problem we are actually addressing. If

1       you look at Company side, it's addressing  
2       almost all of their cash flow issue because  
3       all their revenue is coming from delivery  
4       rate. But on the customer side, the cash  
5       flow is almost less than 2 percent of their  
6       whole monthly cash flow. So, to address  
7       somebody's, one party's 100 percent cash flow  
8       and other party's 2 percent -- if you want me  
9       to explain why I'm saying 2 percent, I can  
10      explain -- but the whole idea is that it  
11      doesn't help any customer.

12             There is another reason why it doesn't  
13      help, that even that 2 percent, their  
14      expenses on gas bill, 50 percent of that is  
15      fixed cost. So we are addressing actually  
16      one percent of their cash flow issue. And we  
17      are saying that we are doing the same thing,  
18      addressing Company's 100 percent cash flow  
19      issue and customer's 1 percent cash flow  
20      issue. And we are going through all of these  
21      hurdles in between.

22             Second of all, the way we are giving it,  
23      if you look at Exhibit 61, that is the bill.  
24      It is totally uncertain for the customer that

1           how much or whether they will get a charge or  
2           a refund, because all depends on the weather.  
3           And customer cannot plan on this particular  
4           cash flow benefit, so which is uncertain,  
5           totally uncertain, even if they don't know  
6           percentage-wise what that percent might they  
7           get back or might they have to pay. So how  
8           does this -- it is another layer of  
9           uncertainty you are putting on the customer  
10          and saying that it's good for you.

11                 Another issue is -- that's another  
12          related to regulatory issue. Commission's  
13          practice is to let the customer know exactly  
14          how much they are going to pay for each unit  
15          of their usage. I couldn't find any instance  
16          where it is fluid-like, this item, normal  
17          weather adjustment. Commission doesn't know  
18          what is going to happen next at the end of  
19          the month. Company doesn't know. Customer  
20          doesn't know. So it's almost like we are  
21          giving a totally uncertain -- approving  
22          totally uncertain item in their bill and  
23          saying that that could help them.

24                 And another issue, I think Company



1 witness, Mr. Therrien, actually pointed out  
2 five reasons why we should not be doing it.  
3 And one of their solution he provided is  
4 we'll talk about it, Company and Commission,  
5 and customer will be educated on this issues.  
6 But if you look at those problems, those are  
7 beyond customer issue. Those are regulatory  
8 issue. Those are audit issue. Those are not  
9 just talking to the customer and does not  
10 solve those things.

11 And it is unclear, as I said. I just  
12 explain how it is unclear. It's unclear for  
13 the Company, it is unclear for the regulator,  
14 it is unclear for the customer. And let's  
15 look at it as customer point of view.

16 The customer might get a refund or a  
17 charge in two different month, depending on  
18 the weather, if they use the same amount of  
19 energy or gas, because if one month the  
20 weather is colder, if they use 100 unit, they  
21 might get a refund. And the next month, for  
22 any -- let's assume that they are using same  
23 amount, 100 unit. They might get a charge  
24 because it was hotter than the normal. So

1           it's totally confusing for the customer, and  
2           there is no way they can predict it.

3    Q.    Mr. Iqbal, did you have additional concerns  
4           about the weather -- about the monthly  
5           weather-normalization aspect of the  
6           decoupling proposal?

7    A.    Yeah, I'm looking at my notes.  Yeah, I have  
8           a couple.

9           The point I was making, that  
10           currently -- if you'll remember, Company  
11           witness actually talked about the budget  
12           billing.  Budget billing actually takes care  
13           of all uncertainty for the customer because  
14           they know exactly how much they are paying  
15           each month.

16           The reason behind -- the position from  
17           the Company witness is that it blunts the  
18           energy efficiency price signal.  And on  
19           Friday I said how I -- I talked about how  
20           price signal is reversed in their proposal.  
21           And here, the budget billing, we are not  
22           proposing the budget billing should be  
23           mandatory, everybody should go through this  
24           budget billing.

1 Q. You are not proposing that.

2 A. No, we are not proposing that. We are saying  
3 what budget billing does, gives the customer  
4 to decide what they want to do, how much risk  
5 tolerance they have. And based on that, they  
6 can go for budget billing or they can go for  
7 monthly. And if you look at the  
8 participation of budget billing, it's lower  
9 teens percentage.

10 So, from the -- if you look that way,  
11 that will be argument that budget billing  
12 actually dampen the price signal, is not  
13 really that effective because most of the  
14 customer are not going for budget billing.  
15 So it all depends on the risk tolerance. And  
16 not only that, they can choose that way they  
17 want to go, through budget billing or not.  
18 Here, we are forcing everybody to go through  
19 this confusing mechanism. If Company is  
20 proposing that we want to give the customer  
21 to choose that, hey, this is a good idea, you  
22 can choose this methodology which might help  
23 your cash flow. Here, they're not giving  
24 that option. They're forcing everybody to go

1 through this confusing -- which, at Company  
2 level, it is confusing for them, it is  
3 complicated for them. And they are forcing  
4 everybody, every customer to go through this  
5 weather-normalization adjustment.

6 So I have -- the idea of budget billing  
7 is giving us option, and here we are taking  
8 away their option and introducing a confusing  
9 rate mechanism. And it is costly. Even the  
10 Company said it will take at least \$50,000.  
11 That's not the only cost. Think about the  
12 customer. They have to spend a lot of time  
13 just to understand what is going on there.  
14 Think about the auditor, because it is  
15 moving. Actually, effectively, the delivery  
16 rate, the distribution rate is moving for  
17 each customer each month. It's not a fixed  
18 rate anymore. Effectively, it is moving for  
19 each customer each month, and it also depends  
20 on when the bill was rendered, how many cold  
21 days were there, how many warm days were  
22 there. So it is almost impossible for any  
23 professional auditor -- sorry -- auditor to  
24 figure it out what is happening. Right now,

1       Company has a levelized billing system. They  
2       don't have the budget billing. They have a  
3       levelized billing. What they do, I think --  
4       if I'm wrong, Company can correct me -- that  
5       they do three months' averaging of customer's  
6       bill. And just introducing these  
7       complicacies into this budget billing, from  
8       my -- what I know about this, from my  
9       colleagues around here, that the budget  
10      billing participation went down because it's  
11      not a fixed number anymore. So people are  
12      not comfortable about it.

13             And I think the last part I'll make --  
14      let's think about this: If this type of  
15      mechanism was implemented in any other  
16      consumption situation, like let's say a  
17      restaurant, okay. These are our rates for  
18      these things, for these food. If we sell  
19      more food, you might get some money back.  
20      But if we sell less, we'll charge you more.  
21      Would anyone go to that restaurant?  
22      Everybody wants I think -- and here, we are  
23      introducing uncertainty for every customer.

24             I think the counterproductive issue we

1           talked about Friday, when we explained that  
2           it goes against the idea of price signal, it  
3           will reward more consumption than less  
4           consumption and --

5       Q.    So, Mr. Iqbal, if you've got an additional  
6           point, I'd ask you to make that now rather  
7           than repeat anything you've already said.  
8           And if you've completed, then I would ask you  
9           to just make that final comment right now.

10     A.    The final comment I have, that during the  
11           discussion of Company witness, they talked  
12           about that -- even I repeated it on Friday at  
13           the end of my testimony -- that the  
14           settlement eliminated weather for the Company  
15           and for the customer. It doesn't. It  
16           eliminates the weather for the Company  
17           because, remember, we talked about the cash  
18           flow for the Company is 100 percent. Beyond  
19           that, they -- if we look at the issue that  
20           Company has with customer as a combined unit,  
21           yes, it does, because Company cannot keep the  
22           money they over-collect, or they have to --  
23           or the customer has to pay for the  
24           under-collection. But that's not the risk

1 of -- that's the risk Company face. But the  
2 customer doesn't face that. Customer, even  
3 if you do a sample survey in this room, all  
4 these regulators and all these professional  
5 there, I can guarantee you that most of us  
6 don't know how much Company made last year,  
7 what was the revenue last year for the  
8 Company. So the reality, the risk reality  
9 for the Company is -- for the Company is  
10 reflected here, but the risk reality for the  
11 individual customer is not the same. They  
12 still have to pay for more every month.

13 And we have another wrinkle into that.  
14 But the question is that how do you -- what  
15 would be the equivalent for the Company risk  
16 reduction and the customer risk reduction?  
17 That will be Company's revenue by customer is  
18 based on normalized sales for the test year.  
19 Equivalent to do the same risk reduction for  
20 the customer, the Company have to set  
21 normalized uses for each customer during this  
22 part of the test year because they know their  
23 usage. And they can normalize that usage and  
24 can tell customer that every month,

1           generally, you use 100 unit, and normalized  
2           use is 105, and this would be your rate. And  
3           that will be the fixed for the rest of the  
4           period. And it will be reconciled when  
5           Company would be reconciled at the end of the  
6           year, whether overall they over-collected or  
7           under-collected. In this case, customer will  
8           have the same idea that, okay, we fix -- we  
9           knew exactly how we have to pay it, how much  
10          we have to pay each month based on my  
11          normalized usage on test year. So at the end  
12          of the year, we can reconcile that. So in  
13          that case, we are doing the same for the  
14          utility and same for the customer. Without  
15          that, the current proposal doesn't reduce  
16          customer's risk. But we are not proposing  
17          that. The Company is not proposing that.  
18          That's another issue -- that's a total  
19          different impact for the goal we are going  
20          for the decoupling and energy efficiency. I  
21          think that concludes my --

22       Q.     Okay. Thank you, Mr. Iqbal.

23       A.     One last one. I can -- I apologize. This is  
24           the last one.



1           During the Company witness, Mr. Johnson  
2           talks about that there is a difference  
3           between electric company and gas company.  
4           Electric company is saturated. There is no  
5           competitor who can deliver electricity -- in  
6           the future, if by chance, there are  
7           distributed electric system, if it comes  
8           fruitful.

9           For the gas company, they have  
10          competitors. So, taking away weather-related  
11          risk for gas company is giving a upper hand  
12          for the gas company compared to the  
13          competitors because they still have to face  
14          that, weigh the risk.

15   Q.   And those competitors that you're referring  
16          to are oil and propane companies --

17   A.   Whoever is competing with the Company.

18          So what we are doing, that we are giving  
19          up our hand for the gas utility, taking away  
20          the weather-related risk, and we are not  
21          doing that for the other competitors. What  
22          will that do? It will hamper free market.  
23          It is against the whole idea of free market  
24          competition, which will make utility more

1       efficient. If we are giving them upper hand  
2       compared to the competitor, they will more or  
3       less to be efficient. In the optimal  
4       market -- Dr. Johnson actually talked about  
5       it. The market will not be optimal. It  
6       applies to that, too, that the market will  
7       not be optimal for particular heating market.  
8       Heating fuel will not be optimal because one  
9       party has a upper hand because they don't  
10      have to face weather-related risk, but all  
11      the other parties have to deal with it. I  
12      think that concludes me.

13    Q.    Thank you, Mr. Iqbal.

14                   MR. DEXTER: Staff has no further  
15      questions.

16                   CHAIRMAN HONIGBERG: Mr. Sheehan.

17                   MR. SHEEHAN: I'll defer to the  
18      OCA to cross on the topic of decoupling, and I  
19      will ask Mr. Iqbal questions on the training  
20      center.

21                   CHAIRMAN HONIGBERG: Okay. So  
22      are you going to do training center?

23                   MR. SHEEHAN: Mr. Kreis asked to  
24      go first.

1 CHAIRMAN HONIGBERG: Mr. Kreis.

2 MR. KREIS: Thank you, Mr.

3 Chairman.

4 CROSS-EXAMINATION

5 BY MR. KREIS:

6 Q. Good morning, Mr. Iqbal.

7 A. Good morning.

8 Q. I'd like to start with your written prefiled  
9 testimony.

10 A. Let me get my -- yeah, I got it.

11 Q. Okay. Beginning on Bates Page 8 of your  
12 prefiled testimony, you trace the history of  
13 revenue decoupling at the New Hampshire PUC,  
14 and you noted that the Commission first  
15 considered that issue in Docket No. DE  
16 07-064. That was an investigation of energy  
17 efficiency rate mechanisms; correct?

18 A. Yes.

19 Q. And you would agree that the result of the  
20 investigation was that the Commission closed  
21 the docket and determined that it would  
22 handle rate design issues related to energy  
23 efficiency on a company-by-company basis?

24 A. Yes.

1 Q. The docket, you would agree, didn't claim to  
2 be an overall examination of rate design  
3 issues, just an examination of the question  
4 of what mechanisms might best facilitate the  
5 objectives of what were then known as the  
6 CORE Energy Efficiency Program?

7 A. Yes. One of the objectives was that one you  
8 just mentioned.

9 Q. Were there any other objectives in that  
10 docket?

11 A. I don't have that in front of me, so I  
12 cannot -- but there might be. But I cannot  
13 tell you that there is at this time.

14 Q. As you testified on Friday, in its final  
15 order in that docket, DE 07-064, the  
16 Commission discussed the issue of decoupling  
17 in the context of what it might or might not  
18 do for the objective of energy efficiency.

19 A. Yes.

20 Q. Would you agree with me, subject to check, by  
21 reading Pages 20 to 22 of that order, that  
22 the Commission observed, back in 2009, that  
23 there were three possible approaches to  
24 revenue decoupling: Performance incentives,

1 rate design by more accurately aligning the  
2 Company's actual fixed costs with a fixed  
3 charge component of rates, and a so-called  
4 rate-reconciling adjustment mechanism?

5 A. Yes.

6 Q. And would you agree that in this case, the  
7 settlement called for the last of those three  
8 options, a rate-reconciling adjustment  
9 mechanism?

10 A. Yes.

11 Q. And would you also agree, subject to check,  
12 that when the Commission discussed the  
13 possibility of a rate-reconciling adjustment  
14 mechanism, one of the possibilities that the  
15 Commission referenced in that order was a  
16 so-called "comprehensive model"?

17 A. I guess so.

18 Q. And would you also agree that the Commission  
19 described this comprehensive model as  
20 "pertaining to all or nearly all sales volume  
21 fluctuations, such as volume fluctuations  
22 associated with energy efficiency programs,  
23 price changes, weather changes, economic  
24 fluctuations," et cetera?

1 A. Subject to check, yes.

2 Q. And is that in fact what the settlement  
3 agreement calls for the Commission to approve  
4 here?

5 A. I'll just look at my --

6 MR. KREIS: Mr. Chairman, I'm  
7 trying to ask "Yes" or "No" questions here.

8 BY MR. KREIS:

9 Q. Is that in fact what the settlement agreement  
10 calls for here, a comprehensive approach to  
11 revenue decoupling?

12 A. It is a comprehensive approach, and we are  
13 talking about merits of that approach.

14 Q. To your recollection, did the Commission  
15 indicate, back in 2009, that it didn't like  
16 or would not approve or review with any  
17 particular skepticism such a comprehensive  
18 approach?

19 A. I don't recall if they approve or disapprove.  
20 But I understand that was a generic docket.

21 Q. But as you note in your testimony here, and  
22 I'm talking about your prefiled testimony  
23 again, the Commission said, back in 2009,  
24 that there could be a potential to

1           inappropriately shift risks from shareholders  
2           to customers.

3       A.    Can I refer to which line you are talking  
4           about in my testimony?

5       Q.    I'm talking about Page 22 of the Commission's  
6           order back in Docket No. 07-064. And, you  
7           know, I guess I can move on because the  
8           Commission can look back at that order.

9                Would you agree that this risk shifting  
10           that we're talking about kind of curved  
11           because of reduced earnings volatility?

12      A.    Can you elaborate what do you mean by "risk  
13           earnings volatility"?

14      Q.    Well, I mean that I think it's fair to say  
15           that shareholders prefer stable earnings  
16           rather than volatile earnings, and  
17           shifting -- stabilizing the revenue stream to  
18           the Company through revenue decoupling could  
19           have the effect of reducing earnings  
20           volatility by providing a steadier stream of  
21           earnings that the utility can pay out to  
22           shareholders. That's what I mean.

23      A.    What I understand, the Commission has to  
24           decide on the return, reasonable return,

1           opportunity to do -- achieve reasonable  
2           return. That could be achieved different  
3           way. But the way you are describing here is  
4           it might be one of the way. But there is  
5           no -- from my perspective, from what I know,  
6           there is no principle which says that  
7           Commission has to provide a certainty that  
8           utility would get certain level of return.

9       Q.    Okay. The next event that you discussed in  
10           your history of revenue decoupling in your  
11           prefiled testimony is Docket No. 15-157.

12           Yes?

13       A.    Yes, 137.

14       Q.    Yes, 157.

15       A.    It's 37 I think.

16                               CHAIRMAN HONIGBERG: One  
17           thirty-seven.

18       BY MR. KREIS:

19       Q.    Yes, Docket No. 15-137. That was the docket  
20           in which the Commission adopted the Energy  
21           Efficiency Research Standard; correct?

22       A.    Yes.

23       Q.    Did you skip over any piece of history when  
24           it comes to revenue decoupling here in New



1 Hampshire?

2 A. I might. But this is what I found. My  
3 testimony talks -- actually explain itself.  
4 There might be other instance I missed. It's  
5 possible.

6 Q. Well, are you familiar with Docket No. DG  
7 10-017, the EnergyNorth rate case filed in  
8 2010 by this Company's former owner, National  
9 Grid?

10 A. I'm not sure I was involved in that docket,  
11 but --

12 Q. I didn't ask you if you were involved in that  
13 docket. I asked if you recall that that  
14 docket happened.

15 A. I guess so. I haven't reviewed that.

16 Q. Okay. Do you recall the Company proposed  
17 their revenue decoupling plan in that docket?

18 A. I just said I didn't review that, so I cannot  
19 recall which I didn't review.

20 Q. So you wouldn't remember that Staff filed  
21 testimony in response to that decoupling  
22 proposal?

23 A. Again, I didn't review that.

24 Q. And you wouldn't recall whether the Staff

1 witnesses, Mr. Naylor and Mr. Franz,  
2 expressed fundamental objections to the whole  
3 concept of revenue decoupling?

4 A. I didn't review that. But that's possible.

5 Q. So do you recall how the decoupling issue got  
6 resolved in the 2010 rate case?

7 MR. DEXTER: I would object to  
8 the question. The witness has stated four times  
9 that he did not review that docket in preparing  
10 his testimony. If Mr. Kreis wants to include  
11 this in a closing statement, I think that would  
12 be a more appropriate place to review Commission  
13 precedent.

14 CHAIRMAN HONIGBERG: Mr. Kreis,  
15 now you got me interested. Ask him if it would  
16 surprise him if the Commission resolved the  
17 issue as follows.

18 MR. KREIS: Thank you, Mr.  
19 Chairman.

20 BY MR. KREIS:

21 Q. Would it surprise you if you were to discover  
22 that in the 2010 EnergyNorth rate case, the  
23 Company withdrew its decoupling proposal,  
24 settled the case and then moved out of New

1 Hampshire?

2 MR. SPEIDEL: Badgering the  
3 witness. This is ridiculous. I'm sorry.

4 CHAIRMAN HONIGBERG: Mr. Speidel,  
5 that's out of order. Mr. Dexter knows how to  
6 protect his witness if he feels it's important.  
7 Mr. Kreis is entitled to make his point through  
8 cross-examination. Thank you.

9 A. Can you repeat your question, please?

10 BY MR. KREIS:

11 Q. I asked if it would surprise you if you were  
12 to discover that at the conclusion of --  
13 well, that Docket number... let me get back  
14 to the docket number -- Docket No. DG 10-017  
15 was resolved with the respect to decoupling  
16 by the Company withdrawing its decoupling  
17 proposal, settling the case and then leaving  
18 the state.

19 A. If you are saying that they settled, and  
20 because of decoupling they left the state,  
21 I'm not sure if you have substantial support  
22 for that. There might be other issue, like  
23 rate of return and all other issue. And  
24 might have internal issue. But if there is

1 no study or no investigation, without any  
2 investigation I cannot agree to your  
3 conclusion.

4 Q. Fair enough. But wouldn't it be fair to say,  
5 looking back at that docket and everything  
6 else that has ever transpired here with  
7 respect to revenue decoupling, that in  
8 contrast to the Commission, which has  
9 expressed open-mindedness about decoupling,  
10 the agency's Staff has historically been  
11 opposed to the idea?

12 A. The first part of your question that has  
13 conclusion you actually draw from your  
14 reading of that history. But yes. The  
15 second part, yes, I was involved in the  
16 electric division before we dealt with energy  
17 efficiency and decoupling. It's consistent  
18 with the Staff position that decoupling is  
19 not a good idea.

20 Q. Okay. Now let's take a look at Docket No.  
21 15-137, the Energy Efficiency Resource  
22 Standard. And as I said, that is the docket  
23 in which the Commission approved the concept  
24 of an Energy Efficiency Resource Standard.

1 Yes?

2 A. Yes.

3 Q. Would you agree that the essence of an Energy  
4 Efficiency Resource Standard is that the  
5 utilities, as the administrators of  
6 ratepayer-funded energy efficiency programs,  
7 commit to achieving a specified percentage of  
8 reduction in their sales as a result of those  
9 programs?

10 A. Yes.

11 Q. And you would also agree that this creates a  
12 problem for utilities when their revenue is  
13 directly tied to how many units of  
14 electricity or natural gas they sell?

15 A. Yes and no, because there are models in  
16 different states. When you're forcing a  
17 utility to go against their own interests  
18 selling more and asking them to demand  
19 something in that regard, yes, they have a  
20 reasonable concern that they should be able  
21 to have a reasonable opportunity to get their  
22 return on their investment. But the rest of  
23 your question is conclusion you draw from  
24 your perspective.

1 Q. Docket No. DE 15-137 was resolved by a  
2 settlement agreement. You would agree with  
3 me, would you not, that the settlement  
4 agreement at least assumes that the so-called  
5 "through-put incentive" is something that  
6 needed to be addressed, and it addressed that  
7 issue by adopting what is known as a "lost  
8 revenue adjustment mechanism"?

9 A. What do you mean by "through-put incentive"?

10 Q. I mean that the fundamental objective of  
11 decoupling is to eliminate the incentive that  
12 utilities have to maximize the number of  
13 units of either electricity or natural gas  
14 that they sell to customers as they seek to  
15 obtain or maximize return on shareholder  
16 investment.

17 A. Can you refer to which particular line of  
18 this order actually talks about through-put  
19 incentive?

20 Q. Mr. Iqbal, I'm afraid it's my job to ask the  
21 questions and your job to answer.

22 A. Okay. Without reviewing that order, I cannot  
23 agree with that, because through-put  
24 incentive is not the concern of the

1 Commission. Commission has to provide  
2 reasonable opportunity to get a return on  
3 their investment.

4 Q. So your testimony is that what I just  
5 described as the "through-put incentive" is  
6 not something that the Commission should be  
7 concerning itself with?

8 A. As long as Commission -- Commission can do  
9 whatever Commission wants to do. I cannot  
10 tell Commission what they want to do. So if  
11 you're saying that there is a limit of what  
12 Commission can do, I cannot -- I think that's  
13 above my pay grade.

14 Q. You're familiar with the lost revenue  
15 adjustment mechanism in Docket No. 15-137.  
16 Yes?

17 A. Yes, I do.

18 Q. Would you agree, yes or no, that the lost  
19 revenue adjustment mechanism is itself a form  
20 of revenue decoupling, that is, with respect  
21 to the energy efficiency programs, the  
22 connection between sales and revenue is  
23 severed, at least to some extent?

24 A. I think that is not the case, that there is

1 not separate sales and revenue. It is lost  
2 revenue recovery -- LRAM itself is  
3 self-explanatory. There is nothing to add to  
4 that. Lost -- I mention that last time, yes.

5 MR. DEXTER: Lost revenue  
6 adjustment mechanism.

7 A. Yeah, lost revenue. And when you are talking  
8 about lost revenue, it doesn't mean that  
9 revenue should be stabilized. It's that  
10 because of the policy decision, they are  
11 losing some revenue. Commission is going to  
12 address that. But that doesn't mean that it  
13 has to -- the Commission has to address the  
14 overall revenue and the sales.

15 BY MR. KREIS:

16 Q. Would you also agree that as part of the  
17 approved settlement in Docket 15-137, each of  
18 the electric and natural gas utilities agreed  
19 to make a proposal to replace the lost  
20 revenue adjustment mechanism with something  
21 better in a future rate case?

22 A. I do. And I also know that Staff position  
23 was that lost revenue recovery methodology  
24 goes one way. It's not symmetrical. And



1           that's the only reason, from my recollection,  
2           that Staff actually added a decoupling  
3           mechanism, which would be symmetrical both  
4           way. This lost revenue recovery, I think Mr.  
5           Johnson and Mr. Therrien also addressed that  
6           issue, that it is only one way that it  
7           increase their revenue. But when they  
8           over-collect, it doesn't get to come back to  
9           the customer. That's the weakness of the  
10          lost revenue recovery method. And  
11          decoupling, the beauty of decoupling,  
12          depending on how you are doing it, that  
13          concern is eliminated.

14   Q.   Mr. Iqbal, when Liberty proposed decoupling  
15          in this docket, would you agree that the  
16          Company actually did that ahead of the  
17          schedule required by Docket No. 15-137?

18   A.   Yes.

19   Q.   In your prefiled testimony, you said at  
20          Bates Page 11, and I'm reading now, "The  
21          Company's proposal adjusts for all impacts on  
22          revenue -- e.g., the economy, energy  
23          efficiency, weather, et cetera -- which is  
24          well beyond the efficiency and

1 conservation-related sales reductions. It  
2 also eliminates all risk, except the risk of  
3 management inefficiency." And it's fair,  
4 having listened to your testimony on Friday  
5 and again this morning, it's fair to say that  
6 you have the same objection to the modified  
7 proposal reflected in the settlement  
8 agreement. Yes?

9 A. It's actually made worse because of the  
10 monthly adjustment.

11 Q. Okay. And wouldn't you agree that  
12 "inefficient management," as you use that  
13 term in your prefiled, is precisely what the  
14 Staff is trying to get Liberty to focus on,  
15 given all the concerns in various proceedings  
16 that have been pending here about poor  
17 planning and cost overruns?

18 A. That's one of our concern.

19 Q. And when you talk about risks being shifted  
20 from shareholders to customers in a manner  
21 that you don't like, you've talked about the  
22 weather risk. What other risks are we  
23 talking about?

24 A. Like inflation.

1 (Court Reporter interrupts.)

2 A. Inflation one of the risks they have. That's  
3 one of the example. There could be other.  
4 I'm not trained economist. There is lots of  
5 economists. They can find out there might be  
6 other economic component which is not  
7 included in the proposal.

8 Q. So the one that you thought of is inflation.  
9 Is the way that the settlement treats that  
10 risk symmetrical or asymmetrical?

11 A. Inflation, just like weather, everybody faces  
12 the same inflation. So, symmetrical, in the  
13 sense they are facing same inflation impact  
14 on customer facing that and the Company is  
15 facing that could be totally different.

16 Q. You said at Bates 11 of your prefiled  
17 testimony that the original Company proposal  
18 was flawed because it does not  
19 weather-normalize their revenue adjustments,  
20 and you recommended weather normalization so  
21 that the risk of colder or warmer  
22 temperatures will stay with the Company.  
23 Aren't colder temperatures actually a benefit  
24 to the Company by increasing their

1 distribution revenue?

2 A. Under what rate mechanism? Depends on  
3 ratemaking.

4 Q. So my question was, don't colder temperatures  
5 provide a benefit to the Company under the  
6 current rate mechanism by increasing the  
7 Company's distribution revenue?

8 A. Yes, I agree with that. But they have no  
9 policy actually of address or related to that  
10 weather-related revenue increase. There's  
11 not any policy for that increase or decrease.

12 Q. So your answer to my question is "Yes."

13 A. Yes.

14 Q. And your proposal, which involves  
15 weather-normalizing the revenue adjustment,  
16 simply takes weather out of the revenue  
17 decoupling process. Yes?

18 A. Yes.

19 Q. And if I understood your testimony on Friday  
20 correctly, the reason you want to do that is  
21 that you believe that weather effects are an  
22 entirely separate matter from the revenue  
23 lost to ratepayer-funded energy efficiency.

24 A. Exactly. And I added the competition --

1 MR. KREIS: Mr. Chairman, it  
2 would help me if you would instruct the witness  
3 to answer my "Yes" or "No" questions with the  
4 word either "Yes" or "No."

5 CHAIRMAN HONIGBERG: Well, he did  
6 give you a "Yes" or "No" to that one and then  
7 wanted to add something. And as a general  
8 proposition, that's okay. I think thus far,  
9 notwithstanding some concerns earlier, the two  
10 of you seem to be communicating fairly well with  
11 each other. So I'm going to allow him to  
12 continue.

13 MR. KREIS: Okay.

14 A. Can you repeat your question?

15 BY MR. KREIS:

16 Q. Well, you testified on Friday, and I just  
17 want to make sure I'm understanding you, is  
18 the reason you want to sort of drop weather  
19 out of the revenue decoupling equation  
20 altogether is that weather is an entirely  
21 separate matter from the revenue lost to  
22 ratepayer-funded energy efficiency?

23 A. Yes.

24 Q. And you think the Company should -- or you

1 think the Commission, that is, should confine  
2 any decoupling plan it adopts to simply  
3 addressing the objective of all  
4 cost-effective energy efficiency.

5 A. That's up to the Commission.

6 Q. But I'm talking about what your  
7 recommendation to the Commission is. And if  
8 I understand it correctly, you think the  
9 Commission, to the extent it is willing or  
10 interested in adopting a revenue decoupling  
11 plan, it should confine the revenue  
12 decoupling plan's objectives to correcting  
13 for the effect of ratepayer-funded energy  
14 efficiency.

15 A. The way we -- the proposal from our  
16 perspective, not only the ratepayer-funded  
17 energy efficiency, it takes care of other  
18 energy efficiency, standard change, economic  
19 change, everything. So we are not saying  
20 that -- if your question is that our proposal  
21 not to go beyond the ratepayer-funded energy  
22 efficiency program, that is not our proposal.

23 Q. Mr. Iqbal, are you familiar with the  
24 Regulatory Assistance Project?

1 A. Yes, I think we had a report with Friday.

2 Q. Would you agree that the purpose of the  
3 Regulatory Assistance Project is to provide  
4 unbiased advice to regulators, state  
5 regulators in particular?

6 A. I don't know about their goal or policy or  
7 their mandate.

8 Q. Are you aware that the Regulatory Assistance  
9 Project has an active advisory relationship  
10 with the New Hampshire PUC?

11 A. I don't know. Maybe.

12 Q. I'd like to have you look at Exhibit 59,  
13 which is the Revenue Decoupling Guide that  
14 has already been marked.

15 A. I got it.

16 Q. Okay. Just looking at Page 35 of Exhibit 59  
17 of the Revenue Decoupling Guide, would you  
18 agree with me that it says there on Page 59  
19 [sic], and I'm reading now, "Some states have  
20 preserved the existing burden of weather risk  
21 in a decoupling environment by  
22 weather-normalizing actual unit sales before  
23 computing the new price under limited  
24 decoupling. This has the effect of fully

1 exposing the utility and its customers to  
2 weather risk."

3 A. Which page?

4 MR. DEXTER: Can I ask the  
5 Consumer Advocate what page he's reading from?  
6 I thought he said Page 59.

7 MR. KREIS: I know I said Page  
8 35.

9 CHAIRMAN HONIGBERG: I think he  
10 said 35. And I, too, would like to be directed  
11 more precisely to where on that page you want us  
12 all to look.

13 MR. KREIS: You have to give me a  
14 second because I am -- okay. I'm reading from  
15 the paragraph that is one, two, three paragraphs  
16 up from the bottom of that page. Sorry. I  
17 extracted that little excerpt in my notes and  
18 then I wasn't working from the exhibit myself.

19 CHAIRMAN HONIGBERG: So, the  
20 second line of that paragraph, the sentence that  
21 starts, "Some states have..."

22 MR. KREIS: Yes, exactly.

23 BY MR. KREIS:

24 Q. Okay. So you would agree that the Regulatory



1 Assistance Project in that little analysis  
2 there is discussing risk that accrues to both  
3 customers and the utility.

4 A. Yes.

5 Q. So if the Company were to -- or if the  
6 revenue decoupling plan approved by a  
7 Commission were to take weather risk away  
8 from the Company, that would also tend to  
9 stabilize the earnings of the Company; would  
10 it not?

11 A. Yeah, any risk you take away from anyone's  
12 earning, that will stabilize their earning.

13 Q. Yes. So that would also potentially help  
14 customers, to the extent the Company becomes  
15 less risky, which would allow a lower return  
16 on equity and also perhaps the Company to  
17 adopt a more leveraged capital structure.  
18 Yes?

19 A. That's a possibility. But if you look at the  
20 experience of decoupling, full decoupling,  
21 there is no support that it reduces the rate  
22 of return. Just like you have testimony in  
23 this docket and some other dockets that --  
24 and the whole idea, you are saying that we

1           have to stabilize, and risk reduction will  
2           help the customer. These are subjective  
3           matter. It might, it might not. And it  
4           might have other effect we haven't talked  
5           about right now.

6    Q.    So you agree that it could justify a lower  
7           return on equity. And could it also justify  
8           a more leveraged capital structure because it  
9           would be easier for the Company to borrow  
10          money if it adopted a revenue decoupling  
11          plan?

12   A.    That would help for lots of other reason,  
13          too, not only revenue decoupling.

14   Q.    Okay. Looking at Page 45 of Exhibit 59 -- I  
15          just have to look where on the page I'm  
16          reading from because, again, I extracted my  
17          quote into my notes.

18   A.    I think it's 12.3.

19   Q.    So you would agree with me, at the end of  
20          12.3 it says, "Decoupling mitigates earnings  
21          risk for utilities and expense risk for  
22          consumers, making both better off, and in the  
23          process it creates the earnings stability to  
24          justify a lower overall cost of capital which

1 reduces absolute costs to consumers." You  
2 don't necessarily agree with that statement?

3 A. No, I don't.

4 Q. Are you --

5 A. I explain that this morning.

6 Q. Are you aware of the recent decision in Maine  
7 about Northern Utilities granting that  
8 utility a 9.5 percent return on equity?

9 A. I'm not sure we can discuss that because the  
10 settlement we are talking about -- oh, you're  
11 talking about Maine?

12 Q. Yes.

13 MR. DEXTER: Northern Utilities  
14 in Maine.

15 A. Oh, I didn't review that order.

16 BY MR. KREIS:

17 Q. But you have reviewed the agreement in this  
18 case, the settlement agreement, and you know  
19 and agree, right, that the settlement  
20 agreement here calls for return on equity of  
21 9.4 percent.

22 A. Yes.

23 Q. Would you agree that some of the shareholder  
24 benefits of revenue decoupling, as a result

1 of this risk mitigation, might only become  
2 apparent over time and that it could take  
3 several years to reflect the effect of  
4 revenue decoupling in the Company's return on  
5 equity or its capital structure?

6 A. That's, I think, what your witness also  
7 discussed about it. But revenue decoupling  
8 is almost 15 years old. If it is not still  
9 internalized, I don't know why it would be  
10 internalized, because every time we are  
11 looking at rate of return, we are looking for  
12 similar companies, whether those are  
13 decoupled or not. And as you can see from  
14 your witness on revenue requirement --  
15 sorry -- rate of return and our witness on  
16 rate of return, it seems like it didn't move  
17 at all.

18 Q. Are you familiar with how the settlement  
19 agreement pending here treats the Company's  
20 fixed charges?

21 A. Yes, I am.

22 Q. And you would agree with me that the  
23 settlement calls for moving the R1 and R3  
24 fixed charge to \$14.88; correct?

1 A. Yes.

2 Q. And that's actually \$2 lower than the current  
3 R1 customer charge.

4 A. Yes.

5 Q. And that compares rather favorably, would you  
6 agree, to the Company's original proposal of  
7 a fixed charge of \$21.50 for R1 customers and  
8 \$25.50 for R3 customers?

9 A. Talking about favorable for the Company or  
10 the customer?

11 Q. Well, I'm the Consumer Advocate, so I'm  
12 talking about favorable for the consumer.

13 A. I cannot presume that because some of your  
14 position in this docket actually goes against  
15 consumer interests. So that's why I was  
16 asking.

17 MR. KREIS: Mr. Chairman, I would  
18 ask that that response be stricken from the  
19 record.

20 CHAIRMAN HONIGBERG: I think you  
21 invited that response, Mr. Kreis.

22 BY MR. KREIS:

23 Q. Would you agree that higher fixed charges is  
24 another form of revenue decoupling because it

1           loosens the connection between sales and  
2           revenue in an asymmetrical way that is  
3           favorable to the Company?

4    A.    Yes.

5    Q.    So, could you -- or could one reasonably  
6           conclude that, to the extent a decoupling  
7           plan reduces risk to shareholders, reducing  
8           fixed charges builds some of that risk back  
9           in?

10   A.    I think the fixed charge on the scheme of  
11          decoupling is a component. But crediting all  
12          this benefit of decoupling on the fixed  
13          charge changes might be overdoing it.

14   Q.    Finally, with respect to weather adjustment,  
15          you would agree, would you not, that the  
16          Company's current rate design  
17          weather-normalizes distribution revenue by  
18          making adjustments twice a year?

19   A.    When you are talking about "twice a year,"  
20          what do you mean by that?

21   Q.    Well, I mean the Company  
22          weather-normalizes -- there is already a  
23          weather adjustment process in the Company's  
24          current rate design.

1 A. Yes. Can I go back to that? Weather  
2 normalized to centigrade, but afterwards  
3 nothing happens.

4 Q. Yes. You're aware that Paragraph L of the  
5 settlement agreement requires, not permits,  
6 but requires Liberty to come back in for a  
7 rate case in 2021, if not sooner?

8 A. As long as I remember, yes.

9 Q. And would you agree with me that the  
10 Commission could reasonably conclude that the  
11 reason for such a requirement is to provide  
12 an opportunity to re-examine the decoupling  
13 mechanism adopted here, in the event it  
14 provides unreasonably large windfalls to  
15 shareholders?

16 A. I don't think that particular aspect of the  
17 settlement actually does that. Every time  
18 Commission review a rate case, they can do  
19 that assessment at that time.

20 Q. When the Company comes back for that next  
21 rate case in 2021, if not sooner, would the  
22 PUC be free to abandon decoupling or change  
23 it completely in that rate case?

24 A. That's up to the Commission.

1 Q. So could the Commission reasonably conclude  
2 now that the decoupling plan in the  
3 settlement agreement is something of an  
4 experiment?

5 A. I reviewed the decoupling document. Nowhere  
6 in any of the testimony or any of the witness  
7 actually mention that, that this is a test  
8 case.

9 Q. In your testimony on Friday and then again  
10 this morning, you mentioned price signals.  
11 And I think I heard you say that you don't  
12 like real-time weather normalization because  
13 it would encourage customers to use more  
14 natural gas when the weather is colder than  
15 normal, which is just when you would want to  
16 send them the price signal that reminds them  
17 to conserve more. Did I get that right?

18 A. It will give that indication of when we are  
19 saying that when you use more, you might get  
20 the credit back.

21 Q. Do you have any evidence that natural gas  
22 customers who use natural gas for heating  
23 respond to price signals in that fashion?

24 A. Everybody respond to price signal.



1 Q. Do you have actual evidence that everybody  
2 responds to price signals?

3 A. That's basic economics.

4 Q. Basic economics?

5 A. Yes.

6 Q. Basic economic theory.

7 A. Yeah.

8 Q. Do you agree that, to the extent customers  
9 respond to price signals, the response is a  
10 function of the overall cost of the service  
11 that they receive?

12 A. Yes, exactly my point you are making when you  
13 are saying that this adjustment doesn't make  
14 sense. It doesn't stabilize the customer's  
15 cash flow.

16 Q. So, in other words, customers wouldn't  
17 isolate one charge on the bill and decide  
18 that that's the price signal they're going to  
19 respond to.

20 A. Customer might. That's why all this  
21 information we are putting in the bill, so  
22 customer can review those and take that  
23 decision. So you're saying the customer is  
24 not reviewing this particular item in their

1 bill? I don't agree with that.

2 Q. Did you hear Mr. Therrien and Dr. Johnson  
3 point out the other day that commodity  
4 charges will still go up in response to cold  
5 weather -- that is, the commodity charges on  
6 Liberty Utilities bills?

7 A. It depends on the demand and supply.

8 Q. Wouldn't the economic theory that you just  
9 referred to suggest that in times of cold  
10 weather, the commodity charges on customer  
11 bills would increase?

12 A. Yeah, that's a reasonable assumption.

13 Q. And did you hear Mr. Therrien and Dr. Johnson  
14 point out that those increases will more than  
15 offset any increases during cold weather  
16 arising out of the real-time weather  
17 normalization of the distribution charges?

18 A. Then why do you do this real-time adjustment  
19 anyway?

20 CHAIRMAN HONIGBERG: You want to  
21 try that answer again? I don't think that was  
22 responsive to the question.

23 A. Okay. Repeat the question.

24 BY MR. KREIS:

1 Q. Well, my question was, really, did you hear  
2 Mr. Therrien and Dr. Johnson state here that  
3 the increases to the commodity charges as the  
4 result of cold weather would more than offset  
5 any decreases to the commodity charges -- to  
6 the distribution charges, that is, that the  
7 weather-normalization mechanism would produce  
8 on customer bills?

9 A. I remember that. And my point on that, that  
10 if that is the case, then why do you go  
11 through this painful way to refund this  
12 miniscule amount to the customer. I agree  
13 with that. And that's one of the reason I  
14 don't agree with this mechanism.

15 Q. I understand.

16 I think the last thing I want to cover  
17 with you is the two case studies that you  
18 drew the Commission's attention to on Friday.  
19 And just to refresh everybody's memory, I  
20 think those case studies are Exhibit No. 65.  
21 Those two case studies are a part of a larger  
22 document from the Regulatory Assistance  
23 Project entitled, "Decoupling Case Studies:  
24 Revenue Regulation Implementation in Six

1 States"; correct?

2 A. Yes.

3 Q. And Exhibit 65 is just an excerpt from that  
4 Regulatory Assistance Project document.

5 A. Yes.

6 Q. Do you recall that the same case studies are  
7 appended to the document that is marked as  
8 Exhibit No. 59?

9 A. Can you refer to the page number?

10 BY MR. KREIS:

11 Q. Well, the point I'm making, and maybe I can  
12 just say this: I just want the Commission to  
13 note that the six case studies that the  
14 witness or the Staff has excerpted are  
15 actually also appended to the Decoupling  
16 Guide that is Exhibit 59. We just didn't  
17 reproduce those for the Commission. So,  
18 really, we're looking at an overall  
19 examination by the Regulatory Assistance  
20 Project of this question of decoupling,  
21 relying in part on some case studies.

22 CHAIRMAN HONIGBERG: I understand  
23 what you're saying, I think. I want to repeat  
24 it and make sure that Staff and the Company

1 agree with what you just said, that Exhibit 59  
2 and Exhibit 65 really have the same source and  
3 are from the same time; that when the Regulatory  
4 Assistance Project prepared its report, part of  
5 it was what we now have as 59, another part of  
6 it is what we have as 65. And there's more  
7 because obviously 65 is just an excerpt from  
8 something.

9 MR. KREIS: Indeed. Exactly.

10 CHAIRMAN HONIGBERG: Okay. Mr.  
11 Dexter, Mr. Sheehan, you agree with what Mr.  
12 Kreis just said?

13 MR. SHEEHAN: Yes, sir.

14 MR. DEXTER: I don't know, but  
15 I'll accept it.

16 CHAIRMAN HONIGBERG: Thank you.

17 MR. KREIS: And I have to  
18 confess, I don't know why the regulatory  
19 Assistance Project is essentially repackaging  
20 the same information in different documents.  
21 Maybe just trying to be helpful. Maybe it's  
22 doing different work for different clients. I  
23 really don't know. And I don't think the record  
24 needs to resolve that one way or the another.

1     A.     On that I think that I can help.  They  
2             actually refer to, when they're doing case  
3             study, they actually refer to the original  
4             report.

5     BY MR. KREIS:

6     Q.     The two case studies that you brought to the  
7             Commission's attention on Friday were the  
8             Idaho Power Company, and it's marked as Page  
9             18 -- or excuse me -- Idaho Power Company  
10            marked as Page 11, actually Page 18 in the  
11            appendix to the document that is partially  
12            included in Exhibit 59.  So, it's Page 11 for  
13            the Idaho Power Company's case study and Page  
14            14 for the Maryland, Baltimore Gas and  
15            Electric study.  Yes?

16    A.     Yes.

17    Q.     And just so it's clear, both of those  
18             decoupling plans concern electric rates and  
19             electric customers and not natural gas rates  
20             and natural gas customers.  Yes?

21    A.     Yes.

22    Q.     And your point, I think, was that the  
23             so-called "weather risk" was left with the  
24             Company in the case of Idaho Power Company,

1 but was adjusted in the case of the Baltimore  
2 Gas and Electric Company in a manner you  
3 regard as similar to what we're proposing  
4 here.

5 A. That's my understanding.

6 Q. Yes.

7 CHAIRMAN HONIGBERG: Mr. Kreis,  
8 before you continue, something you did confused  
9 me, okay.

10 MR. KREIS: Sorry.

11 CHAIRMAN HONIGBERG: You made a  
12 reference to Page 18, I think, of Exhibit 59?

13 MR. KREIS: The problem is that  
14 we didn't reproduce the appendix when we created  
15 Exhibit 59. There's an appendix to that  
16 document which we could provide you if you  
17 wanted. But it really is duplicative of what  
18 we're looking at here, the two case studies that  
19 Mr. Iqbal referenced. And I don't see a need  
20 for you to look at all six case studies or --

21 CHAIRMAN HONIGBERG: And is what  
22 you're telling me that Page 18 of that appendix,  
23 if I had it in front of me, would be the Idaho  
24 study that is in front of me marked as Page 11

1 of Exhibit 65?

2 MR. KREIS: Yes, that's exactly  
3 right.

4 CHAIRMAN HONIGBERG: All right.  
5 For a moment there, I thought you were referring  
6 me to something that is part of what I have as  
7 Exhibit 65.

8 MR. KREIS: And what I am  
9 inadvertently imposing on you, Mr. Chairman, is  
10 my own confusion, because I've been looking at  
11 these case studies, but they are a different  
12 documents and in different forms, and I'm just  
13 trying to get it all straight.

14 CHAIRMAN HONIGBERG: All right.  
15 You're a carrier of confusion as well.

16 MR. KREIS: Yes, exactly. I'm a  
17 perpetrator of confusion, and I definitely  
18 apologize.

19 BY MR. KREIS:

20 Q. So you drew the Commission's attention to the  
21 table which also appears in the appendix to  
22 what is Exhibit 59. But here in Exhibit 65,  
23 it's the last page of that exhibit. It's  
24 marked as Page 37. And I think, if I'm



1 remembering correctly, you drew the  
2 Commission's attention to that table because  
3 your point was -- well, if you can tell me,  
4 what was the point of drawing the  
5 Commission's attention to that table?

6 A. The point was the idea that the decoupling  
7 mechanism the Company in the settlement is  
8 proposing, and decoupling mechanism, what we  
9 are talking about from the Staff perspective,  
10 the point we are making here, that it doesn't  
11 impact the ultimate utility performance in  
12 saving the energy. So the whole idea of  
13 decoupling is energy efficiency. And it  
14 shows that energy efficiency savings from  
15 both model almost similar. If you look at  
16 the other models, still it seems like there  
17 is no impact on their performance,  
18 irrespective to the decoupling mechanism.

19 Q. Would you agree that the impact that you were  
20 just discussing in that chart is the impact  
21 of ratepayer-funded energy efficiency  
22 programs?

23 A. That's my understanding.

24 Q. So it doesn't purport to measure the overall

1 impact of any efforts the Company might have  
2 undertaken that would have had the effect of  
3 reducing the Company's sales to customers.

4 A. I don't know about that.

5 MR. KREIS: With the Commission's  
6 indulgence, I think I have another exhibit that  
7 I'd like to hand out. Somebody will have to  
8 tell me what the next exhibit number is.

9 CHAIRMAN HONIGBERG: Sixty-six.

10 (The document, as described, was  
11 herewith marked as Exhibit 66 for  
12 identification.)

13 BY MR. KREIS:

14 Q. Okay. With respect to Exhibit 66, you would  
15 agree with me, Mr. Iqbal, that this is  
16 Page 35 from the document that you excerpted  
17 in order to create Exhibit 65?

18 A. I think so.

19 Q. Would you agree with that proposition,  
20 subject to check?

21 A. Yes.

22 Q. And would you look at the paragraph, or the  
23 section on Page 35 that's marked  
24 "Complementary Policies."

1 A. I am there.

2 Q. And would you look at the last sentence in  
3 the first paragraph.

4 A. Yes.

5 Q. And would you agree with me that it says that  
6 Idaho does not have an Energy Efficiency  
7 Resource Standard, but rather has energy  
8 efficiency objectives that are developed  
9 through an integrated resource plan  
10 process --

11 (Court Reporter interrupts.)

12 Q. Sure. I was just reading this sentence.  
13 "Only Idaho does not have" -- and I assume  
14 this means only Idaho, out of the states that  
15 the Regulatory Assistance --

16 MR. DEXTER: Objection. I don't  
17 think we need counsel's assumption as to what  
18 this means. If he'd like to phrase a question  
19 for my witness to answer, I'd appreciate that.

20 CHAIRMAN HONIGBERG: I got it,  
21 Mr. Dexter. I agree with you.

22 Mr. Kreis, just go back to  
23 reading the sentence. And actually, you were  
24 paraphrasing it before.

1                   MR. KREIS: Fair enough. It  
2                   says, "Only Idaho does not have an Energy  
3                   Efficiency Resource Standard, but energy  
4                   efficiency objectives are developed through an  
5                   integrated resource plan process. Energy  
6                   spending at IPC" -- which I assume means Idaho  
7                   Power Company -- "has increased dramatically in  
8                   recent years."

9                   So you would agree with me,  
10                  would you not, that what the Regulatory  
11                  Assistance Project is saying here with  
12                  respect to its case studies is that Idaho is  
13                  different than the other states that it  
14                  studied because that state does not have an  
15                  Energy Efficiency Resource Standard?

16                 MR. DEXTER: Objection. There's  
17                 absolutely no foundation for the witness to make  
18                 that conclusion on the basis of what Mr. Kreis  
19                 has read into the record.

20                 CHAIRMAN HONIGBERG: If he  
21                 doesn't know, he'll say he doesn't know.

22         A. I think that's it what says here. But I  
23                 would say that that actually proves our  
24                 point, that irrespective to the decoupling

1 mechanism, the Company is actually encouraged  
2 to invest more in energy efficiency without  
3 any mandate from their commission.

4 CHAIRMAN HONIGBERG: Mr. Kreis,  
5 how long a document is the appendix that was  
6 part of the report that's Exhibit 59 and was  
7 excerpted in 65 and now 66?

8 WITNESS IQBAL: I can help on  
9 that.

10 CHAIRMAN HONIGBERG: Mr. Kreis is  
11 on it.

12 MR. KREIS: I can tell you the  
13 answer to that question. It is 85 pages long  
14 which I guess is why we didn't produce it for  
15 you.

16 CHAIRMAN HONIGBERG: Well, it's  
17 just become Exhibit 67.

18 MR. KREIS: We will be happy to  
19 produce it for you.

20 CHAIRMAN HONIGBERG: Thank you.

21 (The document, as described, was  
22 herewith marked as Exhibit 67 for  
23 identification.)

24 BY MR. KREIS:

1 Q. Okay. Mr. Iqbal, you heard Mr. Therrien and  
2 Dr. Johnson testify on Friday that, with  
3 respect to energy efficiency, real-time  
4 weather normalization is useful in orienting  
5 the entirety of the utility's' organization  
6 with direction and conservation and  
7 efficiency?

8 A. That's their conclusion, yes.

9 Q. But it's not one you agree with?

10 A. No.

11 Q. Finally, if you -- I guess I'll skip that. I  
12 think just a couple of questions that arose  
13 out of your closing comments on direct.

14 You talked about the difficulties that  
15 the auditors would have in figuring out how  
16 the real-time weather-normalization  
17 adjustments were made. Are you yourself an  
18 auditor?

19 A. No, I'm not. And particularly those concern  
20 is raised by Mr. Therrien. He's not an  
21 auditor either.

22 Q. So you really have no way of knowing whether  
23 the auditors would find it impossible or  
24 difficult to retrace the steps of the

1 real-time weather normalization, would you?

2 A. An auditor can answer that question. I  
3 cannot.

4 Q. Right.

5 Finally, I think the very last thing you  
6 said, and I think the very last question I'll  
7 ask, is you talked about -- or you testified  
8 that one of the reasons you don't like  
9 real-time weather normalization is that it  
10 provides an advantage to the Company  
11 vis-a-vis its unregulated competitors;  
12 correct?

13 A. Yes.

14 Q. You're aware, are you not, that the  
15 Commission's statutory role is to serve as  
16 the arbiter between the interest of the  
17 customers of regulated utilities and the  
18 shareholders of regulated utilities? Yes?

19 MR. DEXTER: Objection. I don't  
20 think this witness's role is to describe for the  
21 Consumer Advocate what the Commission's role is.  
22 If the --

23 CHAIRMAN HONIGBERG: Overruled.  
24 He can answer.

1 A. Can you repeat the question, please?

2 BY MR. KREIS:

3 Q. Well, I was just asking if you are aware that  
4 the Commission's job by statute is to serve  
5 as the arbiter between the interests of  
6 customers of regulated utilities and  
7 shareholders of regulated utilities.

8 A. That's one of the effect of the Commission.

9 MR. KREIS: Mr. Chairman, I think  
10 those are all the questions that I have.

11 CHAIRMAN HONIGBERG: Mr. Sheehan.

12 CROSS-EXAMINATION

13 BY MR. SHEEHAN:

14 Q. Good morning, Mr. Iqbal.

15 A. Good morning.

16 Q. We get to change topics back to the training  
17 center.

18 A. Yeah.

19 Q. Your testimony with regard to the training  
20 center was that the Company should recover  
21 zero in costs related to the training center;  
22 correct?

23 A. Costs related to the training center, yes.

24 Q. And that number that the Company requested



1           was about \$500,000 per year.

2    A.     Subject to check, yes.

3    Q.     Your expertise in this docket is as a  
4           financial analyst; correct?

5    A.     As an analyst.

6    Q.     Your expertise in this docket is not on the  
7           utility's practices of training its  
8           employees.

9    A.     No.

10   Q.     So you cannot offer opinions on what is  
11           appropriate training or inappropriate  
12           training; correct?

13   A.     Yes.

14   Q.     And you cannot offer opinions on whether we  
15           do too much or too little training.

16   A.     I think the question -- the couple questions  
17           you are asking, yes, I cannot, but the  
18           Company could.

19   Q.     And you cannot offer an opinion as to whether  
20           we should train certain employees on certain  
21           topics and other employees on other topics.  
22           Those are all questions outside the scope of  
23           your financial analysis expertise; is that  
24           correct?

1     A.     I think that's the work of the Company, not  
2           the Commission analyst like me.

3     Q.     The Staff does have within its portfolio of  
4           people a safety division; correct?

5     A.     Yes.

6     Q.     And you're aware that, generally at least,  
7           what the safety division's expertise is;  
8           correct?

9     A.     I have a vague idea, yeah.

10    Q.     And would you agree that the safety division  
11           probably is qualified to offer opinions on  
12           training appropriateness, quality, frequency  
13           and those kinds of training topics?  Would  
14           you agree?

15    A.     Yes.  And in my testimony I didn't comment on  
16           the appropriateness.

17    Q.     Understood.  And in this case, there is no  
18           testimony from the safety division, period.

19    A.     Yes.

20    Q.     There is no testimony either supporting or  
21           objecting to the training methods adopted by  
22           the Company; correct?

23    A.     When you are talking about "training  
24           methods," what do you mean by that?

1 Q. I'll move on.

2 And so the issue that you focused on in  
3 your testimony, again, was an economic issue.  
4 And I'd like to point your attention first to  
5 Staff's initial position in this docket at  
6 the prehearing conference when the parties  
7 were each allowed to make a statement of the  
8 issues they intended to explore.

9 Counsel for Staff said, "Staff will be  
10 looking at the significant increase in rate  
11 base from last case." This is from the  
12 transcript of prehearing conference. "We  
13 believe that to be a key issue in this case  
14 that requires examination. The Concord  
15 training center in particular is of concern  
16 to the Staff" -- and here's the part I want  
17 to draw your attention to -- "not necessarily  
18 in concept as much as it is in the amount of  
19 the training center as we understand its  
20 current cost versus its projected cost when  
21 it was first mentioned to the Staff several  
22 years ago." Do you recall that?

23 A. I recall that. That was the preliminary  
24 position of the Staff. That was not the

1           final position.

2       Q.   Understood. I just wanted to -- and you were  
3           the only witness that offered testimony on  
4           the reasonableness of the Company's request  
5           for recovery of the training center cost;  
6           correct?

7       A.   Yes.

8       Q.   And you chose not to offer any evidence on  
9           the actual cost incurred to build the  
10          training center; correct?

11      A.   Yes.

12      Q.   So you did not go through what makes up that  
13          \$500,000 revenue requirement request and say,  
14          for example, Line 7 should be deleted, Line 8  
15          is okay, Line 10 -- you didn't do that kind  
16          of analysis here.

17      A.   That was not my scope of my testimony.

18      Q.   Your testimony was, and your recommendation  
19          is, the initial decision to build the  
20          training center was flawed, and therefore,  
21          everything that followed that initial  
22          decision was imprudent; correct?

23      A.   That's your conclusion. I think to certain  
24          extent, yes.

1 Q. I'm sorry. Was that what your basic opinion  
2 is?

3 A. Yes. My testimony explain itself. So you  
4 can summarize it any way you want. But  
5 that's my point, that my testimony speaks for  
6 itself.

7 Q. And so understanding that's your position, if  
8 the Company had spent \$1 million or  
9 \$2 million or \$3 million, and it turned out  
10 to be \$4 million, it would not affect your  
11 opinion. That didn't go into your analysis;  
12 correct?

13 A. No. Yes.

14 CHAIRMAN HONIGBERG: Wait. You  
15 just said both "No" and "Yes." They can't both  
16 be right?

17 WITNESS IQBAL: Yes.

18 BY MR. SHEEHAN:

19 Q. And the core of your opinion, as I understand  
20 it, is that the Company did not adequately  
21 look at the other options to the training  
22 center when it decided to go forward with the  
23 training center.

24 A. That's one of my observation, yes.

1 Q. And you were told through discovery what  
2 options the Company did consider; correct?

3 A. Yes.

4 Q. And if you could pull up the data request  
5 that you introduced as Exhibit 36 -- I'm  
6 sorry. These are in your testimony. I'm  
7 sorry.

8 MR. DEXTER: I'm sorry. Which  
9 exhibit are you looking at now?

10 MR. SHEEHAN: This would be  
11 another attachment to Mr. Iqbal's testimony at  
12 Bates 69. And we'll be moving between a couple  
13 of those data requests.

14 A. Yes, I'm there.

15 BY MR. SHEEHAN:

16 Q. And this is just an example of one data  
17 request and response in which you asked, with  
18 regard to Bates 69, about one of the options  
19 available to the Company, and that was to  
20 complete its training through exclusively  
21 on-the-job training; correct?

22 A. I didn't say about -- my question doesn't  
23 mention that exclusively, on-the-job  
24 training.

1 Q. Read the first paragraph of your request on  
2 Bates 69.

3 A. I was on the wrong page. Sorry. Yes, I'm  
4 there.

5 Q. And this particular answer was the Company's  
6 explanation why it did not want to rely  
7 exclusively on on-the-job training; correct?

8 A. Yeah, that's the answer from the Company.

9 Q. And again, going back to the exchange we just  
10 had a few minutes ago, you have no basis or  
11 expertise to challenge the Company's  
12 conclusion that exclusively using on-the-job  
13 training is inappropriate for the Company's  
14 needs.

15 A. On that point, I asked the Company, one of  
16 the data requests where I asked that is there  
17 any report, study or standard. And Company  
18 couldn't provide any of those. I think this  
19 is the question we are talking about, if you  
20 look at it, Please provide analysis, rules,  
21 standard, et cetera, which support this  
22 conclusion. And Company couldn't provide  
23 any.

24 Q. But you don't have the basis to say that

1           relying exclusively on on-the-job training is  
2           sufficient for Liberty Utilities. You can't  
3           say that; correct?

4    A.    I cannot. That's why I asked this question,  
5           that if Company can say that.

6    Q.    The Company did say that.

7    A.    I asked for the support for that.

8    Q.    I understand. But the Company did say that,  
9           and you don't have the basis to challenge  
10          that conclusion; correct?

11   A.    Without support of any statement, I have a  
12          problem with that.

13   Q.    In fact, they did describe it, not with  
14          studies, but with an explanation that's in  
15          front of us here of all the shortcomings of  
16          relying exclusively on on-the-job training;  
17          correct?

18   A.    Just being limited, not being -- that if  
19          these are the reason one company is going for  
20          the training center and another company is  
21          not, that raised that issue that what is the  
22          support for that. If one can do on-the-job  
23          training and meet their requirement and then  
24          other company says that's not good enough,



1           then the new company has to provide the  
2           support. And that's what we asked in this  
3           data request.

4    Q.    But even if we provided support that was  
5           satisfactory to you, you are still not the  
6           expert to say I accept that support.

7    A.    If the support is provided, with my other  
8           expert we can review that.

9    Q.    And since you did not get the support that  
10           you thought you should have gotten, you had  
11           the option of calling your colleagues in the  
12           safety department and saying we need your  
13           help.

14   A.    If the Company had support, they should have  
15           provided it. That's my point.

16   Q.    The next data request is Bates 59 in the same  
17           document. And this discusses another option  
18           available to the Company that was reviewed in  
19           discovery, and that is whether there were  
20           options or information available from our  
21           neighboring utilities; correct?

22   A.    Page 59?

23   Q.    Correct. Should be Request Staff 4-24.

24   A.    Yes, I'm there.

1 Q. And this is the answer where the Company  
2 describes its outreach to Unitil, the Co-Op,  
3 Green Mountain Power and Eversource, with the  
4 answers that the Company got from those  
5 companies; correct?

6 A. Yes.

7 Q. And again, the conclusion of this answer is:  
8 A, these other companies do not have  
9 something we could use; and B, it describes  
10 what, in some ways, what they offer their own  
11 employees. Correct?

12 A. That's what it says.

13 Q. Next one to look at is Bates 62. And this is  
14 where you asked for a financial analysis of  
15 efficiencies that we, in a prior document,  
16 said would be gained by the use of a training  
17 center; correct?

18 MR. DEXTER: Could I ask that the  
19 witness be allowed to view the answer or review  
20 the document?

21 MR. SHEEHAN: The document is the  
22 next one.

23 CHAIRMAN HONIGBERG: I don't  
24 think he has any questions about the document.

1           He's just getting it out there. It was a little  
2           distracting, but --

3                       MR. DEXTER: Could I ask counsel  
4           to repeat the question, please.

5                       CHAIRMAN HONIGBERG: Sure.

6 BY MR. SHEEHAN:

7 Q. Looking at Bates 62, which is in response to  
8 Staff 4-26, this is you asking, or Staff  
9 asking for some financial and economic  
10 analyses of the efficiency gain described  
11 here, and you're making a reference to Mr.  
12 Mullen's testimony.

13 A. Yes.

14 Q. And there's an answer there. In effect, it  
15 would be too complicated to engage in such  
16 kind of a spreadsheet, financial analysis,  
17 given all the variables involved; correct?

18 A. Yes.

19 Q. And that's why the Company, according to Mr.  
20 Mullen's testimony in this answer, did not do  
21 that kind of economic analysis; correct?

22 A. I think I answered this question in my  
23 testimony, that I don't agree with that.

24 Q. Okay. The next one to look at is Bates 56,

1           and it goes into Bates 57, which is a request  
2           in another docket, Staff 2-3. And the  
3           respondent is a person named Mark Smith. Do  
4           you recall who Mark Smith is?

5    A.    I think so.

6    Q.    He was --

7    A.    He's a nice person.

8    Q.    He was the human resources manager for  
9           Liberty.

10   A.    I guess so, yeah.

11   Q.    And this is a similar question asked in 2016  
12           for the cost benefit analysis done by the  
13           Company in deciding to go forward with the  
14           training center; correct?

15   A.    Yes.

16   Q.    And again, he lists at a high level the cost  
17           and benefits that the Company considered, but  
18           again did not engage in what I'm paraphrasing  
19           as a spreadsheet analysis of those costs and  
20           benefits; correct?

21   A.    It is a spreadsheet analysis. If you look at  
22           the attachment, it is a spreadsheet analysis.

23   Q.    Okay. But not to the detail that you were  
24           looking for. Is that fair to say?

1 A. It is fairly detailed.

2 Q. Okay.

3 MR. DEXTER: I'm sorry. Did the  
4 witness say, "It is fairly detailed"?

5 WITNESS IQBAL: Yes, because if  
6 you look at Page 58, there's number's of  
7 trainees, hourly overtime expenditure, average  
8 daily travel. I think this is the details. And  
9 this type of details I used in my table, too.

10 Q. Okay. So you did get some costs involved in  
11 the training of Liberty employees; correct?

12 A. Yes. This is the cost benefit analysis.

13 And I want to also point out that my  
14 critique on this particular analysis was done  
15 in previous docket, and our point was that  
16 this analysis doesn't make sense at all.

17 Q. You agree that we can't today do an analysis  
18 that you think should have been done five  
19 years ago.

20 A. This is the analysis you provided, and it  
21 didn't say when it is done.

22 Q. Okay. Turning to the document that was just  
23 handed out, which is a response to Staff  
24 4-25. And that will be marked as --

1 CHAIRMAN HONIGBERG: 68.

2 (The document, as described, was  
3 herewith marked as Exhibit 68 for  
4 identification.)

5 MR. SHEEHAN: Thank you.

6 BY MR. SHEEHAN:

7 Q. This is yet another question and answer  
8 concerning the Company's ability to use a  
9 building in its Manchester facility, which  
10 was one of the options considered by the  
11 Company; correct?

12 A. Correct.

13 Q. And this is the answer that says we could not  
14 use the Manchester facility because any  
15 needed renovations would run into  
16 environmental issues because this particular  
17 location is a site of manufactured gas  
18 pollution; correct?

19 A. That's what it says.

20 Q. Do you have any reason to dispute that?

21 A. I don't have any reason to dispute that. But  
22 I will add that these are the type of  
23 facilities the previous company actually  
24 performed their training activities. That's

1 my understanding.

2 Q. And again, going back to our earlier  
3 exchange, you can't tell me that the current  
4 training is inappropriate as compared to the  
5 training done by the prior company; correct?

6 A. What do you mean by "inappropriate"?

7 Q. If Liberty today chooses to do training that  
8 cannot be accommodated in a building in  
9 Manchester, for example, even though a prior  
10 version of Liberty did do training in that  
11 building, you can't tell us, the Commission,  
12 that that was a good or a bad decision by  
13 Liberty with regard to the type and quality  
14 of training.

15 A. Yes.

16 Q. So these few data requests we went through  
17 mentions some of the options available to  
18 Liberty when it decided to build a training  
19 center, including exclusive reliance on  
20 on-the-job training, what other utilities  
21 were doing or had available, other buildings  
22 that Liberty may have in its portfolio. And  
23 you would agree that the Company concluded  
24 that none of those were viable options;

1 correct?

2 A. That's Company conclusion.

3 Q. Were there any other options the Company  
4 should have included or should have reviewed,  
5 in your opinion?

6 A. I detail that in my testimony.

7 Q. Okay.

8 CHAIRMAN HONIGBERG: Off the  
9 record.

10 (Discussion off the record)

11 CHAIRMAN HONIGBERG: We're going  
12 to take a 10-minute break.

13 (Brief recess was taken at 10:38 a.m.,  
14 and the hearing resumed at 10:58 a.m.)

15 CHAIRMAN HONIGBERG: Mr. Sheehan.

16 MR. SHEEHAN: Thank you.

17 BY MR. SHEEHAN:

18 Q. I understand, Mr. Iqbal, from your testimony  
19 that you don't think the Company did  
20 appropriate analyses before making this  
21 decision. I want you to assume that we did,  
22 that we did an analysis of all these options  
23 we just talked about, an analysis that you  
24 find to be appropriate, and it came to a



1 ranking, in effect, of the costs of all these  
2 options. Okay?

3 A. I disagree with that, that conclusion, that  
4 my analysis only looked at --

5 Q. No, no. You're misunderstanding. I want you  
6 to assume that we did an analysis that you  
7 would find acceptable. Okay? I know we  
8 didn't, according to you. I want you to  
9 assume --

10 A. Hypothetical we're talking about.

11 Q. Yes. And so you now have in front of you  
12 four stacks of paper for our various options:  
13 one analysis of using the Manchester site,  
14 one analysis of using exclusively on-the-job  
15 training, one analysis of RFP-ing out  
16 training services, whatever. And we have  
17 them all stacked up next to you. And one for  
18 the training center as we built. Now I want  
19 you to assume that the training center was  
20 not the cheapest option. Is your testimony  
21 that we must choose the less expensive  
22 option?

23 A. Without going into the details of all these  
24 options, I cannot conclude.

1 Q. Okay. Would you agree that, if that scenario  
2 played out, that the Company would have a  
3 right to choose the more expensive option if  
4 it provided better training?

5 A. Still talking about hypothetical. Without  
6 going into the details, I cannot comment on  
7 that.

8 Q. We do have some information about costs at  
9 this time; correct?

10 A. Some.

11 Q. And we've been through it a little bit  
12 before. And if you turn to Page 25 of your  
13 testimony, it's that chart listed  
14 "EnergyNorth -- or titled "EnergyNorth  
15 Training Costs."

16 A. Table 2.

17 Q. Correct. You there?

18 A. Yeah.

19 Q. And Mr. Mullen testified about 4,000 hours  
20 being added. And then I think you testified  
21 that that's probably not the right number.  
22 The more appropriate number to add would be  
23 1900 hours; correct?

24 A. I'm not sure about that, because of the 1900

1           hours... Exhibit 62, this 1900 hours you are  
2           talking about based on Exhibit 62 and 63.  
3           And I say that on Friday that we are not sure  
4           what you're saying here is incremental to  
5           what you provided in the response of the  
6           total training cost yearly.

7       Q.    I believe the evidence is -- and correct me  
8           if you disagree -- that if you look at the  
9           Hours column on Table 2 -- and let's just  
10          focus on 2016 -- the number is 2,756;  
11          correct?

12      A.    Correct.

13      Q.    I believe that number came from certain data  
14          requests that you posed to the Company asking  
15          for training hours information; correct?

16      A.    I think I provided that --

17      Q.    I'm not asking you to find it. But that's  
18          how the number came about.

19      A.    No, I have problem with your characterization  
20          what I asked.

21      Q.    Okay.

22      A.    I think several time we ask all that  
23          training-related cost and information in  
24          different dockets. And last docket we asked

1           about this, details about from '13 to '15 --  
2           2015 cost, and Company provided that. And  
3           that was part of my testimony in that docket,  
4           which is Bates Page 46. And this year I just  
5           updated the EnergyNorth part.

6    Q.   Fair to say there have been dozens of data  
7           requests regarding the training center  
8           through the four dockets it's now been  
9           reviewed in?

10   A.   I can agree with that.

11   Q.   The first EnergyNorth rate case, the 16-560  
12           contract case, the Granite State case from  
13           last year and the current case?

14   A.   I think Mr. Mullen's rebuttal testimony  
15           actually spent a lot of time on that.

16   Q.   And so sometimes a question would be asked  
17           with one focus and the answer would be  
18           provided, and then the information may not be  
19           what you wanted, so there would be a  
20           follow-up question. So, fair to say there  
21           was some talking past each other through this  
22           discovery process? Would that be fair?

23   A.   Yeah. We are trying to understand what's  
24           going on.

1 Q. I understand. So what's your understanding  
2 of what is included in the 2756 hours that is  
3 in your Table 2?

4 A. If you look at Page 46, it says Actual Cost,  
5 Management, Uni and Environment.

6 Q. And those were for the mandated training;  
7 correct?

8 A. Those are the total training. That's my  
9 understanding. Because my question was the  
10 total training cost for those three years,  
11 and I asked to update that. My  
12 understanding, those are the training, each  
13 item. There is one item I didn't include,  
14 that's safety and some other stuff.

15 Q. So the 1900 hours you're saying today is  
16 what, the so-called extra, "1900 extra  
17 hours"?

18 A. First of all, I don't know "extra." Second  
19 of all, if you look at the training  
20 performed, it is very detailed document. The  
21 Excel sheet has lots of information. So it  
22 seems like those are the training. But from  
23 my understanding, from my -- as I said that,  
24 I'm not sure these are incremental. If these

1           are incremental, then my question would be  
2           what are the actuals then. So I'm confused  
3           when you are saying that these are the  
4           trainings we performed in 2016 at training  
5           center, and that doesn't include these 2756  
6           hours. I don't know what to make of that.

7       Q.    Okay. And going to the first column,  
8           Training Costs, there's a number of \$237,000;  
9           correct?

10    A.    Correct.

11    Q.    And you said the other day that that number  
12           should -- well, let me ask you. What do you  
13           think is in that number?

14    A.    I just said that it is the corresponding  
15           number or corresponding cost the Company  
16           provided for those type of training I just  
17           talked about.

18    Q.    Is it your understanding whether the wages  
19           for employees attending training is in that  
20           figure?

21    A.    Yes.

22    Q.    What leads you to that conclusion?

23    A.    Can you clarify? What do you mean by that?

24    Q.    You understand that the Company has two

1 full-time trainers.

2 A. I do.

3 Q. You understand that their cost would be  
4 included in training cost; correct?

5 A. My understanding, those are included in these  
6 numbers.

7 Q. And would it be a real rough estimate to say  
8 their salary and benefits are roughly  
9 \$100,000 each?

10 MR. DEXTER: Objection. I  
11 actually asked that question of Mr. Mullen, and  
12 Mr. Mullen wouldn't answer it. So I think it's  
13 patently unfair for Mr. Sheehan to ask Mr. Iqbal  
14 that question.

15 MR. SHEEHAN: I'm asking what the  
16 witness thinks is in a number that is in his  
17 testimony.

18 A. Only thing I can say --

19 CHAIRMAN HONIGBERG: Hang on,  
20 hang on.

21 MR. DEXTER: I asked that exact  
22 question of Mr. Mullen, what's the approximate  
23 salary and benefits of the two trainers, and he  
24 wouldn't tell me, he couldn't tell me. He

1       didn't answer. So I object to that same  
2       question being asked of this witness.

3               CHAIRMAN HONIGBERG: I don't know  
4       that that's what Mr. Sheehan asked. I may have  
5       misheard the question but -- can you repeat the  
6       question? I may be confused.

7               MR. SHEEHAN: I'm trying to ask  
8       if that \$237,000 includes the training wages or  
9       not. And to do that, I'm asking if it includes  
10      the trainers' salary that might comprise the  
11      bulk of the \$237,000.

12              CHAIRMAN HONIGBERG: And you're  
13      just asking for the witness's understanding of  
14      the number that he put in his testimony.

15              MR. SHEEHAN: Correct.

16              CHAIRMAN HONIGBERG: Overruled.

17   BY MR. SHEEHAN:

18   Q.   So, just to start off, Mr. Iqbal, having  
19       heard the exchange we just had, if the  
20       trainers' salary and benefits are in your  
21       number -- is the trainers' salary and  
22       benefits in that \$237,000 number, if you  
23       know?

24   A.   I'm looking for a data response which



1           actually is source of this table. And as far  
2           as I remember, that has a column which is  
3           trainer cost. But if you're implying that  
4           those two trainers' cost is included in  
5           237,000, I disagree, because those are two  
6           electric and -- I think I better look at the  
7           responses, the source matter on this  
8           particular --

9    Q.    Okay. And you raise a valid point. If  
10          there's two trainers the Company has, one is  
11          electric and one is gas; correct?

12   A.    That's my understanding.

13   Q.    So it would only be appropriate, if the  
14          trainer's cost were in this column, that it  
15          would only be the gas trainer.

16   A.    Yes, on that I have to -- I think I have to  
17          add one more thing, that these trainers are  
18          included from 2013 to 2015 because trainer --  
19          when Company was training at National Grid  
20          facility, at that time Company actually hired  
21          these two trainer. And one of the data  
22          request in a previous docket I asked about  
23          the cost for National Grid trainers' cost.  
24          And the response I got is that those costs we

1           never paid, so it's not reflected in this  
2           number. But their internal trainers number  
3           included. That's my understanding. That's  
4           what Commission -- sorry. That's what  
5           Company told me at that time. And I don't  
6           have anything which I can dispute. I just  
7           trust Company response.

8       Q.    So it's your understanding that the Company  
9           has had full-time trainers on staff since  
10          2013 or so?

11     A.    That's my understanding.

12     Q.    And it's your understanding that those  
13          trainer costs are included in the column you  
14          have listed in Table 2, Training Cost.

15     A.    I think the source material would tell you  
16          what is included or is not included. So if  
17          you want I select one item from that, you can  
18          do that. But if I say that that is only cost  
19          of training, there is payroll cost, there is  
20          travel cost, there are other cost included in  
21          there.

22     Q.    Where I'm going with this, Mr. Iqbal, and I'm  
23          not trying to be clever, is you testified the  
24          other day that if you add employees to the

1           Hours column, you need to add in the time of  
2           their salary into the Training Cost column;  
3           correct?

4    A.    Exactly.

5    Q.    And my question is:  The chart you have  
6           doesn't seem to have enough money in the  
7           Training Cost category to account for 2700  
8           hours of employee wages.  You follow?

9    A.    If that is the case, it's all on the Company.  
10           I relied on the Company.  If Company is  
11           saying that their data was wrong, that's not  
12           my problem.  And if that is the case, I have  
13           to redo the -- I think one of the tech  
14           session we talked about it, that Company  
15           raise the issue that this number doesn't  
16           reflect everything.  Then we have to rely on  
17           the Company.  We don't have the data.  We  
18           cannot --

19   Q.    I heard you the first time.

20                So, going back to the 1900 hours, I  
21           understand you're saying you're not sure if  
22           that is incremental or not.

23   A.    It doesn't say incremental.

24   Q.    Let's assume for a moment it is.  Okay?

1 A. Okay.

2 Q. Then you would add 1900 to the 2700 in your  
3 column, and that would be about 4600 hours of  
4 training; correct?

5 A. Hypothetically, yes.

6 Q. And if you carry through the existing math,  
7 that would lower the training cost per hour,  
8 correct, because you have more hours with the  
9 same dollars?

10 A. That's what I dispute on Friday, yes.

11 Q. I understand. I'm just walking you through  
12 it.

13 A. Okay.

14 Q. And then if you were to add in the employee  
15 hours, if that's the case, then that would  
16 increase the training cost per hour back up a  
17 bit; correct?

18 A. Hypothetically, yes.

19 Q. Okay. I'm going to give you some  
20 hypothetical numbers so we can have something  
21 in front of us. They're hypothetical. I  
22 understand you may not agree with them.

23 If you were to add 1900 hours to what's  
24 there, and you take the 600,000 total

1 training cost and divide by the new number of  
2 4600 hours, I'll represent to you the math  
3 lowers the per-hour cost to \$133. My  
4 question is: Do you accept the math, not the  
5 concept behind the math?

6 A. I'll accept the math. But I might accept the  
7 concept behind the math that you are adding  
8 numbers of hours and you are adding  
9 corresponding cost.

10 Q. I haven't added the corresponding cost yet.  
11 All I did was add the hours, and that brought  
12 the average down to \$133. And again, if you  
13 were to hypothesize with me that employees --  
14 \$50 an hour is a rough approximation for a  
15 union employee wages and benefits, if you  
16 apply that to the 1900 hours, that would add  
17 about \$90,000 to the Cost column. Again, you  
18 don't have to accept those numbers. But as a  
19 concept, does that make sense?

20 A. I think I can agree with that.

21 Q. Okay. And again, I have done the math, and  
22 it brings the hourly cost back up to about  
23 \$152 per hour.

24 A. That's possible.

1 Q. And that's what your reservation's about,  
2 what is in and what is not in these various  
3 numbers; correct?

4 A. I explain that in my testimony.

5 Q. I'd like you to turn to Exhibit 35 and 36.  
6 These are data responses from Northern  
7 Utilities that were introduced earlier in  
8 this case.

9 A. I guess I don't have those.

10 Q. I have some of them for you.

11 The first to look at is Exhibit 36,  
12 which is Northern's response to Staff Tech  
13 1-10. Do you have that?

14 A. Yeah, I do.

15 Q. The first sentence reads, "When the Company  
16 acquired Northern Utilities, the Portsmouth  
17 facility underwent extensive building  
18 renovations to accommodate Unitil's operating  
19 requirements. Included in these renovations  
20 was space to accommodate classroom training  
21 needs."

22 Do you know how much they spent on these  
23 "extensive building renovations"?

24 A. I don't know, and it doesn't matter.

1 Q. Didn't ask you that, sir. Do you know how  
2 much they spent on these renovations  
3 particular to training?

4 A. What training we're talking about?

5 Q. It appears from this answer that part of the  
6 renovations was space to accommodate  
7 training. Do you have any knowledge as to  
8 what part of the cost to renovate pertained  
9 to their training?

10 A. No.

11 Q. Did you ask Northern what options it  
12 considered before deciding to make extensive  
13 renovations to accommodate training?

14 A. I was talking about when those cost are  
15 included in rate base.

16 Q. So the answer is "No."

17 A. I don't know.

18 Q. Turning to Exhibit 35, at Bates 5, which is  
19 Northern's response to Staff 2-48 --

20 A. I'm there.

21 Q. -- this has similar broad categories of  
22 training costs as are contained in your  
23 Exhibit 2, correct -- or your Table 2?

24 A. I guess so.

1 Q. And briefly, and it's in front of us, the  
2 Company invested \$420,000 in total training  
3 costs over a period of time. It's got a list  
4 of number of hours, and it breaks out the  
5 hours, the cost of those hours as \$87,000;  
6 correct?

7 A. What are you looking at, 87,000?

8 Q. The first bullet says the Company invested  
9 \$420,000 in total training costs; correct?

10 A. Yes.

11 Q. The second bullet says 2,373 hours of  
12 training are covered by that same period of  
13 time.

14 A. Yes.

15 Q. The third breaks out the labor cost  
16 associated with those hours to be \$82,000.

17 A. Yes.

18 Q. And the last does the math. Takes the  
19 420,000, takes out the 80,000 in labor  
20 charges and has the \$337,000 of non-labor  
21 training costs; correct?

22 A. Seems that way.

23 Q. If you were to, in effect, apply these  
24 numbers to your Table 2, and we took total



1 training costs divided by the number of hours  
2 of training, that would be the 420,000  
3 divided by the 2,373, and the math says \$177  
4 per hour.

5 A. Subject to check, yes.

6 Q. And if you were to remove the labor costs and  
7 just apply the hours to the non-labor, the  
8 number would go down to about \$142 per hour.

9 A. Subject to check.

10 Q. Mr. Iqbal, you have visited the training  
11 center; have you not?

12 A. I did.

13 Q. You were not part of the official view last  
14 week, but you were part of an informal tour  
15 last fall.

16 A. That's my understanding.

17 Q. Is it your recommendation to the Commission  
18 that that training center has no value?

19 A. That's a tricky question, because if you  
20 look at the -- if you want to value something  
21 which is part of your overall operation, I  
22 have question about that. That's what I  
23 raised in my testimony. But as isolated  
24 building, yes, that has a value. If you sell

1           it, you might get some money on that.

2       Q.     But your recommendation to the Commission has  
3           the effect of giving the training center no  
4           value to the Company. To remove the entire  
5           \$500,000 revenue requirement means, from a  
6           ratemaking perspective, it has no value.

7       A.     From my analysis, yes.

8       Q.     And you think that's a reasonable treatment  
9           for the Company's investment of that training  
10          center.

11      A.     That's my conclusion.

12      Q.     And you disagree that the training center is  
13          being used?

14      A.     I think so. The data says that.

15      Q.     So you agree with that.

16      A.     Yes.

17      Q.     And you agree that training is happening at  
18          the training center.

19      A.     Yes.

20      Q.     And you've seen all the schedules to see the  
21          thousands of hours of training happening at  
22          the training center.

23      A.     I have no reason to dispute that.

24      Q.     And you have no basis to challenge the types

1           and quantity and caliber of training that is  
2           being performed at the training center.

3       A.    The Company provided the list of the  
4           training.

5                               MR. SHEEHAN:   I have no further  
6           questions.   Thank you.

7                               CHAIRMAN HONIGBERG:   Commissioner  
8           Bailey.

9       QUESTIONS BY COMMISSIONERS:

10      BY COMMISSIONER BAILEY:

11     Q.    Mr. Iqbal, in response to one of Mr.  
12           Sheehan's questions I think you said you  
13           didn't count the hours of training that were  
14           associated with safety?

15     A.    Yeah.   Company provided -- actually do a  
16           symposium for all -- my understanding from  
17           discussion with the Company, that they  
18           provide training to all their employees.   And  
19           they do it in a symposium-type arrangement,  
20           which is not done in training center or the  
21           office.   It is done almost like a retreat.  
22           So those are not the required training the  
23           training center was built for.

24     Q.    So does that training or does that retreat

1           happen at the training center now because  
2           they have it?

3    A.    My understanding, no.

4    Q.    Oh, okay.   So that's why you wouldn't count  
5           it?

6    A.    Yes, that's one of the main reason.

7    Q.    Okay.

8    A.    And I think the point I was making, that the  
9           training center, total justification of  
10          training center is to train the management  
11          and union employees, which was done at  
12          National Grid training center facilities.   So  
13          it is replacing the National Grid training  
14          facilities.   Everything else, like customer  
15          service and other training, doesn't require  
16          any training center.   So, to apple-to-apple  
17          on decision-making, we have to focus on  
18          management and union.

19   Q.    And is it true that they can't use the  
20          National Grid training facility anymore?

21   A.    That's what Company is saying.

22   Q.    Do you have any reason to doubt that?

23   A.    No.

24   Q.    Okay.   So if that's true, then where -- how

1 can they get that training done without the  
2 training center?

3 A. That's exactly my point, that they should  
4 have explored all these options and do  
5 cost/benefit analysis on this option and then  
6 took a position. My argument is not about  
7 whether they need training to train people or  
8 not. Yes, they do. But my objection is  
9 about their decision-making. It seems like  
10 the decision to build the training center is  
11 not supported by the analysis or documents  
12 they provided to us.

13 Q. So you don't know whether or not they could  
14 have trained, performed similar training or  
15 paid for similar training without building  
16 the facility. They just didn't consider  
17 that.

18 A. Yeah, exactly my point. I don't know because  
19 they didn't know. And the point I was  
20 making, that their decision was not supported  
21 by any analysis which says that those option  
22 are not available. Those option are not,  
23 from my perspective, those option are not  
24 considered properly.

1 Q. I want to ask you a few questions about  
2 decoupling, but I have to find my notes  
3 first.

4 A. I have to find mine, too.

5 Q. Let me start with this question: Your  
6 testimony is not that there should be no  
7 decoupling.

8 A. No, that's not part of Staff position.

9 Q. Okay. Your position, however, is that they  
10 should have an established, set rate, charge  
11 that same rate every month, and then  
12 weather-normalize their revenue when they're  
13 trying to figure out whether there's a  
14 surplus or a deficit in the revenue that they  
15 have collected?

16 A. Exactly. Because when you're setting the  
17 rate, it's based on normalized sales. If you  
18 look --

19 Q. Excuse me. It's based on normalized what?

20 A. Sales or revenue.

21 Q. Sales. Okay.

22 A. Yeah. So that means that Commission is  
23 trying to say that, if the weather was  
24 normal, this is the RPC, revenue per

1 customer, you should be collecting. So,  
2 being consistent with that, in my testimony I  
3 argue that, being consistent with that, we  
4 are saying that the revenue shortfall should  
5 be calculated the same way, because the rates  
6 are set that way. So, to be consistent, when  
7 you are saying that whether we over-collected  
8 or under-collected, that should be done the  
9 same, using the same methodology.

10 Q. Can you look at Bates Page 10 of your  
11 testimony?

12 A. Yes, I'm there.

13 Q. And you list those six items that you believe  
14 should be included in the decoupling  
15 mechanism.

16 A. Yes.

17 Q. And the first one is the adjustment should be  
18 based on weather-normalized revenues.

19 A. Yes.

20 Q. We just talked about that. And you would do  
21 it weather-normalizing revenues, and they  
22 would do it, weather-normalizing effectively  
23 the rate each month.

24 A. Yeah. They are doing weather normalization

1 at monthly level. Not only monthly level, at  
2 customer level and their billing cycle level.  
3 And then they would be reconciling the  
4 difference at the end of the year.

5 Q. But isn't there less to reconcile at the end  
6 of the year if they get it right?

7 A. Yes, that's correct.

8 Q. Okay. So there could be some benefit to  
9 that. I understand you think that there are  
10 a lot of drawbacks to that.

11 A. Yeah.

12 Q. But there also could be a benefit.

13 A. Very minimal. That's my point, that they  
14 have -- as you put it that way, when we are  
15 talking about benefit, we have to look at the  
16 other drawbacks and costs, too. There is  
17 real cost for the customer, for the Company,  
18 and for the regulators, too, because if we  
19 are doing -- providing that benefit,  
20 so-called "benefit" -- and in my testimony  
21 this morning I pointed out those benefits  
22 doesn't matter. Even OCA also addressed that  
23 people look at the overall number, not  
24 individual item. That's my point, that then



1           why do you go through all this pain to give  
2           up that individual item which creates problem  
3           for everybody in this room.

4    Q.    Okay. The second point, the adjustment  
5           should be performed at the rate class level.  
6           They've done that in their proposal now;  
7           right?

8    A.    I agree with that.

9    Q.    Okay. And then the third, expected revenue  
10          should be calculated at individual rate class  
11          level, not in a combined rate class level.  
12          Was that with respect to when they  
13          reconciled?

14   A.    Yes, I think they also added that. That's my  
15          understanding.

16   Q.    So the settlement proposal takes --

17   A.    Yeah, takes care of that.

18   Q.    -- takes care of that. Okay.

19               Expansion rate customers should be  
20               included in the revenue decoupling mechanism  
21               calculation. And they did that.

22   A.    They did that.

23   Q.    Okay. Revenue decoupling mechanism  
24          adjustment should be capped at plus or minus

1           2 percent.

2       A.    They didn't address that issue.

3       Q.    They didn't address that issue, but I think  
4           they said something about why it wasn't  
5           necessary. Was that because of the monthly  
6           weatherization normalization, and so they  
7           don't need to cap it?

8       A.    As long as I remember, Mr. Therrien addressed  
9           that issue, and that was his testimony.

10      Q.    Okay. And then no mid-period adjustment  
11           should be made. If needed, adjustment can be  
12           made at the time of the Company's next rate  
13           case.

14      A.    You want an explanation about what it means?

15      Q.    Sure. Well, is that requirement still  
16           necessary with the settlement proposal that  
17           they --

18      A.    I don't know, because I think if there is no  
19           cap, then this requirement is not really  
20           necessary.

21      Q.    If there's no cap what?

22      A.    If there is no cap adjustment, that means  
23           that every year they will reconcile total  
24           amount.

1 Q. Okay. And that's their plan.

2 A. Yes.

3 Q. So that item is also taken care of.

4 A. Yes.

5 Q. So the big item in this list that you have a  
6 problem with is No. 1.

7 A. Yeah, No. 1 problem.

8 Q. Okay. All right. Thank you. That's all I  
9 have.

10 CHAIRMAN HONIGBERG: Commissioner  
11 Giaimo.

12 QUESTIONS BY COMMISSIONER GIAIMO:

13 Q. Good morning.

14 A. Good morning.

15 Q. So what I heard was that one of your concerns  
16 is uncertainty for the consumer.

17 A. Can I clarify? You're talking about  
18 decoupling still?

19 Q. Yes. I'm sorry. Yes, that's correct.  
20 Uncertainty to the consumers is one of your  
21 concerns?

22 A. There was different uncertainty. If you're  
23 talking about any specific one, I can address  
24 that.

1 Q. Okay. The pricing uncertainty. It sounded  
2 like you thought that the changing price  
3 created uncertainty for the consumer and made  
4 things confusing to them. Is that accurate?

5 A. Yes, that's accurate. I think I made two  
6 point. One is uncertainty, this building,  
7 that which Company don't know, Commission  
8 cannot know, customer cannot know. So those  
9 are uncertainty that is very difficult to  
10 cope with. And that creates all this other  
11 problem for all this professional, Mr.  
12 Therrien, in his rebuttal actually pointed  
13 out.

14 Q. Does anything in this proposal preclude the  
15 Company from providing budget billing going  
16 forward?

17 A. No, there is nothing in the settlement which  
18 says they would not provide budget billing if  
19 this get -- if the settlement is approved.

20 Q. Okay. Does that help alleviate some of your  
21 concerns with respect to price uncertainty to  
22 the consumer?

23 A. No, that doesn't.

24 Q. Okay. Can we look at Exhibit 65, Page 37 of

1 the RAP decoupling document?

2 A. Yeah, I got that.

3 Q. I was a little confused by the purpose of  
4 this document with respect to Staff's  
5 position. What I thought I heard you say was  
6 that basically the Idaho Power Company and  
7 BGE lines show that, irrespective of which  
8 methodology you choose, the effect, the  
9 outcome is the same.

10 A. Similar.

11 Q. Similar.

12 A. Yeah.

13 Q. Okay. Help me run through that, because the  
14 Idaho Power Company began decoupling in 2007,  
15 and theirs was .6 percent; and BGE started  
16 same year, and theirs was 0.0 percent; and  
17 then over the course of the next three years,  
18 Idaho doubles to 1.3 percent, but BGE goes  
19 from 0 percent to 1.7 percent.

20 A. What I was trying to indicate, that  
21 irrespective to the decoupling model they're  
22 using, the direction is higher -- the  
23 direction is the same direction. That is  
24 going up. We are not saying that that should

1 match each other. If you look at the other  
2 model in that document, too, you can see that  
3 direction is the same way. So we cannot  
4 expect that all these numbers should be the  
5 same. But we can conclude that, irrespective  
6 to the model, the decoupling model they're  
7 using, those are actually enhancing the  
8 energy efficiency.

9 Q. Okay. The last exchange you had with  
10 Attorney Sheehan, he asked you did the  
11 training center have no value, and then you  
12 said, well, it does have an inherent value;  
13 it has property value. So, assuming that for  
14 revenue treatment purposes it's excluded,  
15 getting your way, eventually when the Company  
16 sells the facility, all that flows back to  
17 the shareholders.

18 A. I'm not sure about that treatment. I think  
19 Mr. -- I think the revenue requirement  
20 witness could provide you that. I don't know  
21 how they would treat this asset if it is not  
22 included in their rate base. So, based on  
23 that, it could be included if they sell this  
24 Company, or it could be -- I don't know. I

1 don't know how they would treat if Commission  
2 says it is not part of the rate base. It all  
3 depends on the management decision I think.

4 Q. Okay. You see the principle of what I'm  
5 trying to -- the suggestion I'm making. If  
6 the shareholders are assuming all of the risk  
7 and through the years don't have the  
8 customers contributing to it, why, when it's  
9 eventually sold, should any revenue  
10 associated with that flow back to the  
11 ratepayers?

12 A. I think it would be treated the same way if  
13 it is part of the rate base. It will be --  
14 the new company will treat it as part of rate  
15 base. And if it is not, then new company  
16 could say that we don't want to buy that one.

17 COMMISSIONER GIAIMO: Thank you.

18 QUESTIONS BY CHAIRMAN HONIGBERG:

19 Q. Mr. Iqbal, you started this morning going  
20 over the problems you had with the Company's  
21 monthly reconciliation. And I think the  
22 first one you talked about was that it was  
23 ineffective, and that it was ineffective --  
24 and I tried to write your words down and may

1 not got it right -- that the whole idea of  
2 the monthly reconciliation is directed at the  
3 cash flow of the customers. Is that --

4 A. That's their argument. Now --

5 Q. Okay. I didn't hear their argument to be  
6 that. I heard that to be one feature of  
7 monthly reconciliation, that it would have  
8 some mitigating effect on rates, on that  
9 portion of the rates when weather was  
10 unusual. And so -- just let me finish. I  
11 heard them say that a big point of the  
12 monthly reconciliation associated with this  
13 was to eliminate large movements later on,  
14 that it was to mitigate large swings in rates  
15 caused by under- or over-collections, not so  
16 much cash flow of customers, but expectations  
17 of customers as they plan what they're doing.  
18 This was mainly directed at large users. Do  
19 you disagree with that concept?

20 A. I would defer to Mr. -- Dr. Johnson's  
21 testimony. If you look -- my understanding  
22 from his testimony, that it helps customer in  
23 respect to their cash flow. And then some  
24 other -- then he elaborated -- I think he



1        didn't, actually. His testimony here, he  
2        added all this other information. But in his  
3        testimony, original testimony, the main idea  
4        is coming from the cash flow idea.

5                If you go to the source material, like  
6        the RAP here I think most his ideas came  
7        from, they talk about cash flow, that we are  
8        helping customers 118 we are taking care of  
9        Company cash flow, and then we have to find a  
10       reciprocate benefit for the customer; that  
11       means we are helping customers' cash flow.

12    Q.    Would you agree with me, though, that the  
13       commodity price overwhelms any changes in the  
14       distribution adjustment that takes place? If  
15       there's a very cold month, a user is going to  
16       use a lot more gas heating than that small  
17       offset would be; correct? You agree with  
18       that; right?

19    A.    Right, I agree with that. And that's one of  
20       the reason I said that it doesn't make sense.

21    Q.    I understand that. So I think you and I  
22       would agree that the small adjustment  
23       probably doesn't do much for customer cash  
24       flow.

1 A. Exactly.

2 Q. But it does do other things for large users  
3 who can know a portion of the bill.  
4 Sophisticated users will know a portion of  
5 the bill. Joe Blow Homeowner, like me, you  
6 know, I'm just going to look at the bottom  
7 line. I know when it's cold I'm going to use  
8 more and it's going to be an expensive month.  
9 But the large commercial users, they're going  
10 to be different a little, aren't they?

11 A. Very little. This is why: 118 I pointed out  
12 that even those large customer would not know  
13 that if they could get refund or a charge 118  
14 it all depends on the weather.

15 Q. Here's where I disagree with you: I think  
16 you and I disagree about customers being  
17 motivated to use more by a small, potential  
18 adjustment when it's cold. If it's cold, I  
19 know I'm going to use more. And the fact  
20 that a tiny -- there might be a tiny offset  
21 that's going cause me somehow to change my  
22 behavior seems unrealistic to me. That  
23 doesn't -- that's not how people behave. And  
24 maybe there's some social science out there

1           that tells me I'm wrong. But what are you  
2           relying on to say that the presence of an  
3           adjustment on the bill is going to change  
4           people's behavior?

5       A.   Any cost -- it's not only -- let's go back a  
6           little bit. That this gives the wrong -- if  
7           you're talking about the same thing, I think  
8           it will require you inquiring that how come  
9           it is a cost signal which is change for  
10          anyone's behavior.

11       Q.   Right. A tiny adjustment in an otherwise  
12           large bill you think motivates people in a  
13           way that is counterintuitive to me.

14       A.   It might be tiny, but the signal we are  
15           providing is wrong. That's my point.

16       Q.   You hypothesized this morning a user in a  
17           cold month using 100 units, and then in the  
18           next month, in a mild month, also using 100  
19           units. Isn't that example completely  
20           unrealistic by definition when we're talking  
21           about a heating customer?

22       A.   No, that's not completely 118 I experience  
23           that situation. 118 let's say that one month  
24           my in-laws are with us, so I have to heat the

1 house for the whole day. So when they are  
2 not, even though it's cold, I'm not heating  
3 that.

4 Q. You've changed the variable. That's not what  
5 you said this morning. Your only variables  
6 in your example this morning involved user  
7 decision-making of 100 -- I think it was 100  
8 units in a month, a cold month, and then 100  
9 units in a warm month. Unless you change a  
10 lot of other facts, that doesn't happen, 118  
11 in the cold month, in the same usage pattern,  
12 you're going to use a lot more in the cold  
13 month than you will in the mild month, and  
14 you'll spend more. And that modest  
15 adjustment which will appear after the fact  
16 isn't going to change how you're going to  
17 heat your house.

18 A. Yes, everything is the same. Yes, I agree  
19 with your conclusion, yeah.

20 Q. The phrase that Mr. Sheehan didn't use with  
21 you in talking about the training center was  
22 "used and useful." He got a bunch of  
23 questions that were relevant to asking the  
24 question whether it was "used and useful."

1           Is it your opinion that it is currently "used  
2           and useful"?

3    A.    Yes.

4    Q.    So you get off in the decision-making process  
5           earlier. You take an earlier exit ramp and  
6           say, 118 the decision-making process was  
7           inadequate, it can't be included in rate base  
8           118 it wasn't prudent at the time it was  
9           made; is that right?

10   A.    Exactly right. And I would point out that  
11           "used and useful" is a starting point when  
12           the Company can put those investment in their  
13           rate base. So they have to take that  
14           decision beforehand. So that's why the way I  
15           did my analysis.

16   Q.    I'm wondering why some parts of what the  
17           Company offered you weren't adequate  
18           explanations for the decision they made to  
19           build the facility. One of the explanations  
20           that was in the data responses that Mr.  
21           Sheehan went over with you this morning was  
22           that we have people in the Company who have  
23           worked in this industry for a long time, and  
24           our considered judgment is that on-the-job

1 training is inadequate; we need a separate  
2 facility. You seem not to accept that as a  
3 satisfactory explanation to reject the  
4 on-the-job training approach.

5 A. Yes, there is no support for that. They are  
6 saying that, yes, from our experience, our  
7 experience guy said that. But they're not  
8 the authority to say that this is good or  
9 bad.

10 Q. What authority would you be looking for?  
11 What would have been a satisfactory support  
12 for that statement?

13 A. If there is any standard or any rule which  
14 says that these are the requirement for this  
15 type of training and this is the way we have  
16 to provide, which doesn't include on-the-job  
17 training. But no rule actually says that,  
18 that we have, on-the-job training is inferior  
19 to training center training. So until we  
20 have that, anything the Company is saying, I  
21 don't have -- I trust them, but I want to  
22 verify that. If it is their conclusion not  
23 verifiable, I cannot agree with them.

24 Q. So you would say that statement may be true,

1           you just haven't proven it.

2       A.     The Company hasn't proven it.

3       Q.     Right, "you" being the Company.

4                     Also, the Company provided an answer, or  
5                     a couple of answers that talked about trying  
6                     to partner with another utility. They asked  
7                     Unitil. They did some co-training with  
8                     Eversource at a facility that no longer  
9                     exists. They talked to the Co-Op. And they  
10                    concluded that there were no partnering  
11                    opportunities that were viable. Why was that  
12                    not an adequate explanation for at least part  
13                    of the decision that they made?

14      A.     The most important part of the  
15                    decision-making option they had that buying  
16                    the service from other service provider,  
17                    training provider, and they totally forgot  
18                    about that option.

19                    And to give an example, like Unitil  
20                    provide their training within their  
21                    facilities. And they also have agreement  
22                    with local technical training center and  
23                    university. So those are the option. And if  
24                    I was in their position, that would be first

1           thing should come to my mind, that is there  
2           any institution other than utilities who are  
3           providing this type of service. And from  
4           what I know from Unitil responses, yes, they  
5           have the options, and they didn't even  
6           consider that option.

7    Q.    Okay. Thank you. I think that's all I have.

8                   CHAIRMAN HONIGBERG: Mr. Dexter,  
9           do you have any further questions for Mr. Iqbal?

10                   MR. DEXTER: I would like a  
11           five-minute huddle with Mr. Iqbal before I do  
12           redirect, and I think it will be fairly brief.  
13           And then maybe that would be an appropriate time  
14           to break for lunch so we can prepare for  
15           Mr. Normand in the afternoon?

16                   CHAIRMAN HONIGBERG: Off the  
17           record.

18                   (Discussion off the record)

19                   CHAIRMAN HONIGBERG: So we'll  
20           take a five-minute break.

21                   (Brief recess was taken at 11:48 a.m.,  
22           and the hearing resumed at 12:00 p.m.)

23                   CHAIRMAN HONIGBERG: Mr. Dexter.

24                   MR. DEXTER: Thank you, Mr.



1 Chairman.

2 REDIRECT EXAMINATION

3 BY MR. DEXTER:

4 Q. Mr. Iqbal, I'd like to direct your attention  
5 to your prefiled testimony in this case at  
6 Page 25. There's a chart there entitled  
7 "EnergyNorth Training Cost" that was the  
8 subject of questions this morning. Do you  
9 have that in front of you?

10 A. Yes, I am there.

11 Q. Do you see the figure for 2016 training costs  
12 of \$237,084?

13 A. Yes.

14 Q. Do you recall being asked questions from  
15 Attorney Sheehan about what might be in that  
16 number, hypothetically and otherwise?

17 A. Yes, I remember that.

18 Q. Can you tell the Commission exactly what's in  
19 that number and indicate the source for that  
20 number, please?

21 A. The source for this number is Exhibit 64,  
22 where we asked for updated version of the  
23 previous data request, just to add 2016  
24 number.

1 Q. And can you go through -- my understanding is  
2 that Exhibit 64 is a multi-page document.  
3 Could you take us through the document and  
4 indicate exactly where that number comes  
5 from?

6 A. That document have actually year-by-year  
7 management, union, and then health and safety  
8 and the safety symposium number. And it has  
9 several columns. First column is obviously  
10 the year; second column is how many trainings  
11 actually trained; then training per hour of  
12 training; training hours total -- that's  
13 multiplication of this second and third  
14 column -- average hourly pay; and then  
15 average overtime hourly pay, which is  
16 overtime hours; and then overtime hours for  
17 training; payroll, including burden -- that's  
18 actually inflated, this number, total cost  
19 with this burden. And then the gas technical  
20 training stuff, that's the number associated  
21 with the trainer. And as I indicated in my  
22 testimony, these are the internal trainer,  
23 118 in one of the data request Company said  
24 they didn't pay anything to National Grid for

1           their training 118 they didn't charge them  
2           anything. So all the training, gas technical  
3           training staff, these are the internal  
4           training staff cost. And then aggregating  
5           all together in the last column.

6    Q.   Well, let's simplify this, if you could.  
7           There are three numbers, are there not, in  
8           that document, Exhibit 64, that add up to the  
9           \$237,000 that's included in your chart on  
10          Page 25 of your testimony?

11   A.   Yes. My testimony, we went through that  
12          number. I can go through that.

13                If you look at Bates 2, just focus on  
14                year 2016. The annual training cost is  
15                24,500-something; then union, 173,000-and  
16                some. And if you go to the Bates Page 4,  
17                2016 gas, I think it's line 2016 number,  
18                that's \$39,507. If you combine all three of  
19                these component, that will give you \$237,000.

20   Q.   Thank you. Now can you read the question  
21          that's contained in Exhibit 64 that led to  
22          the spreadsheet that you just read from?

23   A.   This is a long history, so... "Please provide  
24          2016 actual itemized expenses for training in

1           the format of DE 16-383, Response to  
2           Staff 11-5. Please provide in live Excel  
3           format (with formulas intact)."

4    Q.    So as I understand it, you asked the Company  
5           to provide you the 2016 actual training costs  
6           that they incurred. Is that essentially --

7    A.    Yeah, actual training cost with all these  
8           details: Actual training hours, actual  
9           number of training, their overhead, their  
10          travel cost and everything.

11   Q.    And the reason you asked for it in that  
12          format is 118 you had received that format in  
13          the prior docket where this was examined.  
14          Would you agree with that?

15   A.    Exactly.

16   Q.    Did you find that question to be at all  
17          ambiguous when you wrote it?

18   A.    No.

19   Q.    Did the answer indicate that -- was the  
20          answer qualified, that we don't really know  
21          what's in here? Was there any qualifications  
22          to that answer?

23   A.    There was no qualification. And this is not  
24          the first time. This is the third response

1 of similar question. We asked one time, and  
2 then we -- the Company has to update this  
3 number 118 they didn't calculate the travel  
4 hours, I think that DE 16-383, one of the  
5 tech session number. And then this is the  
6 latest version of that.

7 Q. Okay. So you had no reason to question the  
8 information you were receiving from the  
9 Company.

10 A. I have no reason to question this Company's  
11 numbers, no.

12 Q. Thank you. That's all I had on the training  
13 center.

14 With respect to decoupling, there was  
15 some discussions this morning about whether  
16 or not customers would receive higher  
17 commodity rates in cold weather. Do you  
18 recall that?

19 A. I do.

20 Q. Would you agree that customers that have  
21 opted for EnergyNorth's fixed price option  
22 rate would not see higher commodity rates  
23 during cold weather?

24 A. Rate, yes, they would not see. But that's

1           called "fixed price option." So it's fixed.

2       Q.    It's fixed for the entire winter if they  
3            opted for it.

4       A.    Entire winter, yes.

5       Q.    Would you also agree that there are firm  
6            transportation customers that may have fixed  
7            their commodity costs through a deal with a  
8            third-party supplier?

9       A.    That's my understanding.

10      Q.    And so if a customer had fixed his commodity  
11            cost through a third-party supplier and the  
12            weather got colder, they wouldn't necessarily  
13            see a higher commodity rate. Would you  
14            agree?

15      A.    Yeah, rates would not go up. Yes.

16      Q.    And you were never suggesting that when it's  
17            colder and people use more, that their bill  
18            won't go up. You understand that, that when  
19            it's cold out, their bill will go up. Would  
20            you agree?

21      A.    Yes, I do.

22                           MR. DEXTER: Thank you. I don't  
23            have anything further.

24                           CHAIRMAN HONIGBERG: All right.

1           Thank you, Mr. Iqbal. We've come to the lunch  
2           break. We will come back at 1:15.

3                   (Lunch recess taken at 12:07 p.m, and  
4                   the hearing resumed at 1:21 p.m.)

5                   CHAIRMAN HONIGBERG: All right.  
6           We're ready to go. We are back. Before we do  
7           anything else, I will thank, I assume Mr. Kreis,  
8           for providing us with Exhibit 67, which we now  
9           have and is now part of the record.

10                   MR. KREIS: I think you can thank  
11           Mr. Buckley for the hard labor that was  
12           involved.

13                   CHAIRMAN HONIGBERG: Thank you,  
14           Mr. Buckley.

15                   Is there anything else we need  
16           to do before we have the witness sworn in?

17                   [No verbal response]

18                   CHAIRMAN HONIGBERG: All right.  
19           Sue, would you do the honors, please.

20                   (WHEREUPON, PAUL M. NORMAND was duly  
21           sworn and cautioned by the Court  
22           Reporter.)

23                   DIRECT EXAMINATION

24           BY MR. SHEEHAN:

1 Q. Mr. Normand, could you tell the Commissioners  
2 your name and the Company that you work for.

3 A. My name is Paul M. Normand, N-O-R-M-A-N-D.  
4 I'm a principal with Management Applications  
5 Consulting, 1103 Rocky Drive, Reading,  
6 Pennsylvania, 19609.

7 Q. And what topic brings you here today?

8 A. Depreciation.

9 Q. And in a sentence or two, can you give us  
10 your experience on the topic of depreciation?

11 A. I've been heavily involved since 2000, where  
12 it's been -- I've been integral with studies  
13 and the presentation of exhibits and so  
14 forth.

15 Q. And prior to working as a consultant on this  
16 topic, did you have any jobs with industry or  
17 other areas that gave you experience related  
18 to this topic? That was a terrible question.  
19 But if you understand it --

20 A. I think you're trying to make me look old.

21 [Laughter]

22 A. I started doing cost and rate studies in  
23 1978.

24 Q. Mr. Normand, you've filed testimony in this



1 matter, the Liberty Utilities rate case?

2 A. Yes, I did.

3 Q. What did the Company ask you to do in this  
4 case?

5 A. They asked me to prepare a depreciation study  
6 with the test year ending 2016.

7 Q. And you prepared that study and the testimony  
8 to go along with it?

9 A. Yes, I did.

10 Q. And I can tell you that's been marked as  
11 Exhibit 10 in this docket. If I were to ask  
12 you the questions in your written testimony  
13 today, would your answers be the same?

14 A. They would.

15 Q. Do you have any corrections to your testimony  
16 that you would like to make today?

17 A. No, I do not.

18 Q. So do you adopt your testimony today as your  
19 sworn testimony?

20 A. Yes, I do.

21 Q. Thank you, sir. No further questions at this  
22 time.

23 CHAIRMAN HONIGBERG: Mr. Kreis,  
24 can I assume you have no questions for the

1 witness?

2 MR. KREIS: Correct.

3 CHAIRMAN HONIGBERG: Mr. Dexter.

4 MR. DEXTER: Thank you, Mr.

5 Chairman.

6 CROSS-EXAMINATION

7 BY MR. DEXTER:

8 Q. Mr. Normand, good afternoon.

9 A. Good afternoon.

10 Q. So I'd like to ask you questions on two  
11 subtopics of depreciation that have been  
12 raised as issues in this case. The first one  
13 has to do with average service lives; the  
14 second one has to do with the recommended  
15 amortization period for the reserve variance.  
16 These questions have to do with average  
17 service life. And what I'd like to do is ask  
18 you to turn to your testimony that Mr.  
19 Sheehan just identified and go to Bates  
20 Page 445, if you would. And it's a schedule  
21 that talks about Account 367, which contains  
22 mains.

23 A. Yes, I have that.

24 Q. And in the right-hand corner, on the upper

1 right-hand corner of this page, there's a box  
2 called "Recommendations." Do you see that?

3 A. Yes, I do.

4 Q. And would you agree that your proposal in  
5 this case is that gas mains be amortized over  
6 a 60-year period? Is that what the line  
7 "Average Service Life" means?

8 A. That's correct. That's the expected average  
9 life of the entire account.

10 Q. And the column next to Proposed says Prior.  
11 What does that column mean?

12 A. That's the average service life in the last  
13 study.

14 Q. From the last study. And when was that done?

15 A. That was test year 2016. And I believe the  
16 results of that study are included at the end  
17 of this report. So the results of that study  
18 are on Page 471.

19 Q. And did you prepare the prior study as well?

20 A. Yes.

21 Q. So in the middle of the page you talk about  
22 the service life analysis. And would you  
23 agree that your conclusion from this analysis  
24 is that no change should be made to the

1 average service life of mains at this time?

2 Is that true?

3 A. That's correct.

4 Q. Okay. Now, Staff had asked a data request  
5 that asked for some backup to the conclusions  
6 that you just went through, along with all  
7 the other accounts. I'm just using this one  
8 as an example. And that was Data Request  
9 2-38. Do you recall that request?

10 A. I have it in front of me.

11 Q. Okay. Well, what I have done and asked to be  
12 marked as Exhibit 69 is excerpted about nine  
13 pages from that response 118 I was -- and  
14 that covers four accounts. And I was going  
15 to ask you about four accounts. I'm not  
16 going to go through every account. So that's  
17 why I don't have the whole response there.

18 But if you were to look at Exhibit 69,  
19 and I'll direct your attention -- there  
20 aren't Bates pages on this, but there are  
21 pages numbers on every sheet. And direct  
22 your attention to the pages that are marked  
23 as Page 13 of 36, 14 and 15. Do those have  
24 to do with gas mains?

1 (Witness reviews document.)

2 A. Yes, they do. And you can tell from the  
3 upper left that it does describe it as  
4 "mains," but it uses the PUC account, which  
5 is 1356.

6 Q. And there's some -- on Page 13 there's a  
7 little writing up in the right-hand corner  
8 that says "367." That's writing that Staff  
9 put on there. You did not write that 367;  
10 correct?

11 A. No, I did not.

12 Q. And we just penciled that in 118 it deals  
13 with Account 367.

14 Are these the -- do these three sheets  
15 underlie your conclusion that the 60-year  
16 average service life that existed should not  
17 change?

18 A. That's correct.

19 Q. And in the line under Average Service Life --  
20 and now I'm back on Bates 445 -- under the  
21 title Requirement Curve, you see under the  
22 Proposed column there's a notation "R3.0."  
23 Can you tell me what that is?

24 A. That's a distribution curve or a mortality

1 curve that says how the assets are going to  
2 end or be retired.

3 Q. And now I'm back on Exhibit 69, and I'm on  
4 Page 13, 14 and 15. Can you point out where  
5 the R3 curve shows up on those pages?

6 A. The curves show up in the bottom grouping,  
7 the third from the bottom, in each one.

8 Q. Well, let me back up and ask you another  
9 question. So we've got one account, 367, but  
10 we've got three pages that deal with Account  
11 Mains -- or deal with Account 367 in  
12 Exhibit 69. We've identified those pages as  
13 13, 14 and 15. Could you tell me why there  
14 are three pages for mains rather than just  
15 one page?

16 A. What I do is I have a history of data. And  
17 in looking at that data, I break it down into  
18 30 years, 20 years and 10 years. And what  
19 you find is, there is a shift or a change in  
20 looking at these different subgroups.  
21 Typically the better weighting is the  
22 20-year. Ten years is kind of short. So you  
23 have to be cautious about that one.

24 Q. So, typically you look at 20 years of

1 historical data.

2 A. I start with that one, and then I go to 30.

3 And 10 is the least weighted one.

4 Q. Okay. And again, we're all trying to figure  
5 this out here. So let's go to Page 14 then,  
6 which is the 20-year curve. So if I go to  
7 the sheet, about 80 percent of the way down  
8 this upper block of numbers and letters  
9 there's a line that's called "R" and a  
10 Subtype that's called "3.0" and a Life that's  
11 called "72.28." Do you see what I'm talking  
12 about?

13 A. Yes.

14 Q. Okay. Could you tell me what that line  
15 means?

16 A. That's the -- if you look way on top, that's  
17 the average service life for that Iowa curve.

18 Q. And that Iowa curve you've identified as  
19 R3.0.

20 A. That's correct.

21 Q. And now if I jump back to your testimony on  
22 Bates 445, that's the Retirement Curve that  
23 shows on 445; correct?

24 A. That's correct.

1 Q. And so what does that mean? Does that mean  
2 that, in your judgment, that's the best curve  
3 to use? Can you explain what the  
4 significance of that is?

5 A. No. What that says is if you look at  
6 Page 14, you have the statistics there. So  
7 the last three rows, what you have is the  
8 R-curve Type means it's slanted to the right  
9 versus a symmetrical curve. So that means,  
10 typically, your assets will retire a little  
11 above average. That's an R curve, skewed to  
12 the right. Next to that is the curve type.  
13 That's the height of the curve. The higher  
14 the curve height, the greater will be your  
15 depreciation factor. So it will increase the  
16 expense.

17 Q. Which is the height of the curve? Which  
18 column?

19 A. There's an "R" the first column. The second  
20 column --

21 Q. Subtype?

22 A. That's correct. And what that is, is the  
23 height of the distribution curve from flat,  
24 which is zero or one, all the way up to five,



1       which is a very steep curve. So as you go up  
2       the curve, what you find is that your  
3       depreciation parameters and the results are  
4       increasing.

5               Next to that is the average service  
6       life. Next to that are the statistics I look  
7       at. So you've got the C Index, which is the  
8       conformance index. What that is, is a  
9       measure of how well the curve fits against  
10      the data points. So the way that's  
11      calculated is they take the square of the --  
12      square differences between the data points  
13      and the Iowa curve. So, typically what you  
14      want is these numbers to be above 50, which  
15      is a good fit.

16             Then, next to that is the retirement  
17      index. What the retirement index says is how  
18      well does the curve capture retirements. So  
19      the higher that number, that's what you want.  
20      And then you keep going to the right. And  
21      the Rank, what the rank says is in the  
22      overall range of curves from 1 to 27, which  
23      we have in the model, these rank 24, 27 and  
24      22, okay. And to the right of that, what

1           it's saying is Cycle index. What that says  
2           is how much of the curve are you using. So  
3           the key parameters are the C Index, the R  
4           Index and the Cycle. So the higher those  
5           are, the better.

6    Q.    And when you say "the better," what do you  
7           mean by that?

8    A.    Well, if the indices are increasing, the  
9           curve fit is getting better.

10   Q.    Okay.

11   A.    But the key, again, you've got a bunch of  
12           data points and you're running a curve  
13           through it. So you want the significance to  
14           be higher on the C Index, conformance index  
15           it's called. And the R Index, you want that  
16           very high if you can. And then the last  
17           index way on the right says you would like  
18           that to -- you want to use as much of the  
19           curve as you can with the data points. So as  
20           you can see, as the life increases,  
21           everything starts to deteriorate. You go up.

22   Q.    So I'm just -- kind of a chicken and egg  
23           thing here. So in your study back on  
24           Bates 445, you're saying the recommended

1 retirement curve to use is R3.0?

2 A. Correct.

3 Q. And you make that recommendation on the basis  
4 of looking at the data, and primarily the  
5 data in the C Index, the R Index and the Rank  
6 columns on Page 14 of Exhibit 69. Do I have  
7 that right?

8 A. That's correct.

9 Q. Okay. And so then you look at what the life  
10 is as recommended by that curve, and the life  
11 recommended by that curve in this instance is  
12 72.28. Do I have that right?

13 A. That is correct, but it's not the best  
14 conformance index. If you look at the bottom  
15 one, that's the best conformance index for  
16 the group, 133.48.

17 What I did is I says, well, it's got 60.  
18 I can easily argue to maintain 60 looking at  
19 these parameters, and therefore I maintain  
20 60.

21 Q. So you look at -- you find the best curve.  
22 And, again, I'm just trying to figure this  
23 out. So you find the best curve, but then  
24 you test that selection of the best curve and

1           your ultimate recommendation as to average  
2           service life by looking at the other data,  
3           the other curves that are on this sheet.

4    A.    That's correct.

5    Q.    So there's a fair amount -- not a fair  
6           amount -- there is an amount of judgment in  
7           there.

8    A.    There always is. A lot of numbers. So what  
9           you find is, in theory now, the best curve is  
10          a 51-year curve, the bottom one, okay. And  
11          then you go up and you say, well, I have a  
12          good one above it. It's not as good. And I  
13          have another one above it that's not as good.  
14          But I'm saying given these parameters, I'll  
15          stay with 60. There's nothing else that  
16          stands out that says it should be anything.  
17          And 60 is still a valid life to estimate for  
18          this account.

19   Q.    When you make that, do you somehow sort of  
20          take a step back and say, well, the gas  
21          mains' 60 years, that makes sense?

22   A.    Yes, it makes sense. It really depends.  
23          It's all over the place, meaning I've seen  
24          some at 70, I've seen some at 55. So,

1           basically you would expect the life in this  
2           type of setting versus like a downtown or  
3           something like that, the life would be less.

4    Q.    Okay. And then I want to direct your  
5           attention to Mr. Iqbal's testimony, which has  
6           been marked as Exhibit 18. And on Bates  
7           Page 32 we have a chart where his recommended  
8           average service life shows up. Do you have  
9           that in front of you?

10   A.    No. I have his testimony.

11                           MR. SHEEHAN: That's what I just  
12           handed you, Mr. Normand.

13   BY MR. DEXTER:

14   Q.    Yeah, I've got a schedule in the back of his  
15           testimony, Bates Page No. 32. Actually, it  
16           starts on Bates Page 31. But I want to look  
17           at the same account, so I'm on Bates 32.

18   A.    I have it.

19   Q.    So do you see the line, 367 Gas Mains?

20   A.    Yes, I do.

21   Q.    You see that Mr. Iqbal's recommended life is  
22           60 years?

23   A.    That's correct.

24   Q.    So there's no dispute. I mean, you both

1 recommended the same life.

2 A. Right. And that's a very large dollar value  
3 for the account for the Company.

4 Q. Right. A lot of the Company's plant falls  
5 into 367.

6 A. That's correct.

7 Q. Okay. So thank you for that detailed  
8 explanation.

9 And as I said, I want to do this over  
10 four accounts. And I'd like to look next at  
11 Account 320.1. And here we're dealing with  
12 Other Equipment Production. And in your  
13 testimony, I'd like to look at Bates  
14 Page 440.

15 A. I have that.

16 Q. Okay. And in the Service Life Analysis in  
17 the middle of the page where you talk about  
18 the results of your study, here you recommend  
19 a change from the existing service life of 30  
20 years. You're recommending it go up to 35;  
21 is that right?

22 A. That's correct.

23 Q. And maybe without me repeating all the  
24 questions that I just went through with the

1       other account, if you could, looking at the  
2       upper right-hand corner where you have your  
3       recommendations and your Average Service Life  
4       of 35 and your Retirement Curve of R1.0,  
5       could you just maybe bring us through the  
6       same sort of analysis you went through with  
7       367, except this time it led you to recommend  
8       a change from the existing life.

9     A.    Okay. In this account -- I guess you're  
10       referring to the handout you gave me,  
11       Staff 2-38?

12    Q.    Yes. Exhibit 69, Staff Response 2-38.  
13       Right.

14    A.    Okay. But what that response -- those pages  
15       for this account, which are on Page 10, 11  
16       and 12, what you look at is, again, the  
17       analyses of all the curves that are in the  
18       model. And what you find is, for instance,  
19       just to give you an example -- I should have  
20       done it for the other -- but sometimes what  
21       you have to do is interpret what these  
22       results are. You know, these are statistical  
23       results. But if you go to the second column  
24       from the right, you see Rank there, No. 1.

1           That's the best curve. And then you go way  
2           to the left and that's an SC curve. What an  
3           SC curve is, is a straight line. So what  
4           that says is every vintage of all that's in  
5           this account will retire the same percentage  
6           every year, which is illogical. But this is  
7           a mechanical process. So what you have to do  
8           here is you look at the best curves. And if  
9           you look at the 30, which is Page 10, okay,  
10          so here what you find is the C Index is all  
11          under 50.

12        Q.   And you indicated earlier that you like to  
13           see this over 30118 -- over 50118 that's an  
14           indication of a "good fit" I think you said.

15        A.   Yes. That's correct. If you -- the  
16           gentleman that developed the method and  
17           enhanced it was a person by the name Alex,  
18           A-L-E-X, Bauhan, B-A-U-H-A-N. And papers  
19           that he authored in 1947 have been used as  
20           the benchmark since then, whether it's the  
21           NARUC manual on depreciation or in these  
22           proceedings. And what he says at the end of  
23           that article is that, if the CI and RI, which  
24           is the retirement, is they're not over 50,



1       you should not use them or recommend them.  
2       They're not dependable. So, usually that's  
3       my benchmark for looking at this.

4               So if you look at Page 10 here for the  
5       CI, which is the fourth column in, they're  
6       not even -- well, there's only one over 30.  
7       So that wouldn't do anything. So then I go  
8       and I look at the next grouping analysis I  
9       have, and that's 20, which is Page 11. Here,  
10      again, it's all -- it's not good. So I say  
11      to myself, I'm not comfortable with this. So  
12      all I've got left that passes the test is the  
13      10, which is a short period of time. And so  
14      what I looked at there is, I said, okay, what  
15      are my best options here, knowing that the C  
16      Index is over 50. And so what I have is, if  
17      you look at that as -- if you go from the  
18      bottom and start at the R5.0 and go to the  
19      right, you'll see there life of 46, the C  
20      Index is 29.30. So I don't want to use that.  
21      So I go up one more. So as you go up, what  
22      you find is the C Index, again, which is the  
23      conformance index, that maps a curve against  
24      data points. It improves. But what you see

1 oftentimes is, as that improves, what  
2 deteriorates is the R Index, which says how  
3 much does that curve represent of the  
4 retirements. So if you gain in this account,  
5 if you gain on the confidence [sic], you lose  
6 on the retirement index. Now, you can wiggle  
7 all the way up. So with this, this being my  
8 weakest presentation, which is 10 years, it's  
9 short, I said, well, it looks like and it  
10 appears in time this life should be  
11 increased. So what I did is I increased it,  
12 like, 15, 16 percent. So I went from 30 to  
13 35, and I used an R1 curve, which is an  
14 extremely conservative, flat curve. I wanted  
15 the accrual rate that comes out of this to be  
16 low, but in the right direction. So that's  
17 what I did with this one.

18 Q. And I'm on Page 12 now that you were just  
19 looking at.

20 A. Yes, sir.

21 Q. The bottom, the last number on this page says  
22 "Mean value of best fitting lives is 69.07  
23 years." What does that mean?

24 A. It takes all the curves above it and averages

1       it. It means nothing. It's basically -- in  
2       other words, when I told you that if you go  
3       to the left column, two thirds of the way up  
4       you see an SC curve. It makes no sense, and  
5       it has a life of 132 years. But it's an  
6       output of a mechanical process. So, for  
7       every account, what I do is I -- what the  
8       program does is it increments one-tenth until  
9       it hones in on a life. And with that it  
10      selects a curve, an Iowa curve, and then  
11      tells you, given that selection, what the  
12      conformance index is, the retirement index  
13      and the cycle index, how much of the curve  
14      you're using. So it's basically you have to  
15      be very careful. You have a lot of output,  
16      but you got to, shall we say, interpret.

17    Q.    Sure. So did I hear you say that the 69.07  
18           is meaningless?

19    A.    It's just a reference point of all the  
20           curves. It averages everything. So you've  
21           got good and bad curves. If you look above,  
22           like all the curves that are basically low,  
23           like at the end, the CI is below 50; it  
24           averages all the curves.

1 Q. I understand that. So it's an average. But  
2 it's an average that you would rely on or  
3 would not rely on?

4 A. I would not rely on it.

5 Q. So I think, if I understand what you're  
6 saying, is that if we go back to the R1  
7 curve, which is the one you recommended be  
8 used, the recommended average service life on  
9 this curve is 86.5 years.

10 A. That's correct.

11 Q. And 118 that number was significantly higher  
12 than the existing average service life of 30  
13 years, you felt that warranted an increase.

14 A. It warranted an increase. But keep in mind,  
15 in making that decision I'm also using just a  
16 10-year analysis.

17 Q. You didn't want to place too much reliance on  
18 the 86 years.

19 A. No. I usually go 20, 30 and 10, in the  
20 weighting. So here I had no choice but  
21 saying, okay, this is my last choice, and  
22 it's weak, but the indications are I should  
23 increase the life.

24 Q. Okay. Fair enough. And again, that's the

1 judgment part that you talked about.

2 A. That's correct.

3 Q. Okay. Again, I'm trying to move this along  
4 quickly, but it's important.

5 I want to go to Account 303 now. I  
6 think Account 303 is shown on Bates Page 436  
7 of your study.

8 A. I have it.

9 Q. And this is an instance where the existing  
10 service life is 7 years, and you're proposing  
11 6.2 years; is that right?

12 A. That's correct. It's a dollar-weighted  
13 average.

14 Q. And again in the upper right-hand box it  
15 says, "Retirement curve best 4.0." See that?

16 A. That's correct.

17 Q. And so if I go to Exhibit 69 -- now I know  
18 there's three of these for each account, so  
19 I'm going to look at Pages 25, 26 and 27.  
20 Can you describe for us what the S4 curve  
21 presents in terms of average service life in  
22 this instance?

23 A. I'm sorry. Which page are you on?

24 Q. I'm on Page 25, 26 and 27 of Exhibit 69. And

1 I'm looking at account -- again, I penciled  
2 "303" up in the right-hand corner, but I  
3 guess as a preliminary question I should  
4 confirm that I'm looking at the right pages  
5 for Accounts 303 I want to talk about.

6 CHAIRMAN HONIGBERG: Just to be  
7 clear, to help people find those pages, they're  
8 very early in Exhibit 69. They're, in fact, the  
9 second and third pages of that.

10 MR. DEXTER: I can't tell you how  
11 gratified I am to hear everyone and the Bench is  
12 following along with this complicated round of  
13 questioning. I appreciate that. And the reason  
14 I went to those pages is that on Bates 436,  
15 where it says Account 303, the other account  
16 number in parentheses is 1372.1, and that shows  
17 up as the account number on Pages 25, 26 and 27.

18 A. Again, the reason for that, the first number  
19 is the FERC account. The second number in  
20 parentheses, that's the PUC account.

21 Q. Right.

22 A. The analyses that you discussed at Page 25,  
23 26 and 27, those are based on -- you see the  
24 1372.1. The reason for that is the

1 historical database that we've got, which is  
2 a long history, is PUC accounts. So that's  
3 why you see that number there.

4 BY MR. DEXTER:

5 Q. Fair enough. And I just want to make sure  
6 that I'm directing you to the right page. So  
7 would you agree that Pages 25, 26 and 27 are  
8 the right pages to look at this account?

9 A. Yes.

10 Q. Okay. Good. And so, again, if you could go  
11 to the S4.0 curve on any or all of these  
12 three pages and tell us what the average  
13 service life is recommended by the proposed  
14 curve, and then if there's any deviation from  
15 that, how it was you came to your conclusion.

16 A. Well, if you look at Page 25, which if you  
17 look at the upper right, that's 29 years of  
18 analysis of data points, on the upper right  
19 there you'll see 29. So the R4 curve -- no,  
20 S4. I'm sorry. The S4 curve says that the  
21 average service life is 9.65 years, if you  
22 see that there. See it?

23 Q. I do see that, yes.

24 A. Okay. I'm sorry.

1 Q. I thought you had more.

2 A. No, no. Then you go to Bates 26, and the S4  
3 curve there is 9.66 years.

4 Q. Yes, I see that.

5 A. Then you go to the next page, the S4 curve is  
6 9.76. So they're all consistent with around  
7 9-1/2 to 10.

8 The problem you have is none of this  
9 means anything, and the reason being, we go  
10 back, and the C Index is about as poor and  
11 meaningless as you can get. Out of a 100, it  
12 doesn't even break 10. So I would never rely  
13 on any of this for anything. This is just --  
14 it's about as poor as you can get a result.

15 Q. So the numbers on Pages 25, 26 and 27 didn't  
16 form the basis of your recommendation then.

17 A. At all. It couldn't. Statistically it means  
18 nothing.

19 Q. Fair enough. So then, what formed the basis  
20 of your recommendation to go from 7 years to  
21 6.2 years?

22 A. Well, when I saw these results, I says we  
23 can't use this stuff. So then I sent an  
24 e-mail to the Company and requested that the



1       Company list all of its software and provide  
2       an estimated life for each of the software  
3       line items. And that's what the Company  
4       provided me. And I believe I must have  
5       provided that to you in a data response. And  
6       that data response was LU 1-6. And the  
7       summary of that is presented in the  
8       depreciation study on 436 that we've been  
9       looking at.

10               So the summary of that is the dollars at  
11       the bottom there, weighted average, you're  
12       saying, okay, here's my plant and here's the  
13       weighting. Just the dollars times the  
14       average service life. So I grouped all those  
15       together, and I came up with an average of  
16       6.2.

17   Q.    So where did the average service lives --  
18       again, I'm on Page 436 in the lower left-hand  
19       corner. You've got average service lives 3,  
20       5 and 10. Where did those come from?

21   A.    Those are the individual line-by-line items  
22       from that data response for all the software  
23       they have in this account, as to the life  
24       they would expect from each of those software

1 items at a 3-year, a 5-year or a 10-year. I  
2 did the analysis. And what I didn't do is I  
3 was going to change a couple of them, but I  
4 did not. I left them the way they were 118  
5 two of them reflect SCADA software,  
6 S-C-A-D-A, and they had a 10-year life on  
7 both of them. And I question that today is  
8 even valid 118 that's representing data and  
9 interfaces in the field. And the security of  
10 that equipment and the software is growing  
11 under tremendous pressure in the last five  
12 years, and it will continue. Data integrity  
13 and security is paramount for utilities.

14 And so what I did is I say, okay, this  
15 goes from 7 to 6.2. If I change the 10-year  
16 life shorter, it will drop to 6.2. So I  
17 said, no, I'm going to leave it where it is.

18 Q. Now, I don't have LU 1-6 in front of me. Do  
19 you have that there?

20 A. Yes, I have it in front of me.

21 Q. Is that a response you prepared?

22 A. Yes. I'm not sure who... no, I think the  
23 Company provided this, I think. My name's  
24 not on it. But I have the response.

1 Q. So my question really is, then, who was it  
2 that developed these average service lives of  
3 3, 5 and 10 for the software?

4 A. That was the Company.

5 Q. Do you know who in the Company?

6 A. I would not. I would have to ask someone in  
7 the Company. I don't know.

8 Q. Was there any analysis or support that came  
9 with the document that you've identified as  
10 LU 1-6 or --

11 A. No.

12 Q. So you just relied on the Company's judgment  
13 in this or the Company's information in this  
14 regard?

15 A. That's correct. Typically that's what I do.  
16 What I do is I scrutinize some line items  
17 once in a awhile based on looking at other  
18 companies. But in essence, companies  
19 definitely have a plan for the software they  
20 have to replace. So there's no way for me to  
21 make a three-month study period to analyze  
22 every piece of software. So I had to have  
23 some input from the Company's judgment.

24 Q. Sure. So just one last question on the

1 software category. In the middle of the  
2 Service Life Analysis paragraph, where you  
3 recommend the change from the 7.0 to 6.2  
4 years, you say "with a S4.0 Iowa curve." Did  
5 you still recommend a curve, and if so, why?

6 A. Yes, 118 what happens is, if you recall our  
7 earlier discussion, as you increase the  
8 height of the curve, it increases the  
9 depreciation factor. So your annual expense  
10 will increase. An S curve is a symmetrical  
11 curve that basically says I'm going to retire  
12 some software early or late. But it's not  
13 skewed either way. So an S4 curve says I'm  
14 going to get activity here. I've seen  
15 activity here. And an S4, to me, represents  
16 a reasonable approximation of the life or the  
17 phasing out of software over time.

18 Q. So in the absence of the statistics on  
19 Page 25 that you termed as "good," and I hate  
20 to use qualitative terms like that, but the C  
21 statistic that you termed as "good" or  
22 "reliable," did you consider as an option,  
23 leaving the service life at 7.0 as the prior  
24 study recommended?

1     A.    No, 118 what I find is you do these studies,  
2           and what you find, probably in the last 10  
3           years, but more so in the last 5 years, that  
4           the level of detail, as far as customer  
5           information and security, has really shrunk  
6           the life of software. Basically you take  
7           smart metering today or you take -- like they  
8           have remote metering for gas companies. And  
9           what you find is the data -- you become very  
10          data-intensive. And the software most people  
11          have today can't handle that. The billing  
12          systems for most people can't handle that.  
13          And so what you're seeing is that evolution  
14          of software that's moving towards more  
15          data-intensive, as well as an emphasis on  
16          protecting customer data. And a lot of that  
17          isn't existing. It's evolving. So that's  
18          why the shrinking.

19                   MR. DEXTER:  So I'd like to hand  
20                   out one more exhibit at this point. Mr. Iqbal  
21                   is going to distribute it. It's the data  
22                   request in this case prepared by Mr. Normand to  
23                   Staff 3-17. I think we're up to Exhibit 70.

24                   CHAIRMAN HONIGBERG:  We are.

1                   (The document, as described, was  
2                   herewith marked as Exhibit 70 for  
3                   identification.)

4                   MR. DEXTER: And again, I haven't  
5                   produced all the attachments that were  
6                   referenced in this response. But we have  
7                   produced Attachment 3-17.1, and I'd like to ask  
8                   Mr. Normand to take a look at that spreadsheet  
9                   and go to the Intangible Plant Category 303 that  
10                  we've been talking about.

11 BY MR. DEXTER:

12 Q. Do you have that in front of you?

13 A. Yes, I do.

14 Q. Well, first of all, you provided this chart.  
15 So why don't you tell us what this chart is.

16 A. This is a sample of utilities that was  
17 prepared by EEI/AGA, American Gas  
18 Association. And it represents a sampling of  
19 utilities over time and their range of  
20 average service life for these accounts, the  
21 average service life that they come up with,  
22 the average, and then the accrual ranges that  
23 you have for all accounts for natural gas.  
24 So this survey pretty much groups a broad

1 range. So, for me to say that this sample  
2 represents more of a small utility like  
3 Liberty-EnergyNorth or it represents Boston  
4 Gas or KeySpan, there's a world of  
5 difference. So this is just an average of a  
6 whole bunch. I might add, this is about 15  
7 years old, so it would not reflect current  
8 practices. But it is to give you an idea of  
9 the stats that were produced 15 years ago,  
10 looking at a whole bunch of utilities around  
11 the country. This gives you a range. I  
12 typically don't use it. I provide it when  
13 people want to have a reference. That's all  
14 I do with it.

15 Q. So the chart was provided in response to a  
16 question that asked, "Please amplify on the  
17 statement that MAC's evaluation included its  
18 experience with 'like assets.' Please  
19 provide any comparative data for other  
20 natural gas utilities that support MAC's  
21 proposed average service lives and salvage  
22 rates for EnergyNorth." So that was the  
23 question. The chart came in response. But I  
24 think what you're saying now is you don't

1           rely on this or you didn't rely on this or --

2    A.    No, I look at it periodically.  But to say  
3           that my numbers have to hit these numbers --  
4           like we talked about 303 software.  This stat  
5           that you have here for 303 doesn't reflect  
6           what's happened for software for the last 10,  
7           15 years.

8    Q.    And -- I'm sorry.  Go ahead.

9    A.    For some accounts it makes sense, for some  
10           other accounts it doesn't.  For instance, we  
11           were talking about, let's see, mains.  And  
12           here, mains, you would go to the third page.  
13           That would be Account 376, okay.  The range  
14           is 26 to 80.  The average is 55.  We  
15           recommended 60.  So we're above the average.  
16           Are we outside the normal?  No.  I think over  
17           time what happens is you move towards  
18           slightly higher average service life.  That's  
19           why you do these studies periodically.

20   Q.    And the chart that we're talking about is  
21           part of Exhibit 70.  The average service life  
22           for intangible plant is 9 years, as shown on  
23           Page 1 of the chart; correct?

24   A.    That's correct.  But, again, it's dated.  Got



1 to keep that in mind.

2 Q. Understood.

3 Last account I want to look at in your  
4 study is Account 381, meters. And I believe  
5 that shows up in your testimony on Bates 448,  
6 449, 450 and 451; is that right?

7 A. That's correct.

8 Q. Okay. Can you explain why there's four pages  
9 for meters rather than one page for the other  
10 accounts that we were looking at?

11 A. 118 what we did there is, going forward,  
12 we're going to try to split this account out.  
13 And the reason for that is you've got four  
14 categories of dollars, and the dollars vary  
15 quite a bit by the subaccounts. For  
16 instance: The meters, 381, is 14.6 million;  
17 381.1 is only 188,000, roughly speaking. And  
18 the next page, the meters themselves, which  
19 is ERTS, electronic recording, that's 5.6  
20 million, and meter installation is  
21 14 million. So the lion's share of this is  
22 two accounts. And so what we said is, okay,  
23 over time, what happens is if you look at the  
24 progression, typically the longest slide will

1           be the installation. The next longest will  
2           be meters. The next longest will be  
3           instruments. And then the shortest that  
4           you'll have is ERTS, electronic recording.

5           And so when I did the analysis of this  
6           account, it wasn't segregated, and I did not  
7           have the historical data to do the analysis.  
8           So I did the analysis as an integrated, shall  
9           we say "basket of dollars," and came up with  
10          an answer for that basket of dollars, which  
11          was the 32-year life.

12       Q.    So what was the current life for this basket?

13       A.    Thirty-five.

14       Q.    So you went from 35 to 32?

15       A.    That's correct.

16       Q.    But if I look at Bates Page 50 -- or 450, you  
17              went to 15 years for the ERTS; correct?

18       A.    That's correct. If you recall, when you go  
19              through the lives of these four accounts, the  
20              shortest life you will ever experience is the  
21              ERTS, the electronic recording units.

22              They're little modules that you put on the  
23              big meter, and it allows you to do remote  
24              meter reading. And so that's typically --

1           that life typically is 12 to 15 years. I use  
2           15 years as the outside to be reasonable.

3    Q.    So if I understand what you're saying, then,  
4           there is a significant drop in the  
5           electronics part of the meter? Is that what  
6           the ERTS issue is? You said electronic  
7           something.

8    A.    That's correct. It's not mechanical. It's  
9           electronics. And electronics changes over  
10          time, 118 what you're doing is you're doing  
11          remote metering. And the advances in  
12          requirements in security, these modules don't  
13          last like the length of the meter. But at  
14          the same time, if you look at the module,  
15          it's small compared to the overall meter.  
16          It's almost like, oh, probably that cup of  
17          coffee to that computer. It's very small.  
18          And it's a unit you put into the big meter,  
19          and it allows the data gathering.

20   Q.    So how about the parts of the meter that  
21          aren't electronic? What was the basis behind  
22          reducing the average service life for those  
23          from 35 to 32?

24   A.    I didn't do an analysis. I basically said

1           the statistical analysis I did gave me  
2           32-year life using a composite, okay. Would  
3           some of the lines be longer? Yes. The  
4           installation, as I said earlier, would be a  
5           little longer. It always is longer.  
6           Basically, installation may be 35. It's  
7           usually 10 percent higher than the meter  
8           life.

9                     The problem I had is I had to recognize  
10           in the composite that what was bringing the  
11           life down was the electronic metering. And  
12           so the 32-year represents a composite of all  
13           the dollars.

14                    Now, instruments, probably you'll get 20  
15           years out of that, but there's no money  
16           there. So that has very little influence on  
17           the results.

18   Q.    Right. So where did the weighted average  
19           then come from?

20   A.    It's not. It's just I did the analysis on  
21           the total account. Like we were talking  
22           before on the curves and the accounts, the  
23           statistics, I did that for the total account.

24   Q.    Okay. Does that show up on Page 22, 23 and

1           24 of Exhibit 69?

2       A.    Yes, that's the full account, all dollars.

3       Q.    Could you go through the analysis like you  
4           did for the other four accounts as to how you  
5           came up with the recommendation to go down to  
6           the 32 years?

7       A.    Okay. What I did here is I said I have to  
8           recognize I don't have the dollars or the  
9           analysis capability for all these subsets.  
10          So the dollars I have represent a composite  
11          basket of dollars, some small lives, some  
12          short lives. So what I did is I said, okay,  
13          if I'm going to come up with a life for this,  
14          I need to make sure these statistics are  
15          strong. So I need the CI to be above 50.  
16          That's the fourth column in. I need the  
17          retirement index to be a 100 and the curve to  
18          be a 100. So if you look at what I had, and  
19          I go up and I said, okay, the second from the  
20          bottom in the third-year analysis gives me  
21          31.86 --

22       Q.    And we're on Page 22 now; correct?

23       A.    We're on Page 22. That's correct. And that  
24           gives me a CI of 61, which is very good. So

1       you go down to the 20-year analysis, the next  
2       page, and you look at the same thing; there  
3       it's a 31.89 life. Again, you go across and  
4       you'll find the C Index is better. And the  
5       retirement index and cycle is a 100, which  
6       means, using all the curves, I am reflecting  
7       all the retirements, and I've got a very nice  
8       conformance index of 67.3. And that tells me  
9       the life there is 31.89. So this, I said,  
10      well, I'll just use 32.

11     Q.    So did your study incorporate 32 for the  
12           ERTS, or did it incorporate 15?

13     A.    What happens is, 118 the basket of dollars  
14           includes the ERTS, but it's 5 million out of  
15           let's say 33 million, or whatever it is, it's  
16           going to bring the average service life down  
17           a little bit, okay. So the 32 was just what  
18           I used for all of the accounts except ERTS,  
19           which is the electronic recording.

20     Q.    And was the 15-year life for the ERTS based  
21           on any curve?

22     A.    No, it's just the manufacturer's life of the  
23           equipment. I think I told you it was 12 to  
24           15.

1 Q. And when I go to Bates Page 450, where it  
2 says Retirement Curve under the 15.0,  
3 Proposed life of 15.0, it says Retirement  
4 Curve SQ. What does that mean?

5 A. That's a unique curve. It's a square curve.  
6 It says when you get to 15, it disappears.  
7 It's square. A straight line down. In other  
8 words, there's no lingering like you would  
9 have in a non-curve.

10 Q. So did you rely on the SQ curve?

11 A. Yes, 118, as I said, if you expect the life  
12 to be in the range of 12 to 15, I took the  
13 outside range and said by then they'll all be  
14 gone. But you replace them periodically.  
15 You'll have early failures. But this does  
16 not represent that. This is just an average  
17 service life. So...

18 Q. So I'd like to move to the second topic that  
19 I mentioned we were going to question about,  
20 and this has to do with the amortization of  
21 the reserve imbalance. And I'd like you to  
22 start by explaining what this imbalance is.

23 A. The imbalance is a comparison of the  
24 Company's book reserves versus a theoretical

1           reserve. Now, a theoretical reserve  
2           basically says, if I look at this plant  
3           account and I apply the curve and life that  
4           you give me for that account from this study,  
5           what the program does is it calculates what  
6           the reserves would be to the end of that  
7           account if the behavior of the retirements  
8           would reflect the chosen curve and life.  
9           Now, we all know that doesn't happen. But  
10          that's the best information we have today.

11                 So I ran these calculations, and from  
12          that it gives me every account a theoretical  
13          reserve level, and then we compare that  
14          against what the Company's book reserves are,  
15          and there goes the difference. That's in my  
16          Schedule A in the back of this report.

17   Q.     Schedule A you said?

18   A.     Yes. If you go to, oh, let's see, Page 464,  
19          something like that. Yeah, 464.

20   Q.     And the Reserve Variance appears in the  
21          second to the last column on the right;  
22          correct?

23   A.     That's correct, Column 13 at the bottom, and  
24          it says 9.946 million.



1 Q. And at the time this case was filed, that was  
2 the reserve difference.

3 Now, does the fact that that's a  
4 positive number, does that indicate that it's  
5 a surplus or a deficit?

6 A. If it's a positive -- remember it's basically  
7 Column 11, okay, less Column 12. So that  
8 says theoretical reserves should be 165  
9 million plus change, and the book reserve is  
10 155 million plus change. So that positive  
11 indicates a deficit. I'm sorry.

12 Q. So the more you depreciate, the smaller this  
13 deficit would be; right?

14 A. Yes, if you increase the depreciation accrual  
15 rates, yes.

16 Q. But to deal with this recommendation -- to  
17 deal with this reserve variance, the  
18 recommendation was to amortize this reserve  
19 over a certain period of time; correct?

20 A. That's correct. It emanated from the  
21 Company's last study, where a gentleman from  
22 PUC Staff, Mr. Cunningham, and I had some  
23 discussions. And what I was concerned about  
24 was, in that instance, it was the other way,

1 completely the other way. So whether it's  
2 this way or what the Company faced for the  
3 last 10 years, what you try to do is dampen  
4 the effect of swings in accrual rate.

5 However, I have to fault myself and my  
6 shortsightedness in the last study 118 I said  
7 two cycles. A cycle to me is you do a cycle  
8 every 5 to 7 years. So, 6 years, twice that  
9 is 12 years. That's typically what I  
10 recommend for whole life rates. Not for  
11 remaining life, but for whole life. When you  
12 do that, what's come out in this case, which  
13 didn't come out last case, is I assumed  
14 incorrectly that the Company would file  
15 several rate cases before that 12 years was  
16 over. I had no idea they would file no cases  
17 until now. And so what happens is the  
18 Company kept returning dollars, but there was  
19 no check. This time you have the complete  
20 swing on the opposite side, and that's a  
21 function of the Company investing a lot of  
22 dollars. If you look at some of these  
23 accounts, they almost doubled in 10 years.  
24 And you see that in this account. In this

1           Company, it's mains and services. Those are  
2           the big-dollar items. You don't have to look  
3           any further. And that's what's driving the  
4           imbalance.

5                   Now, I would suspect, and personally,  
6           the Company ought to do one of these studies  
7           again when they have five full years of data  
8           points -- meaning, we did a study on 2016  
9           calendar, so they should do a study on 2021.  
10          I'm sorry. Slow with the number here. 2021  
11          calendar year. So that probably would be in  
12          2022 that you'd have the results of the  
13          study. But you'd have five more data points  
14          from which to draw conclusions.

15   Q.    Now, the last study that you mentioned that  
16          you pointed out earlier in the document here  
17          was done based on 2006 data; correct?

18   A.    That's correct.

19   Q.    And would you agree that that was in  
20          connection with a rate case that had a docket  
21          number from 2008? I think it was DG 08-009;  
22          correct? Or would you accept that as  
23          correct?

24   A.    Subject to check. There's always a lag from

1           the time -- see, I take a calendar year, and  
2           I probably won't have the data to do a study  
3           until probably towards the end of that year.  
4           And it takes me three months to evaluate and  
5           then produce a report. So, typically it will  
6           flow, usually it's a year plus.

7    Q.    And in the last case, when you did this study  
8           in the last case based on 2006 data, there  
9           was a reserve imbalance in that case as well;  
10          correct?

11   A.    That was correct. It was the other way.

12   Q.    The "other way" meaning that it was -- that  
13          there was over -- is it fair to say there was  
14          over-depreciation?

15   A.    Yes. The reserve was higher than the  
16          theoretical reserve. That's correct.

17   Q.    And the amortization that took place was a  
18          situation where money was being returned to  
19          customers.

20   A.    That's correct.

21   Q.    Okay. And in that case, you recommended that  
22          that money be returned back to customers over  
23          a 12-year period; correct?

24   A.    That's correct. Again, remember, the

1           assumption there, which I didn't state, was  
2           that I assumed the Company would be filing  
3           rate cases --

4   Q.    Right.

5   A.    -- which they did not.

6   Q.    So you assumed back in 2008 that they would  
7           file a rate case in the next how many years  
8           do you think?

9   A.    At that time, about maybe three to five  
10          years. Now, what's happening now is that  
11          period shrinks. I mean, I'm looking at  
12          Northern and I'm looking at Fitchburg and  
13          Massachusetts Gas Electric, and they're  
14          getting into the two- to three-year cycle.  
15          Mid-Atlantic same way, two to three years.  
16          I can't speak for the Company as to what  
17          they're going to do. But the period -- you  
18          would expect in the 12-year cycle you're  
19          going to probably have three rate cases.

20   Q.    And what's the 12-year cycle you're talking?  
21          Oh, the two cycles.

22   A.    Yeah, a cycle meaning the time span between  
23          depreciation studies, six years.

24   Q.    Six years, okay.

1           Now, do you recall back in 2008 when you  
2           did this study, do you recall when the prior  
3           depreciation study was done for EnergyNorth?

4    A.    I wish you would have asked that question.  I  
5           would have produced the report.  I don't  
6           remember.

7    Q.    Okay.  So, going forward from 2008, you said  
8           that your understanding is that the next rate  
9           case filed by EnergyNorth is the one that  
10          we're in now?

11   A.    That's correct.

12   Q.    That's in fact not correct.  I think it's  
13          easily verifiable that there was an interim  
14          rate case filed in the 2013 time frame that  
15          was decided in 2014.  So you're completely  
16          unfamiliar with that case?

17   A.    I have no idea of that case.

18   Q.    Okay.  Well, assuming that that was the case,  
19          and it was --

20   A.    But there was no depreciation study done.

21   Q.    Well, that was going to be my next question.  
22          Was there a depreciation study done in that  
23          case?  Again, you're not familiar with it.  
24          We went down this road this morning, so...

1 A. No.

2 Q. So we have two frequencies that we're talking  
3 about. We're talking about frequencies of  
4 rate cases and frequencies of depreciation  
5 studies. And I'd like to talk about them  
6 separately.

7 Is it your understanding that a Company  
8 like EnergyNorth -- is it your recommendation  
9 that a company like EnergyNorth -- I'll  
10 rephrase that.

11 Is it your recommendation that  
12 EnergyNorth file a depreciation study in each  
13 rate case?

14 A. No. If the rate case -- let's make the  
15 assumption that EnergyNorth would file a rate  
16 case in three years. You wouldn't have  
17 enough data points to make any meaningful  
18 changes. If you go another three years or  
19 two years, then you would. As I said, if you  
20 have at least five more years, 2016 puts you  
21 to 2021. And you probably, if things worked  
22 right, and they knew that, you could probably  
23 get this thing done and finished in 2022.

24 MR. DEXTER: So I have another

1 document I want to hand out. I just need to  
2 find it. If I could take a minute to -- Mr.  
3 Chairman could I take a five-minute recess to  
4 get these documents straightened out?

5 CHAIRMAN HONIGBERG: Sure.

6 MR. DEXTER: Thank you.

7 (Brief recess was taken at 2:29 p.m.,  
8 and the hearing resumed at 2:50 p.m.)  
9 (The document, as described, was  
10 herewith marked as Exhibit 71 for  
11 identification.)

12 MR. DEXTER: Thank you for the  
13 break, Mr. Chairman. I appreciate it. And  
14 while you were out, we distributed one more  
15 document. That would be Exhibit 71, and it has  
16 to do with this issue. I believe all the  
17 parties and the witness have a copy. Is that  
18 right?

19 BY MR. DEXTER:

20 Q. Mr. Normand, in addition to that document,  
21 I'd like you to turn to Page 405 of your  
22 original testimony, please.

23 A. Yes, I have that.

24 Q. And both of these documents state that your



1 recommendation was that this reserve variance  
2 be amortized over 12 years; correct?

3 A. That's correct. As I mentioned before,  
4 that's the -- the underlying assumption there  
5 was the Company would file rate cases. And  
6 so my simple definition, if you're going to  
7 file a rate case, you're going to file a  
8 depreciation study. But that's a function of  
9 the frequency. But I would expect over six  
10 years that you'll file -- I can't speak for  
11 the Company -- you'll file a couple of rate  
12 cases, and over 10 years, probably three rate  
13 cases, and probably have two depreciation  
14 studies. So the Commission would have ample  
15 reference to reset things.

16 Q. In fact, your testimony says that, and I'll  
17 kind of paraphrase it. But what it actually  
18 says is, "Our recommendation with respect to  
19 this variance is to amortize it over two  
20 depreciation cycles, or 12 years, as one  
21 cycle reflects periodic studies taken every  
22 five to seven years." That's what your  
23 testimony says; right?

24 A. That's what my testimony says.

1 Q. And so in this case, the last -- for this  
2 Company, the last depreciation study was done  
3 in -- was based on 2006 data I believe you  
4 said.

5 A. That's correct.

6 Q. And this depreciation study was done on the  
7 basis of 2016 data; correct?

8 A. That's correct.

9 Q. And I think you said just before the break  
10 that you would expect that the next  
11 depreciation study would be done based on  
12 2021 data.

13 A. That's correct. What you'd want is at least  
14 five more data points for every account.

15 Q. So, two depreciation cycles under that would  
16 be 10 years? Is that what you're saying?

17 A. Yes, roughly speaking.

18 Q. So are you recommending that your testimony  
19 on 405 be switched to 10 years, or are you  
20 still comfortable with the 12 years?

21 A. Well, what my recommendation says is you do  
22 them every five to seven years. So I just  
23 took the midpoint.

24 Q. Okay. So you're not recommending that your

1 testimony be changed. You were just dealing  
2 with sort of rough average numbers here.

3 A. That's correct.

4 Q. Okay. And in fact, the proposal -- well,  
5 before we get to that, on the document that  
6 was handed out as Exhibit 71, on the back of  
7 it, Page 2 of it, you had talked about a  
8 couple of different methods to handle reserve  
9 variances. And in Method No. 2, you talked  
10 about not amortizing the variance at all  
11 within a particular band width of 5 to  
12 10 percent. Could you explain this a little  
13 further, please?

14 A. What happens when you get a variance, every  
15 time you do a depreciation study the  
16 parameters change a little bit. So, 118 of  
17 that, you'll have a variance. In order for  
18 you not to encourage playing with the rates  
19 too much, typically commissions will say if  
20 the variance is within 5 or 10 percent, we do  
21 nothing. Wait until the next case or the  
22 next study. And that's reasonable. In other  
23 words, you just -- every study will give you  
24 parameters that will give you new numbers.

1           And what you find is when you have a curve in  
2           the life of an account, you're saying the  
3           behavior of that account will follow this  
4           curve in life. And I don't know if I said it  
5           in my testimony or my report, but we're  
6           giving you the best information we have,  
7           given the data we have. But for me to sit  
8           here and say mains account, whatever account  
9           it is, will behave for 60 years according to  
10          this mortality characteristic, I say that,  
11          but quite candidly, I don't think it will  
12          happen 118 there's too many variables. I  
13          can't predict 40 years out the road.

14       Q.    Okay. And what is the level of the reserve  
15              variance in this case? Does it fall inside  
16              that 5 to 10 percent level that you  
17              mentioned?

18       A.    No, it follows way outside.

19       Q.    It does. What is the level of the variance?

20       A.    It's almost 10 million.

21       Q.    And so 10 million as compared to what to get  
22              to this percentage we're talking about?

23       A.    If you go to 464 --

24       Q.    Bates 464? Yup, I'm there.

1     A.     And if you go to the reserve variance, it's  
2           9 million.

3     Q.     We talked about this earlier.  It's  
4           9,946,778; correct?

5     A.     Right.

6     Q.     And so what number am I comparing that to, to  
7           come up with this band width of 5 to  
8           10 percent?

9     A.     You're basically saying that the account  
10           would be on the theoretical reserve with net  
11           salvage.

12    Q.     And that figure is 165,193,965; correct?

13    A.     That's correct.

14    Q.     So if I were to divide 9,946,778 by  
15           165,193,965, wouldn't you agree that I would  
16           get a number between 5 and 10 percent?

17    A.     That's correct.

18    Q.     So then I'm confused by your prior statement  
19           that said it was way outside the band width.

20    A.     Well, I was assuming basically the 5 percent.

21    Q.     Okay.

22    A.     But very few -- there's only probably two or  
23           three PUCs that do that.  118 whole life is  
24           not rampant by regulators, most of the

1 depreciation studies are done on remaining  
2 life.

3 Q. Right. No, I understand that. And your  
4 answer on Exhibit 71 said that if you're in a  
5 whole life situation, which we are here, one  
6 option would be to not do any amortization if  
7 it fell within this band width; correct?

8 A. If you selected a band width, yes. The other  
9 way to do it is to spread your deficiency or  
10 excess over a period of time.

11 Q. And that's what's recommended in this case.

12 A. Yes. And the third option is to do it over a  
13 period of time and then do another study to  
14 see if you're on track.

15 Q. Okay. We've already talked enough about  
16 frequency of depreciation studies, so I won't  
17 ask you further about that.

18 So then I'd like -- 118 you understand  
19 that the Company's position in this case is  
20 not to amortize the reserve variance over 12  
21 years, but in their original filing was to  
22 amortize it over 3 years. You understand  
23 that; right?

24 A. That's what the Company proposed. But they

1           were looking at different factors.

2       Q.    Right.  And I wanted to get into that.  But  
3           go ahead.  I didn't mean to interrupt you.

4       A.    Well, I don't look at the financial impact  
5           and so forth.  I do a study.  These are my  
6           results.  If the differences are large, then  
7           you should take an extended period of time to  
8           adjust for them.  Now, I also know, and it's  
9           obvious at this point in this proceeding,  
10          that you ought to do a study every five to  
11          six years.  At that point, you will have a  
12          new reference point to say what actions  
13          you've taken, are they working in a direction  
14          that will resolve the problem, or it's not  
15          enough to resolve the problem.

16                In other words, what happened since the  
17          last case that created this is that the  
18          Company, which surprised me, but they made  
19          major plant investments.  As I said earlier  
20          today, in some accounts it was double.  And  
21          so what happens with that is, you got to  
22          remember, if you take the life of an asset  
23          being 60 years, mains, in the period of 10  
24          years you're not going to get to a reserve

1 level that makes sense. So what you're doing  
2 is you're incrementally getting there. But  
3 if the average life is 60 years, your reserve  
4 is going to be severely deficient if you're  
5 putting a lot of dollars in the ground. And  
6 I suspect -- again, you'd have to ask the  
7 Company. If the Company's investments in the  
8 next three, five or ten years continues at  
9 the rate it had been doing, you're going to  
10 have a -- you're going to compound this  
11 problem.

12 Q. So if I understand, if I can sum up, and if I  
13 get this wrong, please tell me, your  
14 recommendation is that you set the  
15 amortization assuming two depreciation  
16 cycles, 10 to 14 years, but that you  
17 recommend that it be looked at every time a  
18 depreciation study is filed before the  
19 Commission.

20 A. That's correct. What that would give you is  
21 a reference point to say what I've done, the  
22 actions I've taken, are they correcting the  
23 problem. 118 you got to do this with whole  
24 life. Remaining life doesn't have that, but



1 whole life does.

2 Q. Okay. So I'd like you to look at a document.  
3 And I confess I don't remember the exhibit  
4 number. But it's Mr. Mullen's rebuttal  
5 testimony filed in this case in January of  
6 2018. And on Bates Page 133, Mr. Mullen  
7 talks about this very issue. Do you have  
8 that in front of you?

9 A. Yes, I have. Yeah.

10 Q. In fact, there's an indented paragraph there  
11 that quotes from the data requests we were  
12 just looking at, Exhibit 71. And Mr. Mullen  
13 states that your recommendation was based on  
14 looking at the topic of depreciation in  
15 isolation, whereas the Company's proposal  
16 took into account the entirety of the filing.  
17 Do you see that?

18 A. That's correct.

19 Q. And then he goes on to say, "including the  
20 circumstances regarding the length of time  
21 over which the depreciation reserve imbalance  
22 has accumulated." So you understand what  
23 that means, the "length of time"?

24 A. Yes.

1 Q. Okay. And what does that mean in your view?  
2 What is Mr. Mullen talking about there?

3 A. I can't speak for him. I can interpret what  
4 I think he's saying.

5 Q. That's what I'd like you to do.

6 A. Basically he's saying -- what you're saying  
7 is since the last study in 2006, for 10 years  
8 we've swung from a reserve that was too high  
9 to now a reserve that's deficient. So the  
10 only thing that caused that is a massive  
11 infusion of dollars in plant, mainly mains  
12 and services. I think I gave you a data  
13 response to that effect. In any event, that  
14 will always occur, as I said earlier. The  
15 fact that you put a million dollars of mains  
16 in, you're not going to recover that for over  
17 60 years. So if these are new dollars that  
18 are occurring in let's say the next 5 or 10  
19 years, your reserve will be deficient until  
20 you get to a certain point in time. Now, at  
21 some point this Company, as all companies,  
22 the construction and new dollars going in  
23 will slow down and then you'll catch up.  
24 When that occurs, I have no idea what their

1 plans are or what their construction plans  
2 are.

3 Q. So what, then, is the length of time over  
4 which this depreciation reserve imbalance  
5 accumulated in this case?

6 A. I would say the Commission has to find a  
7 middle ground as to what it is, and then my  
8 recommendation is they do another study with  
9 five more years of data.

10 Q. So do you know or do you not know the length  
11 of time over which this reserve imbalance  
12 accumulated?

13 A. The reserve imbalance, as I just said, went  
14 from a negative 8 or 9 million in -- the  
15 study was in '06, and the rate case was, I  
16 think you said, '08. But from that time to  
17 this time, we swung from over probably  
18 8 million to under 10 million, all driven by  
19 major capital additions.

20 Q. Okay. And you understood that when you put  
21 your testimony together. This is not a  
22 surprise to you; right?

23 A. No, no. But it was a surprise, as I said  
24 earlier. I did not anticipate this level of

1           plant additions and the fact that the Company  
2           did not have a rate case where there was a  
3           new depreciation study submitted. See, a lot  
4           of times I look at a rate case -- typically  
5           when you file a rate case, you file a  
6           depreciation study, unless the frequency's  
7           under three years, and then you'll skip one.

8       Q.    So the second part of Mr. Mullen's statement  
9           as to what he looked at was along with the  
10          time period over which the imbalance should  
11          be addressed. Did you look at that when you  
12          came up with your recommendation? That, in  
13          fact, is your recommendation; right? Do you  
14          see anything different between that statement  
15          and your recommendation that it should be  
16          addressed over two depreciation cycles?

17     A.    Yes. Again, all of this is driven. It's  
18          unique. The size of this Company and the  
19          plant investments they made, made a swing I  
20          would never have anticipated back in the last  
21          case. I had no way of anticipating that. In  
22          hindsight, I should have known. I should  
23          have asked more questions and said, Do you  
24          have any major construction? I didn't know.

1 But if I'm doing this study, I should have  
2 known better, but I didn't.

3 Q. Okay. I don't have any further questions.  
4 Thank you.

5 CHAIRMAN HONIGBERG: Commissioner  
6 Bailey.

7 CMSR. BAILEY: I have no  
8 questions. Thank you.

9 CHAIRMAN HONIGBERG: Commissioner  
10 Giaimo.

11 COMMISSIONER GIAIMO: Same.

12 CHAIRMAN HONIGBERG: And I have  
13 no questions.

14 You would like to redirect,  
15 Mr. Sheehan?

16 MR. SHEEHAN: Thank you. I do  
17 have some questions.

18 REDIRECT EXAMINATION

19 BY MR. SHEEHAN:

20 Q. Mr. Normand, a couple basic questions. The  
21 imbalance that existed the last time you did  
22 a study in 2006 was, in essence, money the  
23 Company owed to its customers 118 it had  
24 depreciated too fast.

1 A. That's correct.

2 Q. And from that time, you said \$8- or \$9  
3 million dollars was the imbalance in that  
4 direction. It's now swung to a \$10 million  
5 imbalance, where, in effect, the Company has  
6 been depreciating too slowly, so that the  
7 customers owe the Company money. That's a  
8 simplification, but that's the gist of it.

9 A. That is. It's almost like -- and it's due  
10 directly to massive plant infusion.

11 Q. And there seems to be some confusion over  
12 your testimony about the existence of  
13 intervening rate cases. Am I correct to say  
14 your point was, between your study of '06  
15 data until today, it wasn't the lack of rate  
16 cases, it was the lack of depreciation  
17 studies that occurred during those 10 years?

18 A. Yes. When I was testifying, I basically  
19 linked a rate case with a depreciation study.  
20 Of course that's shortsighted, 118 if you do  
21 a rate case every two or three years -- I can  
22 honestly say you shouldn't do one. But if  
23 you want me to do one, that's fine.

24 Q. And for the record, I think everyone else in

1           the room knows, there was a rate case done in  
2           2010 and another rate case done in 2014,  
3           neither of which had depreciation studies.

4    A.    As far as I know, they didn't.

5    Q.    And so what happened is the adjustments made  
6           in the 2008 rate case to return money to  
7           customers was never looked at for 10 years.

8    A.    That's the problem. As I've said, that's  
9           probably my shortsightedness at the time.

10   Q.    And you don't know, or you didn't know that  
11           there was a change in ownership of the  
12           Company which may have impacted those  
13           decisions and many other factors. Again,  
14           that's outside the scope of your normal  
15           investigation; is that fair?

16   A.    That's correct.

17   Q.    Going back to the first hour of your  
18           testimony, Mr. Dexter walked you through the  
19           process for assigning lives to certain  
20           categories of assets. And my question as to  
21           that process you described through the four  
22           or five that he went through, you went  
23           through that process for every category of  
24           assets that you studied on behalf of the

1           Company.

2       A.    That's correct.  You have to go through all  
3           of them.  The only process where you don't go  
4           through that -- remember, you need a  
5           retirement index.  So if you have accounts  
6           that have no activity or no retirements, you  
7           can't do a whole bunch about that.  You just  
8           rely on whatever the Commission approved last  
9           time.  That's what you accept until you get  
10          experience with retirements.

11       Q.   You were not -- were you involved in the  
12           discussions that resulted in the settlement  
13           agreement that we have in front of the  
14           Commission for approval?

15       A.   No, I was not a consultant.

16       Q.   We have informed you since that the proposal  
17           in the settlement agreement is to amortize or  
18           recover that \$10 million which has been  
19           reduced to \$9 million -- and I'll get to that  
20           in a minute -- over a period of five years.  
21           We've informed you of that; correct?

22       A.   Yes.

23       Q.   And we've also informed you that it's the  
24           expectation that the Company will come back



1           for another rate case, at most, four years  
2           out, and likely three years out, which has  
3           been our schedule recently. You're aware of  
4           that?

5    A.    Yes.

6    Q.    And what would be your recommendation to do  
7           vis-a-vis whatever comes out of this order  
8           about the imbalance when we're back in for  
9           another rate case in three or four years?

10   A.   Well, what you would do, or what I would  
11          recommend that you do is that at the time you  
12          come in, you can do a mini depreciation  
13          study. And all you would deal with is the  
14          theoretical reserve and book reserve. And  
15          what that will tell you for each of the  
16          accounts is like my study now produces almost  
17          10 million. So if you come in in three years  
18          and it says it's down to 7 million, now, part  
19          of the reason you say, well, it hasn't come  
20          down very much. But the offset during that  
21          period of time is how much investment in  
22          plant has the Company made. That's going to  
23          be an offset. Will the investments they make  
24          follow what they've done historically? I

1           don't know. You'd have to ask the Company  
2           that.

3    Q.    If the investments of the past few years  
4           continue for the next few years, all else  
5           being equal, what would you expect to happen  
6           to the imbalance?

7    A.    If you use a five-year amortization, probably  
8           change a little bit, but not a whole bunch,  
9           if they're at these levels of putting dollars  
10          in.

11   Q.    And if you use a 12-year amortization?

12   A.    You'll be way up.

13   Q.    The imbalance will be worse.

14   A.    Yes. But at some point the Company will slow  
15          down. You can't put this much money  
16          continuously for -- you know, at some point  
17          it slows down, and that's when you catch up.

18   Q.    Having been told that the proposal in this  
19          rate case -- well, first of all, the  
20          settlement agreement also accepted some --  
21          changed your depreciation lives somewhat. We  
22          moved off of what you recommended. And I'm  
23          giving you that as assume that's true. And  
24          we moved into generally slightly longer lives

1 overall. And applying those longer lives to  
2 the formula, the imbalance has gone from 10  
3 million to 9 million. Follow?

4 A. Yes.

5 Q. So, assuming we now have a \$9 million  
6 imbalance under the terms of the settlement  
7 agreement, and assuming that we amortize over  
8 five years, with the expectation we come back  
9 in three to do the check you just described,  
10 do you think that's a reasonable way to  
11 approach the existing amortization imbalance?

12 A. It's an approach. And again, if I was the  
13 Commission, I'd ask someone in the Company,  
14 "Is your projection of investments going to  
15 continue at the rate you've been having?" If  
16 that's the case, you're correct.

17 Q. So if that is the case, that our projections  
18 are to continue investing at the rate of  
19 recent years, if not greater, would you agree  
20 that the proposal in the settlement  
21 agreement, the five-year amortization, come  
22 back in three, is a reasonable way to address  
23 the existing \$9 million imbalance?

24 A. That's correct. It's a reasonable approach,

1           as long as there is a check in three years  
2           and another study in five. I think the  
3           Commission would have some comfort that  
4           there's going to be a check and balance.

5    Q.    So what I understand you just said, if the  
6           Commission were to approve this part of the  
7           settlement agreement which includes this  
8           language, you would recommend that the  
9           Commission also require us to do this check  
10          on the depreciation balance at the next rate  
11          case.

12   A.    That's correct. It's not a major effort.  
13          It's probably two to three days of work.

14   Q.    Compared to three months for the whole study?

15   A.    That's correct.

16   Q.    Thank you. I have no further questions.

17                   CHAIRMAN HONIGBERG: Thank you,  
18   Mr. Normand. You can return to your seat.

19                   I think Mr. Iqbal is returning  
20   to the witness stand?

21                   MR. DEXTER: Yes.

22                   CHAIRMAN HONIGBERG: We'll note  
23   for the record he is still under oath.

24

1 AL-AZAD IQBAL, PREVIOUSLY SWORN

2 CHAIRMAN HONIGBERG: Mr. Dexter.

3 MR. DEXTER: Thank you.

4 DIRECT EXAMINATION (CONT'D)

5 BY MR. DEXTER:

6 Q. Mr. Iqbal, we're going to continue asking you  
7 questions concerning the topic of  
8 depreciation. And I'd like you to turn to  
9 your prefiled testimony. Do you have that  
10 before you?

11 A. Yes.

12 Q. It's Exhibit 18 in the case. And I'd like  
13 you to go to Bates Page 31, which is the  
14 chart of your proposed average service lives.

15 A. I'm there.

16 Q. Do you have that in front of you?

17 A. Yes.

18 Q. Now, this chart, which goes on for three  
19 pages, contains about 20 different  
20 recommended average service lives. Would you  
21 agree?

22 A. Yes.

23 Q. And there were certain instances where you  
24 disagreed with the average service lives

1 recommended by the Company; is that correct?

2 A. Yes.

3 Q. Is one of those average service lives that  
4 you disagreed with Account 303, Capitalized  
5 Software?

6 A. Yes.

7 Q. And could you indicate what average service  
8 life you recommended as compared to what the  
9 Company recommends?

10 A. My recommendation is average service life of  
11 seven years. That is existing average  
12 service life. And Company proposed 6.2  
13 years.

14 Q. You were in the room when Mr. Normand took us  
15 through his calculation of the 6.2 years;  
16 correct?

17 A. Yes.

18 Q. How is it -- or explain to me -- I'm sorry.  
19 Let me rephrase that.

20 Would you please explain for the  
21 Commission how you came to your recommended  
22 seven-year life?

23 A. First of all, I didn't do any study,  
24 depreciation study. We have to rely on the

1 depreciation study the Company provided, the  
2 previous depreciation study and current  
3 depreciation study. So I had to go through  
4 those --

5 (Court Reporter interrupts.)

6 A. We have gone through during this session  
7 which account we should select, which number  
8 we should select, what is the ASL from those  
9 curves. Those are not provided in the  
10 original testimony of Mr. Normand. It is  
11 part of the data request. So I was trying to  
12 understand then what is the method he used to  
13 come up with this number, particularly, as he  
14 explained in his testimony, that 6.2 didn't  
15 come from any study; it is coming from the  
16 Company's data. They said that these are 3  
17 years, these are 5 years, these are 10 years  
18 ASL. And there is no support provided for  
19 that. Even Mr. Normand didn't ask for the  
20 support. He just used the Company number. I  
21 would prefer to base it on existing number,  
22 which is -- which Commission actually  
23 approved than based on unsupported number  
24 which is proposed in this case.

1 Q. So if I understand what you're saying, your  
2 recommendation was to continue the existing  
3 life 118 it was based on a prior depreciation  
4 study.

5 A. That's my position, yes.

6 Q. And factoring into that position was your  
7 understanding that Mr. Normand said the study  
8 he did in this case, the results were  
9 unreliable. We just heard that. For this  
10 particular account, the results were  
11 unreliable.

12 A. Yes. On that, I think I would add one more  
13 caveat on that, that the person who actually  
14 created the C Index, R Index, Mr. Bauhan, he  
15 actually went -- one of his conclusion is  
16 even if those are not acceptable which are  
17 not above 50, but is better than using any  
18 random number. So, yes, those are not --  
19 doesn't meet the standard. But in his 1940s  
20 paper Mr. Normand actually referred to, that  
21 paper says that even when it is not  
22 acceptable, it is better to use a number  
23 based on analysis than a random number. And  
24 that's what I am following here, that this



1           number, 3, 5 and 10-year number, is provided  
2           by the Company, and they didn't provide any  
3           analysis. But we have a SPR --

4                   (Court Reporter interrupts.)

5    A.    We have a SPR analysis here which is giving  
6           us a higher number that is almost 11 years.  
7           We are not proposing that. We are being very  
8           consistent and conservative. We are just  
9           saying let's keep the current number 118 your  
10          number is not supported by anything. Current  
11          number we can live with.

12   Q.    Are there other instances in your charts,  
13          starting on Bates 31, where you proposed  
14          keeping the remaining average service lives  
15          rather than relying on the study that was  
16          presented by Mr. Normand?

17   A.    Which one you are talking about?

18   Q.    I'm on Bates Page 31. And I'm asking on this  
19          two- or three-page chart, are there other  
20          instances like Account 303 where you chose to  
21          recommend keeping the existing average  
22          service life as opposed to going with the  
23          number that was recommended by Mr. Normand?

24   A.    Yes, that's my approach, that if there is

1           enough support to change it, I agree with Mr.  
2           Normand. And when I found that he is not  
3           relying on any study, I'm being conservative  
4           and I'm recommending that we keep the  
5           existing ASL.

6    Q.    And in particular, we spent some time earlier  
7           today looking at Account 381 and various  
8           subaccounts that had to do with meters. Do  
9           you recall that?

10   A.    I recall that.

11   Q.    Is that a situation where you recommended the  
12           existing average service life be maintained  
13           rather than changing it, as Mr. Normand did?

14   A.    The existing number is overall at the account  
15           level, not subaccount level. So when you are  
16           changing or reducing the ASL from one of  
17           those big subaccount, that means that the  
18           other account -- 118 when you are doing the  
19           analysis on the overall account and you are  
20           giving it 35 years, and then you are changing  
21           one of the subaccounts, which is very big,  
22           almost five points, 5 million or 6 million,  
23           and reducing that significantly, that means  
24           that 35 for other accounts should be higher,

1           118 this 15 number, that overall the weighted  
2           number should be around 35. But what Company  
3           is doing here, they're reducing the meter  
4           ERTS to 15 years and also reducing the other  
5           numbers, too. So, from my perspective, if  
6           somebody doesn't know anything about  
7           depreciation, they will tell you that it  
8           doesn't make sense, 118 the study says  
9           overall number should be 35. We are reducing  
10          the overall number for all accounts and going  
11          down to almost half in one of the -- half of  
12          the account of 5 million -- essentially \$5  
13          million, and saying that that's a reasonable  
14          approach. And I don't agree with that.  
15          That's why our proposal was keeping the 35  
16          ASL for every subaccount. And I understand  
17          that ERTS has a lower ASL. I said take a  
18          more gradual approach, and instead of 35  
19          we'll move it to 25. But the Company  
20          proposed 15.

21       Q.   With respect to the other meter accounts,  
22           your recommendation was to leave those alone  
23           at 35?

24       A.   Yes, that's my recommendation.

1 Q. And that's based on your interpretation of  
2 the study results that Mr. Normand presents?

3 A. His study and the existing numbers.

4 Q. Okay.

5 MR. DEXTER: Can I ask the  
6 witness a question off the record, please?

7 CHAIRMAN HONIGBERG: You want to  
8 have a conversation with your witness?

9 MR. DEXTER: Yes.

10 CHAIRMAN HONIGBERG: Sure.

11 (Off the record discussion between  
12 counsel and witness.)

13 MR. DEXTER: I'd like to hand out  
14 one more document and ask that it be marked as  
15 Exhibit 72. It's the Company's response to Data  
16 Request Staff Tech 1-45.

17 (The document, as described, was  
18 herewith marked as Exhibit 72 for  
19 identification.)

20 BY MR. DEXTER:

21 Q. Mr. Iqbal, do you have the document that's  
22 been marked as Exhibit 72?

23 A. I do.

24 Q. And the long paragraph, the second paragraph

1           in this response sort of traces this issue of  
2           amortizing reserve variances. Would you  
3           agree?

4    A.    Yes.

5    Q.    And you heard Mr. Normand's testimony today;  
6           did you not?

7    A.    Yes, I do.

8    Q.    You heard Mr. Normand say that, in his view,  
9           a lot of the volatility in this reserve  
10          imbalance was due to recent investments in  
11          gas mains. Is that a fair assessment of what  
12          he said, in your view?

13   A.    Yes, that's what he said.

14   Q.    And do you have anything to add about why you  
15          believe there's a swing in this reserve  
16          variance?

17   A.    Yes. I have high respect for Mr. Normand.  
18          He has been a perfect witness in this docket.  
19          And there are other dockets I deal with him.  
20          He is very competent.

21                 And in this point, Mr. Mullen actually  
22          tried to explain what happened in between.  
23          And one of the component is under line --  
24          second paragraph, where he is talking about

1       \$933,000 the Company are giving back to the  
2       customer 118 they over-collected. And if you  
3       look at Mr. Normand's recommendation, Exhibit  
4       71, on the second page he has three  
5       recommendation: One is remaining life, one  
6       is threshold 5 to 10, and other one is the  
7       recommendation he provided in this docket and  
8       the previous docket.

9             Just to look at Mr. Normand's analysis,  
10       this \$10 million deficit right now, we can  
11       say that \$7 million is coming from that  
12       refund to the customer. So that actually  
13       vindicate Mr. Normand's second solution, that  
14       if there was 5 to 10 percent of reserve  
15       variance, we shouldn't have done nothing.  
16       But we did last time. And that contributed  
17       7 million of the 10 million right now we are  
18       dealing with. And if you look at the updated  
19       number, 118 this is 10 million 118 some of  
20       the big accounts number, the ASL was reduced.  
21       And if you look at the settlement agreement,  
22       this 10 million number become, I think,  
23       7.8-something number. So it is reduced 118  
24       the ASL number was changed, increased --

1 Q. If I can interrupt for a second. So I just  
2 want to make sure I understand what you're  
3 saying, is that Exhibit 72 demonstrates that  
4 the \$10 million reserve variance,  
5 approximately \$7 million it, according to Mr.  
6 Mullen, was attributable to the amortization  
7 that was started back in the case in 2008.

8 A. Exactly.

9 Q. And you're saying that, had the Commission  
10 back in 2008 followed Mr. Normand's  
11 recommendation in Exhibit 71 and made no  
12 amortization, that we wouldn't -- that we  
13 would have solved 70 percent of the problem  
14 that we're facing now.

15 A. More than 70 percent. 118 we are using the  
16 same amortization, ASL, average service life,  
17 as I recommended, based on my analysis, for  
18 that 10 million right now, eight  
19 point-something million will be much lower.  
20 So it eliminate the whole reserve variance.

21 Q. So, in your view, then, it would be a  
22 reasonable approach in this case not to  
23 amortize this \$10 million variance at all.

24 A. Exactly.

1 Q. Now, your testimony didn't recommend no  
2 amortization. Your testimony recommended a  
3 12-year amortization; correct?

4 A. Yes. I think that's a reasonable approach,  
5 as Mr. Normand testified today. And just  
6 being consistent with what we did last time  
7 when it was other way, we aggregated that 12  
8 years, I think actually 13-point-something  
9 years. And right now we are saying that we  
10 want to be consistent with that. We are not  
11 going to go back and say that, hey, don't do  
12 it now 118 it's other way. We are saying be  
13 consistent. And that's what we are trying to  
14 do.

15 Q. So you adopted what you understood to be Mr.  
16 Normand's recommendation to amortize this  
17 variance over 12 years.

18 A. Exactly.

19 Q. Now we've talked about the other way a little  
20 bit, and I want to make sure everyone  
21 understands what we're talking about. So I'd  
22 like to go to Bates Page 473 in Mr. Normand's  
23 testimony.

24 A. I'm here.



1 Q. So the second line from the bottom is  
2 entitled "Amortization of depreciation  
3 reserve surplus, \$12,400,000." Do you see  
4 that?

5 A. Yes, I do.

6 Q. So this is the situation from the last case,  
7 and you can see the docket number up on top,  
8 we were in a situation where the Company had  
9 over-depreciated and, therefore, money had to  
10 be returned to ratepayers; correct?

11 A. Correct.

12 Q. You see that it was done by looking at the  
13 right-hand column in an annual amount of  
14 \$934,000; correct?

15 A. Correct.

16 Q. Doing the math, would you agree that's about  
17 a 13-year amortization period?

18 A. Correct.

19 Q. So that was done through settlement; correct?

20 A. Correct.

21 Q. And that's been going on ever since.

22 A. Yes.

23 Q. Okay. So, last case when there was  
24 \$12 million to be reserved to customers, it

1           was done by settlement over a 13-year period.

2           Is that your understanding?

3    A.    Yes.

4    Q.    In this case, where there was a \$10 million  
5           surplus to be collected from customers, it  
6           was recommended that it be done over a  
7           three-year period by the Company; correct?

8    A.    Yes.

9    Q.    And you understand that the settlement now  
10          recommends that it be done over a five-year  
11          period; is that correct?

12   A.    Yes.

13   Q.    Okay. Thank you. I don't have anything  
14          further.

15                           CHAIRMAN HONIGBERG: Mr. Sheehan.

16                           CROSS-EXAMINATION (CONT'D)

17   BY MR. SHEEHAN:

18   Q.    Mr. Iqbal, as I understand it, the swing in  
19          the reserve imbalance has been \$22 million.

20   A.    Yes.

21   Q.    From 12 in one direction to 10 in the other  
22          direction.

23   A.    Yes.

24   Q.    And so we have now gone \$10 million in the

1           other direction. And Mr. Normand just  
2           testified that, due to the Company's  
3           aggressive growth, it will tend to put an  
4           upward pressure on that variance. Do you  
5           disagree with that?

6    A.    No, I do not.

7    Q.    So you do agree with that then.

8    A.    Yes.

9    Q.    Prior to Liberty's ownership of the last few  
10          years, the prior owner did not have an  
11          aggressive growth policy; correct?

12   A.    From the numbers, it seems like you are  
13          correct.

14   Q.    So there has been a significant change in the  
15          way the Company invests; correct?

16   A.    Yes.

17   Q.    And so if we don't -- if we adopt Staff's  
18          proposal and we don't meaningfully address  
19          the variance in the shorter term as we  
20          proposed, there's a very good chance we will  
21          be facing a much larger variance in three or  
22          four years.

23   A.    That's the point I was making, that even if  
24          you don't do it, if you don't do it 118 it's

1 below 10 percent threshold, it might not  
2 happen 118, yes, immediate upward pressure  
3 might have impact. But if you look at the  
4 average remaining life, the other approach  
5 Mr. Normand proposed, actually listed in  
6 Exhibit 71, if you apply that, it will be  
7 longer than 12 years, 118 the whole idea is,  
8 remaining life idea is that how much time we  
9 have to recover this deficit. If the  
10 remaining life is long enough and we can  
11 distribute that way, that's one of the  
12 approach. So we are looking at all three  
13 approach, and none of that actually support  
14 the Company's position.

15 Q. If Mr. Normand is correct, in three years we  
16 will have a \$12- or \$14- or \$15 million  
17 imbalance.

18 A. That's possible. But you have to also think  
19 about it, that you have another 15 years to  
20 recover that money.

21 Q. That's all I have. Thank you.

22 CHAIRMAN HONIGBERG: Mr. Kreis,  
23 anything?

24 MR. KREIS: No, sir.

1 CHAIRMAN HONIGBERG: Commissioner  
2 Bailey.

3 CMSR. BAILEY: No questions.

4 CHAIRMAN HONIGBERG: Commissioner  
5 Giaimo?

6 COMMISSIONER GIAIMO: No  
7 questions.

8 CHAIRMAN HONIGBERG: And I have  
9 no questions.

10 Do you have any redirect, Mr.  
11 Dexter?

12 MR. DEXTER: I do. I'd like to  
13 ask the witness a question or two, and I'd like  
14 to direct him to Page 339 in the original  
15 filing. It the schedule put in by Mr. Therrien.  
16 If you don't have it, I can provide it for you.

17 MR. SHEEHAN: With due respect,  
18 I'm not sure how this is redirect. We didn't --

19 CHAIRMAN HONIGBERG: I don't know  
20 what the question is yet.

21 MR. SHEEHAN: Fair enough.

22 A. I don't have that one, I think.

23 REDIRECT EXAMINATION

24 BY MR. DEXTER:

1 Q. I showed you something I questioned Mr.  
2 Therrien about, and it presents the Company's  
3 compound annual growth over the last 10  
4 years. Do you recall that?

5 A. Yes, I do.

6 Q. And do you recall Mr. Therrien saying that  
7 the annual growth -- basically, the Company  
8 was adding approximately 1 percent customer  
9 growth per year?

10 A. Yes.

11 Q. Would you consider that aggressive growth?

12 A. Compared to what? That's the problem. So,  
13 from outside it doesn't look like that's  
14 aggressive.

15 Q. Well, compared to what -- according to what's  
16 on the sheet, the sheet goes back to 2005;  
17 does it not?

18 A. Yes. On that point, yes, we can see that  
19 2005, until Liberty took over, I think 2012,  
20 the average growth rate, there is a spike at  
21 the later two years, but it's almost like the  
22 same, the 1 percent average.

23 Q. Thank you. That's all I have.

24 CHAIRMAN HONIGBERG: Thank you,

1           Mr. Iqbal. You can return to your seat.

2                       I believe there are no other  
3 witnesses from Staff; correct?

4           MR. DEXTER: That's correct.

5           CHAIRMAN HONIGBERG: So if you  
6 have rebuttal, now would be the time.

7           MR. SHEEHAN: We do, and we might  
8 be able to streamline it if we could have five  
9 minutes to collect our thoughts and figure out  
10 exactly what we need to address.

11           CHAIRMAN HONIGBERG: That's fine.  
12 So let's go off the record for a minute and talk  
13 about what else needs to be done.

14                       (Discussion off the record.)

15                       (Brief recess was taken at 3:38 p.m.,  
16 and the hearing resumed at 4:11 p.m.)

17                       (The documents, as described, were  
18 herewith marked as Exhibits 73-77  
19 for identification.)

20           CHAIRMAN HONIGBERG: All right.  
21 Are we going to do anything before we hear from  
22 Mr. Mullen, or are we doing Mr. Mullen?

23           MR. SHEEHAN: Paul and I decided  
24 to defer the exhibit discussion until after the

1 close of today. We can sort through things.  
2 Sandy has a few questions. And then, since  
3 we're rolling into tomorrow morning, we should  
4 be able to have it all tidied up by tomorrow.

5 CHAIRMAN HONIGBERG: Okay. Fair  
6 enough.

7 I see Mr. Mullen has returned  
8 to the witness stand. He is still under  
9 oath. And you have some rebuttal testimony  
10 you want to elicit from him, Mr. Sheehan?

11 MR. SHEEHAN: Yes, sir.

12 CHAIRMAN HONIGBERG: You may  
13 proceed.

14 STEVEN E. MULLEN, PREVIOUSLY SWORN

15 REBUTTAL DIRECT EXAMINATION

16 BY MR. SHEEHAN:

17 Q. Mr. Mullen, in the context of the discussion  
18 over the iNATGAS facility, I believe it was  
19 towards the close of Mr. Frink's testimony,  
20 there was an exchange about whether and  
21 should the company have informed the  
22 Commission about the increased cost. Do you  
23 recall that exchange?

24 A. I do.



1 Q. And do you recall that the exchange included  
2 something to the effect of -- and I'm  
3 paraphrasing, if we knew the costs were going  
4 up, we could have possibly done something  
5 about it? Do you recall that?

6 A. That's consistent with my recollection, yes.

7 Q. Did the Company inform Staff about the  
8 increased costs related to iNATGAS?

9 A. Staff and the Commission, yes.

10 Q. I have circulated Exhibit 73, which is a  
11 transcript from the Company's cost of gas  
12 proceeding in 2015. And I'd like you to turn  
13 to page -- this is an excerpt. It doesn't  
14 have all the pages. The second page in the  
15 document is Page 16 of the transcript, into  
16 17. Do you see the question by Mr. Speidel?

17 A. I do.

18 Q. And what is that question?

19 A. Starting on Line 23, it says, "Continuing on  
20 the iNATGAS theme, for both EnergyNorth and  
21 iNATGAS, what work has been completed and  
22 paid for? And, what work remains to be done  
23 to complete the project and commence service?  
24 And, what is the time line for each task?"

1 Q. The balance of that Page 17 is your  
2 description of the construction progress,  
3 supplies that have been ordered and the like;  
4 is that correct?

5 A. The discussion really goes on for a few  
6 pages, but it begins on Page 17, yes.

7 Q. And I'm going to point you to the middle of  
8 Page 18, the question that begins, "Do you  
9 have, Mr. Mullen, an overall cost estimate  
10 for the project that would be allocated to  
11 the Company, Liberty?" What was your answer  
12 to that question?

13 A. Starting on Line 16, my answer is, "Yes. To  
14 date, our direct investment has been  
15 approximately 2.95 million, and remaining  
16 direct cost is about 750,000."

17 Q. And the conversation continues through Page 9  
18 of the project in general, all the way to  
19 nearly the bottom of Page 23, where the  
20 questioner, Mr. Speidel, says, "Thank you.  
21 Switching gears"; correct?

22 A. Yes. That's on Line 17.

23 Q. Next page of this exhibit, which jumps in the  
24 transcript, is a question by Commissioner

1           Scott at the very bottom of the page asking  
2           why there has been a delay with iNATGAS;  
3           correct?

4    A.    Yes.

5    Q.    And you give the answer to that beginning on  
6           Page 33.

7           Recalling the docket, it was -- iNATGAS  
8           was filed in the early spring or summer of  
9           2014. There was an order that summer. So we  
10          are now, with this transcript, in October of  
11          2015, approximately one year later; correct?

12   A.    Yes.

13   Q.    And it finally went into service the  
14          following year, at the end of 2016.

15   A.    That's correct.

16   Q.    And then a couple pages further in the  
17          transcript, again page numbering jumps, top  
18          of Page 50 there's a question. And I can  
19          represent this is from Chairman Honigberg.  
20          "Mr. Mullen, should we be comfortable with  
21          the situation with iNATGAS?" And again you  
22          respond affirmatively; is that correct?

23   A.    Yes.

24   Q.    So in this hearing in October, Staff

1 informed -- the Company informed Staff and  
2 the Commission of the cost status of the  
3 iNATGAS project; is that correct?

4 A. Yes.

5 Q. Marked as Exhibit 74 is, again, an excerpt  
6 from the order that came out of that cost of  
7 gas proceeding. I've included Page 1 and  
8 Page 8. Page 8 has a section titled  
9 "iNATGAS"; is that correct?

10 A. Yes.

11 Q. And it recaps the transcript that we just  
12 went through; right?

13 A. In that first paragraph, yes.

14 Q. And what's the very last couple lines where  
15 it mentions the cost of the iNATGAS project?

16 A. If you're referring to the last sentence of  
17 that paragraph --

18 Q. Yes.

19 A. "Liberty committed to continue sharing  
20 information with Staff regarding the status  
21 of iNATGAS."

22 Q. And the sentence immediately previous to  
23 that.

24 A. "Liberty expects iNATGAS to commence

1           operations by June 1, 2016, and provided a  
2           narrative explanation of the contractual and  
3           financial safeguards in place to protect  
4           Liberty's investment to date of approximately  
5           \$3 million in iNATGAS-related physical  
6           plant."

7       Q.    It is correct that you, through the  
8           testimony, informed the Company -- Staff and  
9           Commission that \$3 million had been spent and  
10          that another \$750,000 was expected to be  
11          spent?   Correct?

12     A.    Yes, that was in the transcript.

13     Q.    Did Staff take any action with regard to that  
14          information that you're aware of?

15     A.    No.

16     Q.    Did Staff, as far as you know, ask the  
17          Company to stop or pause or rethink the  
18          project?

19     A.    No.

20     Q.    Did Staff communicate anything to the Company  
21          suggesting it should change course at all  
22          with regard to the iNATGAS project?

23     A.    No.

24     Q.    Exhibit 75 is a DCF printout.   Do you have

1           that in front of you?

2     A.     Yes, I do.

3     Q.     And to orient you to make sure you have the  
4           right one in front of you, the left column is  
5           Minimum Take-or-Pay Level, and it has NPV of  
6           \$213,000. Do you see that?

7     A.     I do.

8     Q.     And what can you tell us about this NPV?  
9           What is your understanding of -- let me ask  
10          you a question.

11           The testimony in the hearing was that  
12          the original NPV, based on the \$2 million  
13          estimate in the minimum take-or-pay, that was  
14          relied on in approving the Special Contract.  
15          There was testimony that, I think it was by  
16          Mr. Clark or Mr. Hall, that if you increased  
17          the investment in this DCF analysis to the  
18          actual cost of roughly \$4 million at the  
19          take-or-pay minimum, without the AFUDC, it  
20          was still positive. Do you recall that  
21          testimony?

22     A.     I do.

23     Q.     And is this that DCF analysis we have marked  
24          as Exhibit 75?

1     A.     Yes.  And if you turn to what would be the  
2           second page that has some text in blue and in  
3           red, on Line 10 you will see in red the  
4           dreaded AFUDC acronym we've talked about.  
5           And the line there now has no dollars in for  
6           AFUDC.  That is the only change to this, as  
7           compared to the earlier exhibit that was  
8           discussed at length.

9     Q.     And do you know if the Company has at least  
10           informally calculated the effect on net  
11           present value if we applied the current tax  
12           rate to this analysis?

13    A.     Yes.  Although I don't have those numbers in  
14           front of me, that would make the result more  
15           positive.

16    Q.     And that also contains the updated capital  
17           structure of the Company; is that correct?

18    A.     Yes.

19    Q.     The next topic, although the horse is pretty  
20           dead by now, this training center, the only  
21           thing I wanted to ask you about is the -- as  
22           I said in my questions with Mr. Iqbal, there  
23           were many, many, many discovery requests in  
24           all the various dockets about the costs

1           related to the training center. You agree?

2    A.    The capital costs or training costs?

3    Q.    The training costs.

4    A.    Actually, there's been a lot on both. But  
5           yes, there were a number on training costs.

6    Q.    Is it fair to say you were the person  
7           answering and/or the point person for  
8           probably all of them?

9    A.    Depends on which docket you're referring to  
10           because a lot of these refer to prior dockets  
11           where it may have been Mr. Smith who filed  
12           rebuttal testimony with me on this same topic  
13           in the Granite State Electric rate case. He  
14           also provided some discovery responses in the  
15           affiliate lease docket.

16   Q.    And what became a focus during this hearing  
17           was the Table 2 in Mr. Iqbal's testimony,  
18           those various costs, training costs, hours,  
19           et cetera. And just most recently in the  
20           final questions between Mr. Dexter and Mr.  
21           Iqbal, there was discussion about a data  
22           request that was answered in a way that seems  
23           like there was a disconnect between what was  
24           asked and what was answered. Do you recall



1           that exchange?

2       A.    Oh, yes.

3       Q.    Can you explain at least what the Company's  
4           perspective was in providing the information  
5           that resulted in the hours listed in Table 2?

6       A.    Okay. Well, now we have a history lesson as  
7           to where this first started.

8                   As mentioned in my rebuttal testimony,  
9           this is the fourth docket where the training  
10          center has been discussed. In the initial  
11          docket where it was discussed, EnergyNorth's  
12          last rate case, DG 14-180, there was some  
13          discovery provided in that proceeding that  
14          gave historical information about training  
15          costs incurred to attend training at National  
16          Grid's facility in Millbury, Massachusetts.  
17          That was all done in the form of text in a  
18          discovery response. With each subsequent  
19          case that's come up, there's been a request  
20          to update that information. And it was  
21          provided in a spreadsheet form, and that  
22          spreadsheet has kind of lived on. However,  
23          that is not really the way that we track it.  
24          But we've been asked to provide it in the

1 same format so, you know, you can follow it.  
2 And it still has mandatory technical  
3 training. It has health and safety training,  
4 same sort of categories. So that's been  
5 brought forward in each docket. And the  
6 request has been to update that information  
7 and provide it in the same format. That's  
8 what we've done. Now --

9 Q. Let me just stop you there. Is that most  
10 recent incarnation of the update what Mr.  
11 Iqbal said he used as the source for the  
12 hours that appear in Table 2?

13 A. I believe that is the most recent one, yes.

14 Q. Okay.

15 A. So, as that's been brought forward now, that  
16 is also not facility-specific 118 some of  
17 that information goes to 2013, 2014. The  
18 training center came online at the end of  
19 March of 2015. So it was basically trying to  
20 grab like dollars for like types of training  
21 to put information in the same format.  
22 However, as has been discussed in my  
23 testimony in this proceeding, as well as  
24 rebuttal testimony that I filed with

1       Mr. Smith in the Granite State Electric rate  
2       case, we are doing more training. We are  
3       doing other types of training. So, trying to  
4       capture -- I mean, there's lots of different  
5       ways to capture training costs, and it's all  
6       a matter of how you slice it.

7               What we've tried to do in responding to  
8       these questions over the course of these  
9       cases is to provide information based on what  
10      has been asked in a similar format. So, you  
11      know, even in this proceeding I was asked to  
12      provide a breakdown of the roughly 4,000  
13      hours of training at the training center.  
14      Well, that's a different group of information  
15      compared to what was in the other spreadsheet  
16      that Mr. Iqbal was relying on. Some of that  
17      may be duplicative, some of it may not be,  
18      118 the spreadsheet Mr. Iqbal is relying on,  
19      again, isn't facility-specific, whereas the  
20      other question was facility-specific.

21    Q.    Let me stop you there. So, Mr. Iqbal was  
22           reasonably relying on the information we were  
23           providing. And you're now saying that  
24           perhaps that data request was -- doesn't

1 include some types of training that you  
2 described in your -- when did you describe  
3 that disclosure or discuss the other kinds of  
4 training that the Company was doing that may  
5 not be in the spreadsheet that Mr. Iqbal was  
6 citing?

7 A. It was in a -- first mention would have been  
8 in a prior proceeding. My best recollection,  
9 at least in terms of testimony, would have  
10 been in the Granite State rate case, DE  
11 16-383, in the rebuttal testimony.

12 Q. To put a label on this "other training," is  
13 it what we have often referred to as the "CSR  
14 training" up at the training center?

15 A. It's like that. And that's the sort of thing  
16 where the CSRs will go up to the training  
17 center, get some technical training that they  
18 otherwise wouldn't have gotten. But those  
19 are the types of things that would not be in  
20 that other spreadsheet that had categories  
21 for mandatory technical training, health and  
22 safety training. So those -- when the  
23 spreadsheet was filed, you know, we tried to  
24 keep -- again, when asked to provide

1           information in the same format, that's what  
2           we tried to do.

3    Q.    Was there any intent to not provide Staff the  
4           information it was requesting about the  
5           training center?

6    A.    Absolutely not.

7    Q.    Going to your reference to 4,000 hours, that  
8           comes from your testimony in 16-393; is that  
9           correct?

10   A.    That was the first place it showed up, yes.

11   Q.    And when it lists the 4,000 hours, does it  
12          describe what employees were using those 400  
13          [sic], gas versus electric? Does it make a  
14          that distinction?

15   A.    I think it says gas and electric. And I  
16          think it also -- actually, I can refer to the  
17          testimony if that would be helpful.

18   Q.    Sure.

19                   (Witness reviews document.)

20   A.    And this is my rebuttal testimony -- no.  
21          Sorry. Wrong one. This is my June 30th  
22          testimony in this proceeding, which I believe  
23          is Exhibit 13. And the relevant Q and A  
24          starts on Line 5 of Bates 25 in that

1 testimony. The testimony -- that portion of  
2 the testimony is in italics, which, when I  
3 filed that testimony, was my way of  
4 demonstrating that this had been provided in  
5 the DE 16-383 proceeding.

6 Q. And again, the specific quote as to what was  
7 included in those 4,000 hours.

8 A. It really starts on Line 7 of that page --

9 CHAIRMAN HONIGBERG: Before you  
10 go on, I'm sorry, Mr. Sheehan. It seems like  
11 none of us can find Mr. Mullen's testimony, the  
12 original. So maybe we can get some help off the  
13 record. Let's go off the record.

14 (Discussion off the record)

15 CHAIRMAN HONIGBERG: We'll go  
16 back on the record.

17 BY MR. SHEEHAN:

18 Q. Again, Mr. Mullen, the question is there's a  
19 reference to 4,000 hours in this June 30th  
20 testimony. Just read the sentence that says  
21 the 4,000 hours, and if you can provide  
22 context of what that testimony said it  
23 included.

24 A. The context really starts a few lines before

1           that. So what I plan to do is read from Line  
2           7 through 14.

3    Q.    Certainly.

4    A.    Leading to that was a question that said,  
5           "Other than training of gas and electric  
6           employees, how has and how will the training  
7           center be used?"

8                   And the answer that starts on Line 7  
9           says, "In addition to almost daily usage for  
10          training of gas and electric employees, the  
11          training center has been and will continue to  
12          be used to train other Liberty employees on  
13          the basics of gas and electricity. To date,  
14          many customer contact center and office  
15          employees have gone through this beneficial  
16          training to provide them a better  
17          understanding of the electric and gas utility  
18          industries. This is training that would not  
19          otherwise have occurred with the use of an  
20          outside training facility was required due to  
21          limited availability. During 2016, Liberty  
22          gas and electric employees received 116  
23          sessions of training, totaling 4,095 hours at  
24          the training center."

1 Q. Okay. Thank you. And then in your testimony  
2 at the outset of this case, you carried that  
3 4,000 hours into Mr. Iqbal's Table 2 to do  
4 some math. Was that appropriate?

5 A. I think Mr. Iqbal classified that as an  
6 "off-the-cuff calculation," and I think  
7 that's a correct characterization of what I  
8 did. The main point I was trying to make was  
9 that the numbers in the spreadsheet he relied  
10 on were too low.

11 Q. And the reason the off-the-cuff wasn't the  
12 right thing to do is because, as you just  
13 quoted, that 4,000 includes both gas and  
14 electric.

15 A. Yes.

16 Q. And so if there was a gas-only portion of  
17 that 4,000, it would be something less than  
18 4,000.

19 A. Yes.

20 Q. And I believe Mr. Iqbal actually came up  
21 with, and I don't mean that in a pejorative  
22 way, a number of 1900 hours attributable to  
23 gas employees. Do you recall that?

24 A. Yes. And that was derived right from the



1 spreadsheet we provided.

2 Q. Okay. So, suffice to say the point, as you  
3 just said, that you were trying to make is  
4 that Table 2 should include more hours than  
5 is listed in Table 2.

6 A. Yes.

7 Q. And if more hours were included, that would  
8 lower the per-hour cost listed in Table 2.

9 A. All else being equal, yes.

10 Q. Thank you.

11 One question on the subject of the topic  
12 of depreciation. Mr. Normand talked about a  
13 data request response he received on which he  
14 based his conclusions about computer  
15 software. Do you recall that?

16 A. I do.

17 Q. Can you explain what he was talking about?

18 A. Typically when we hire a consultant,  
19 especially to work on a rate case, they will  
20 send the Company their own data request  
21 saying, I need this information to do my  
22 work, I need that information. So when he  
23 was referring to what I believe was LU 1-6,  
24 that was information that he sent to Liberty

1           saying -- or a question he sent to Liberty  
2           saying I need information. That particular  
3           one would have been related to the Company's  
4           computer software.

5   Q.   Do you recall receiving that particular  
6           question?

7   A.   I recall not specifically the question, but I  
8           recall being involved in the preparation of  
9           the information that was provided in  
10          response.

11   Q.   And you heard Mr. Iqbal say that it was  
12          unsubstantiated information; correct?

13   A.   Yes.

14   Q.   Can you tell us what you did to provide that  
15          information to Mr. Normand?

16   A.   Mr. Normand requested a list of all the items  
17          that were in our software account, Account  
18          303. With that, we provided the information,  
19          as well as a breakdown of the average lives.  
20          And this information -- well, I shouldn't say  
21          average. The life that was recommended was  
22          based on the people at the Company who used  
23          that software on a day-to-day basis and are  
24          familiar with how long it's expected to be

1           useful.

2       Q.    Did you collect this information within the  
3           Company?

4       A.    I did.

5       Q.    So you actually called Person X and said, Are  
6           you using software Y? Tell me about it and  
7           how long it will last, and those kinds of  
8           questions?

9       A.    Yes. Went out to different departments,  
10          depending on their particular software.

11      Q.    And you collected that information and sent  
12          it along to Mr. Normand.

13      A.    Yes.

14      Q.    Was that information available to Staff?

15      A.    Certainly.

16      Q.    Next topic, Keene production costs. During  
17          Staff's testimony about the production costs,  
18          there was a suggestion, and I think even  
19          perhaps a question from the Bench was asked:  
20          Is there sufficient information in the record  
21          on which to make a decision about whether the  
22          Keene production costs are prudent? And by  
23          "production costs" I'm referring to the  
24          so-called "response costs" to the

1 December 2015 incident and the so-called  
2 "24/7 costs" to man the facility. Do you  
3 recall that back-and-forth conversation?

4 A. Yes. I don't remember if the specific words  
5 were on the record or provided in this  
6 proceeding. But yes.

7 Q. Do you think the Company has presented  
8 sufficient evidence in this record on which  
9 the Commission can decide whether those costs  
10 are prudent?

11 A. And that's why I make the distinction between  
12 "in the record," 118 a lot of these are in  
13 discovery responses which have not been  
14 entered into the record.

15 The Company certainly provided a lot of  
16 information for review by Staff in response  
17 to discovery questions. Plus, there is  
18 information in other proceedings that have  
19 already been held before the Commission on  
20 these very topics.

21 Q. Is there a part of the filing, the initial  
22 filing in this docket, that specifically  
23 mentions the Keene production costs, and in  
24 particular, the permanent rate testimony of

1 Mr. Dane and Mr. Simek?

2 A. Yes.

3 Q. And where would the Commission find that  
4 testimony?

5 A. Again, that's the permanent rate testimony of  
6 Mr. Simek and Mr. Dane. I don't know,  
7 offhand, what the exhibit number is for that.  
8 But it's Bates 26 of that testimony. I  
9 believe it's Exhibit 3.

10 (Witness reviews document.)

11 Q. And on Bates Page 26, the first question on  
12 that page is, "What adjustments were made to  
13 Keene's amortization expense?" Is that  
14 correct?

15 A. Yes.

16 Q. And the Commission can certainly read the  
17 answer for themselves. But it does mention  
18 amortization of costs incurred in  
19 December 2015 related to the incident and a  
20 total of \$116,000. Do you see that?

21 A. Yes.

22 Q. And it references a schedule which appears on  
23 Bates Page 64; is that correct?

24 A. I believe it's Page 63.

1 Q. You're correct. Bates 63 lists two  
2 categories of costs. Can you read those to  
3 us, please?

4 A. On Line 2 there's a line for 2016 Keene  
5 Production Costs, 148,410. On Line 3,  
6 there's December 2015, Keene Incident,  
7 \$201,000. I believe this schedule may have  
8 been updated during the proceeding, but this  
9 was the initial filing.

10 Q. And there's a reference in the testimony of  
11 how the Company proposed to treat that cost,  
12 and that has since changed in the settlement  
13 agreement; is that correct?

14 A. Yes. We initially, consistent with prior  
15 Commission guidance in a cost of gas  
16 proceeding, we included those costs in the  
17 distribution rate case. And our initial  
18 proposal was to amortize them over three  
19 years as part of distribution rates.

20 Q. As part of this rate case, did the audit  
21 division look into these response costs, the  
22 24/7 and the response costs?

23 A. Yes. Well, the 24/7 costs were reviewed as  
24 part of a cost of gas reconciliation.

1 Q. Okay. And did they issue a report on that  
2 topic?

3 A. On the production costs, yes. The Keene  
4 response costs were included in the overall  
5 audit report they did as part of this DG  
6 17-048 rate proceeding.

7 Q. So there are several pages in the audit  
8 report discussing those costs.

9 A. Yes.

10 Q. Is evidence related to these costs attached  
11 to Mr. Frink's testimony?

12 A. Attached to Mr. Frink's testimony are, I  
13 believe, a Staff recommendation related to  
14 production costs, as well as a copy of the  
15 Staff's report on the investigation into the  
16 December 2015 incident.

17 MR. SHEEHAN: I prepared and put  
18 in front of you a binder with a series of data  
19 requests over various proceedings that relate to  
20 this issue. For the rest of the room's benefit,  
21 I have not made copies 118 I do not intend to --  
22 it's just to highlight the questions asked and  
23 answered. Certainly, if anyone wants copies, we  
24 can make them. But it's lengthy, and I was

1 burning up the printer last night.

2 BY MR. SHEEHAN:

3 Q. So if you could just flip through what we  
4 prepared and list the case and the data  
5 request data, just what was asked by Staff  
6 related to production for 24/7 costs.

7 A. Yes. And this really relates to information  
8 provided in two proceedings. First was the  
9 DG 16-812, which is the winter cost of gas  
10 proceeding --

11 Q. Just for reference, that was a proceeding in  
12 which the Company proposed to include those  
13 costs in the cost of gas and Staff objected  
14 and it resulted in discovery and a settlement  
15 agreement in spring of 2017; is that correct?

16 A. Yes.

17 Q. So these data requests were exchanged during  
18 the progress of that particular case; is that  
19 right?

20 A. That's correct.

21 Q. And without any great detail, just if you  
22 could highlight the information that Staff  
23 was requesting in those data requests.

24 A. Yes, and I can kind of summarize this.



1           In that proceeding there was responses  
2           in four sets of discovery related to some  
3           background for the prior period adjustment in  
4           the cost of gas reconciliation that had to do  
5           with production cost. There are a number of  
6           questions related to the rationale  
7           24-hour/7-day-a-week staffing. There was  
8           information about some other blower failures  
9           at the plant. There was some more  
10          information about plans to convert to CNG,  
11          without getting into the details of every  
12          single one of these.

13       Q.   But there are dozens of questions just in  
14           that series; correct?

15       A.   Yes.

16       Q.   Is there another source of authority under  
17           which the Company could be entitled to  
18           recover these production costs?

19       A.   Yes.

20       Q.   And what is that?

21       A.   That stems from the DG 14-155 proceeding  
22           where Liberty acquired New Hampshire Gas.

23       Q.   I marked as Exhibit 76 the first page and the  
24           fourth page of that settlement agreement.

1           And is that what you're referring to on that  
2           second page, which is Page 4 of the  
3           settlement agreement?

4    A.    Yes.

5    Q.    And where should we look?

6    A.    In Section 5, right in the middle of the  
7           page.

8    Q.    That section generally talks about the  
9           \$200,000 that EnergyNorth would charge Keene  
10          for general administrative expenses; correct?

11   A.    Yes.

12   Q.    And what is relevant to this topic?

13   A.    The second sentence in that section discusses  
14          what's included in that \$200,000.  Actually,  
15          I'm going to read the sentence.  It says,  
16          "This charge shall include all costs for  
17          management services provided to the Keene  
18          Division, such as legal, regulatory, finance  
19          and human resources, but shall not include  
20          the cost of any mutual aid for emergency  
21          services or services for other events outside  
22          of normal business operations, which shall be  
23          billed separately by EnergyNorth to the Keene  
24          Division."

1 Q. I mentioned a minute ago that the issue of  
2 recovering these costs was initially raised,  
3 as you were talking about, in the 16-812 cost  
4 of gas proceeding which resulted in a  
5 settlement that went before the Commission at  
6 a hearing in the spring of 2017. Do you  
7 recall that?

8 A. Yes.

9 Q. Were you present at that hearing?

10 A. I don't believe I was.

11 Q. Okay. Then I will stop there. I have only  
12 one copy of the transcript and order, and  
13 I'll save that for closing.

14 In Staff's case on the issue of these  
15 costs, they introduced a data response by Mr.  
16 Brouillard, in which he -- again, I'm  
17 paraphrasing -- said we've made many  
18 improvements to the Keene system, but there's  
19 still an element of risk, and that Company  
20 believes that that element of risk should be  
21 satisfied by continuing the 24/7 coverage.  
22 Do you recall that?

23 A. Yes.

24 Q. Do you recall Mr. Frink's testimony basically

1           disagreeing with that assessment, that the  
2           risk was so small, it was unreasonable to  
3           continue the 24/7 coverage?

4    A.    Yes, I recall that.

5    Q.    I've marked as Exhibit 77 another data  
6           response of Mr. Brouillard in the context of  
7           that cost of gas proceeding. Do you have  
8           that in front of you?

9    A.    Yes. You're referring to Request to Staff  
10          3-4 in 16-312.

11   Q.    Correct. And the question is about were  
12          there any blower system failures after the  
13          large December 2015 event; correct?

14   A.    Yes.

15   Q.    And there are two listed. The first is  
16          February of 2016, and the second is October  
17          of 2016. Do you see that?

18   A.    I do.

19   Q.    Again, the Commission can read this for  
20          themselves. But the October '16 event was a  
21          failure of the blower system that did not  
22          recover automatically; is that correct? And  
23          if you look at, in particular, the first  
24          large paragraph on Page 2 of 3 --

1     A.     Excuse me while I just read the paragraph  
2             here.

3                     (Witness reviews document.)

4     A.     The answer to your question is yes.

5     Q.     And this was in October of 2016 as the  
6             '16-'17 heating season was ramping up;  
7             correct?

8     A.     Yes.

9     Q.     Next topic. I asked, I think it was Mr.  
10            Frink, to compare the rates proposed in the  
11            settlement agreement to Northern's existing  
12            rates. And Mr. Frink thought that was an  
13            inappropriate comparison. Do you recall  
14            that?

15    A.     I do.

16    Q.     Do you have any comments on that?

17    A.     I think that it's -- while I can certainly  
18            understand Mr. Frink's comment about having  
19            different cost of service, I think that  
20            comparisons like that are done all the time.  
21            Particularly, I think Mr. Clark would  
22            probably be, you know, the one to be able to  
23            really speak to this. But when businesses  
24            are looking to locate somewhere or looking at

1           their available options, whether it be for  
2           natural gas, whether it be for alternative  
3           fuels, one of the questions they will go  
4           through is: How much will it cost me here if  
5           I use this? How much will it cost me here if  
6           I use that? Or how much will it cost me in  
7           this area of the state versus that area of  
8           the state?

9       Q.    And the exchange with counsel and Mr. Frink  
10           then suggests -- well, he said the proposed  
11           settlement rate increase would not result in  
12           just and reasonable rates; is that correct?

13       A.    Yes.

14       Q.    And yet, they would be rates that were still  
15           lower, but comparable to Northern's rates.

16       A.    Correct.

17       Q.    If the Commission were to approve the rates  
18           proposed by Staff, do you think those would  
19           result in just and reasonable rates?

20       A.    I do not.

21       Q.    What do you think the impact would be if the  
22           Staff's proposed rates were approved?

23       A.    Well, given that Staff's proposed revenue  
24           deficiency is below temporary rates, that

1           would first, you know, require the Company to  
2           refund money. Second, what would happen is  
3           the capital budget would have to be  
4           reassessed, and there would have to be some  
5           costs come out of that. And undoubtedly what  
6           would also have to happen is that it would  
7           impact staffing.

8    Q.    Those are all the questions I have. Thank  
9           you.

10                   CHAIRMAN HONIGBERG: Just before  
11           you give up the microphone, Mr. Sheehan, you  
12           asked Mr. Mullen about a number of data requests  
13           and responses from another docket. You said  
14           there was a pile. You had him summarize what  
15           was in them. I just want to make sure you're  
16           satisfied with the state of the record on that.

17                   MR. SHEEHAN: Yes, and the reason  
18           is they're not in the record here, but the point  
19           was the information is available. Staff had a  
20           lot of it in this proceeding. They had every  
21           opportunity to make an assessment of prudence,  
22           and they took the --

23                   CHAIRMAN HONIGBERG: Are those  
24           data --

1 (Court Reporter interrupts.)

2 CHAIRMAN HONIGBERG: I'm sorry.  
3 That's my fault.

4 MR. SHEEHAN: And they took the  
5 steps that they chose to.

6 CHAIRMAN HONIGBERG: Are any of  
7 those data responses exhibits in any other  
8 docket?

9 MR. SHEEHAN: Oh, exhibits.

10 CHAIRMAN HONIGBERG: I was just  
11 reminding you that --

12 MR. SHEEHAN: Yes. Fair enough.

13 CHAIRMAN HONIGBERG: -- if  
14 they're just data requests and responses,  
15 they're not part of a record.

16 MR. SHEEHAN: And it's... yes, I  
17 think I will go through those and pull an  
18 appropriate selection to show the evidence that  
19 supports the prudence of those costs and make  
20 that an exhibit that I can have ready for the  
21 Commission tomorrow morning.

22 CHAIRMAN HONIGBERG: I think you  
23 should -- if you want to make some of those an  
24 exhibit, why don't you have Mr. Mullen do what



1           it is you want to do with them now.

2                           MR. SHEEHAN:   Okay.

3   BY MR. SHEEHAN:

4   Q.   Mr. Mullen, let's begin with DR set 2 in  
5       16-812 in that binder, Page 11.

6   A.   Okay.

7   Q.   Turn to Page 13.   What data request is that?

8   A.   That is the response to Staff 2-1.

9   Q.   What information does that provide related to  
10       24/7 staffing?

11   A.   The request was for a schedule that details  
12       the monthly cost of operating the Keene  
13       production plant under the new policy (manned  
14       presence, 7 days a week, 24 hours a day)  
15       versus the cost of operating the plant prior  
16       to that change in policy.

17   Q.   And did the Company provide that data?

18   A.   Yes.

19   Q.   The next data request is at 2-2.   What is  
20       that request?

21   A.   Requested a schedule that details the  
22       estimated monthly cost of operating the Keene  
23       production plant under the new policy versus  
24       the prior policy for the months of

1           October '16 through April of 2018.

2       Q.    Did the Company provide that information?

3       A.    Yes, it was provided -- referred to in  
4           response to the prior question.

5       Q.    Turn to Data Request 2-3.  What information  
6           does that seek?

7       A.    This a request for the rationale for the  
8           change in policy, when the change was  
9           implemented and who determined the change was  
10          necessary.

11      Q.    Could you summarize that response for the  
12          record?

13      A.    Yes.  In summary form, the Company explains  
14          that the decision to temporarily staff the  
15          plant 24/7 was made shortly following the  
16          December 19, 2015 incident.  And during the  
17          subsequent two weeks following the incident,  
18          the Company initiated permanent steps to  
19          place the operation of the plant under the  
20          director of gas production.  There's some  
21          further information saying that this decision  
22          was discussed and jointly agreed to during a  
23          meeting in early January, which included the  
24          president of Liberty Utilities New Hampshire,

1           the Director of Gas Production, the Director  
2           of Gas Operations, Director of Engineering  
3           and the Manager of Keene Operations.

4    Q.    The data request that begins on Page 19 of  
5           that package, what number is that?

6    A.    Staff 2-7.

7    Q.    And what information does that seek?

8    A.    The question was: "Since the December 2015  
9           operational event at the plant, please  
10          explain in detail each change and enhancement  
11          to the control systems at the plant. And for  
12          each change and enhancement, please provide  
13          the date implemented, the cost, both capital  
14          and operational, and the expected benefits."

15   Q.    And was that information provided?

16   A.    Yes.

17   Q.    Next page, what data request is that?

18   A.    Staff 2-8.

19   Q.    And what is that request?

20   A.    Said, "Given the changes and enhancements to  
21          the control systems since the 2015  
22          operational event, please explain why Liberty  
23          continues to man the plant seven hours" --  
24          "7/24 [sic]."

1 Q. And is that the response of Mr. Brouillard  
2 that was referred to later in this docket, or  
3 similar to that?

4 A. Yes, I believe it is.

5 Q. Next set is Set 3. Turn to Page 25 of that  
6 package. What number is that and what does  
7 it request?

8 A. This is response to Staff 3-1, and this  
9 requested a risk assessment that describes  
10 each of the specific risks, both public  
11 safety and financial, that the new policy,  
12 (around-the-clock manning of the production  
13 facility) is intended to address.

14 Q. And that was responded to as well?

15 A. Yes.

16 Q. The question on Page 26, what does it ask?

17 A. It references some 12 enhancements to the  
18 production facility since implementing the  
19 new policy, and explain why these measures do  
20 not adequately address the risks identified  
21 in the response to Staff 3-1, and to explain,  
22 with those new enhancements, to explain what  
23 the protocols would be for addressing the  
24 risks under both the old and new policy and

1           what the difference in response time and cost  
2           exposure would be under old and new policies.

3       Q.    On Page 36 I believe is the data request that  
4           we just introduced into the evidence about  
5           the October 2015 event; is that correct?

6       A.    Yes, that's Staff 3-4.

7       Q.    Page 41, what information does that seek?

8       A.    This seeks identification of the production  
9           costs included in the cost of gas  
10          reconciliation for the 2014-2015 and  
11          2015-2016 winter periods, and to identify the  
12          additional costs related to the new policy of  
13          around-the-clock manning of the production  
14          facility.

15      Q.    And the next two pages request what type of  
16           information?

17      A.    Referring to the next two requests?

18      Q.    Yes.

19      A.    Staff 3-6 requested identification of the gas  
20           production cost for gas mixing and  
21           miscellaneous production that are included in  
22           base rates and explain the difference between  
23           those costs and the production costs included  
24           in the cost of gas reconciliation for the

1           2015-2016 winter period.

2                   And Staff 3-7 requested an updated cost  
3           estimate of the production cost for the  
4           '16-'17 winter period and identification of  
5           the additional costs related to the new  
6           policy of around-the-clock manning of the  
7           production facility.

8    Q.    Jumping ahead, I'm going to skip one section  
9           to what you have as Bates 143, Staff 3-8 in  
10          this case. Can you tell us what that  
11          requested?

12   A.    Yes. This referenced the \$148,410 that I  
13          previously identified on the attachment to  
14          Mr. Simek and Mr. Dane's testimony for  
15          Keene's 2016 production costs. And it was a  
16          three-part question, asked for a narrative  
17          explaining the circumstances under which  
18          these costs were incurred, as well as the  
19          reasoning as to why the amortization of these  
20          costs should be included in customer rates.  
21          And it asked for copies of all documentation  
22          in support of the proposed deferred costs and  
23          an explanation of reasoning for the Company's  
24          proposed amortization period of three years.

1 Q. And was that information provided?

2 A. It was.

3 Q. And what documents were provided along with  
4 that response?

5 A. There was a copy of a final audit report  
6 prepared by Commission's Audit Staff. There  
7 was a copy of a Staff memorandum -- I say  
8 copy. There was a link to a couple of these  
9 documents. There's also a link to the  
10 settlement agreement in DG 16-812. There's  
11 some further explanation of the 148,000, some  
12 detail as to that. And there's link to the  
13 2016-2017 winter period cost of gas  
14 reconciliation that was filed on June 15th of  
15 2017. That's all in Part A.

16 In response to Part B that asked for  
17 documentation in support of those costs,  
18 there was a reference to saying that these  
19 costs had all already been audited. So,  
20 since they were audited, we said supporting  
21 documentation has already been provided to  
22 Staff.

23 And in response to Part C, the  
24 three-year amortization period was selected

1           118 it was the estimated time between rate  
2           cases.

3       Q.   Staff 3-9 at Page 157, what did that seek?

4       A.   That sought details related to the \$201,000  
5           of emergency response costs related to the  
6           December 2015 Keene incident.

7       Q.   And the response to that said what?

8       A.   Again, it was a three-part question. It  
9           asked for a detailed narrative explaining the  
10          circumstances, as well as the reasoning as to  
11          why the amortization should be included in  
12          customer rates. Asked for copies of all  
13          documentation and explaining the reasoning  
14          for the amortization period of three years.

15               In Part A, there was a response to --  
16          there was a link to the Commission's  
17          investigation docket, as well as references  
18          to particular tabs that are found on the  
19          Commission's web site for the Safety  
20          Division's investigation report. And  
21          EnergyNorth -- in Tab 7. In Tab 8,  
22          EnergyNorth's response to that report, there  
23          was a link to the settlement agreement in DG  
24          14-155 that we previously discussed.



1           In Part B there was a summary of the  
2           breakdown of the types of costs that were  
3           included in the \$201,000, as well as an  
4           explanation saying that the supporting  
5           documentation was voluminous and consisted of  
6           invoices from many fire departments, other  
7           agencies, vendors and payroll records. And  
8           considering the voluminous nature and that  
9           some of the information was confidential 118  
10          of payroll records, the Company said they  
11          would make the information available for  
12          review at its offices. And the Audit Staff  
13          did come and review that information. And as  
14          mentioned earlier, a write-up of that was  
15          included in their final audit report on this  
16          rate case.

17       Q.    So Audit Staff traveled to our offices and  
18              reviewed all that information.

19       A.    Yes, they did.

20           And finally, just to close the loop on  
21           that, again, the three-year amortization  
22           period was chosen because it was the  
23           estimated time between rate cases.

24       Q.    Staff 8-12 on Page 177, what does that ask?

1 (Witness reviews document.)

2 A. This is asking for an explanation of a  
3 \$46,752 adjustment to Keene production costs.  
4 I believe this is similar to what I said. I  
5 believe the schedule was updated during the  
6 course of that proceeding -- this proceeding.  
7 I believe that this is what that \$46,000 is  
8 in reference to.

9 And the response there was a reference  
10 to Audit Staff's recommendation in their  
11 final audit report on Keene's 2016 summer  
12 cost of gas reconciliation. So what was  
13 provided was a final copy of that audit  
14 report.

15 Q. Do you believe Staff had sufficient  
16 information about the response costs and the  
17 24/7 costs on which it could make a  
18 determination as to whether it would  
19 recommend prudence or imprudence?

20 A. I do.

21 Q. Thank you. I have nothing further.

22 CHAIRMAN HONIGBERG: Mr. Kreis,  
23 do you have questions?

24 MR. KREIS: I do not, Mr.

1 Chairman.

2 CHAIRMAN HONIGBERG: Mr. Dexter.

3 REBUTTAL CROSS-EXAMINATION

4 BY MR. DEXTER:

5 Q. Mr. Mullen, I guess we'll start with  
6 Exhibit 75. You have that in front of you?

7 A. I do.

8 Q. So as I understand Exhibit 75, if one  
9 excludes AFUDC from the iNATGAS analysis,  
10 that after 15 years discounted, the Company's  
11 investment under the minimum take-or-pay  
12 assumption would yield \$213,000 in value. Is  
13 that your understanding of the schedule?

14 A. That's what the calculations on this  
15 spreadsheet show.

16 Q. Do you have any reason to doubt the  
17 calculation on the spreadsheet?

18 A. No. But I say that 118, again, those are  
19 based on numbers, some of which can change  
20 over time. But based on the results of this  
21 analysis, that is correct.

22 Q. Would you recommend to your Company's  
23 management that they spend \$4.3 million to  
24 receive a net present value of \$213 million

1           [sic] over a 15-period? Do you think that's  
2           a -- would you make that recommendation based  
3           on the information on this sheet?

4       A.    I would, based on the information on this  
5           sheet. I would say that the 15-year  
6           discounted cash flow resulted in a positive  
7           benefit, which was the intent at the time  
8           that the Special Contract was entered into.

9       Q.    That wasn't my question. My question is:  
10           Would you go in to senior management and  
11           recommend they spend \$4.3 million, with the  
12           analysis showing that after 15 years under  
13           the guaranty, quote, unquote, guaranteed  
14           take-or-pay assumption, that they would  
15           receive a net present value benefit of  
16           \$213,000? Do you think that would be a wise  
17           recommendation?

18      A.    I think where it shows a positive result and  
19           the fact that there are plenty of personal  
20           guarantees, there's corporate guarantees,  
21           there are other protections in the  
22           contractual documents associated -- I'm  
23           assuming that you're talking about the same  
24           sort of scenario that surrounds the rest of

1 the details for this investment.

2 Q. I'm not making any assumption. I'm just  
3 asking for your assessment.

4 A. You have my answer.

5 Q. So your answer is, yes, you would recommend  
6 it.

7 A. Subject to the rest of my response, yes.

8 Q. So if we took that \$213 million [sic] net  
9 present value and divided it by 15 years,  
10 could you give me an idea of what that would  
11 be?

12 A. I would love for a \$213 million net present  
13 value.

14 Q. Two hundred thirteen thousand net present  
15 value.

16 A. And divide by?

17 Q. Fifteen years.

18 (Pause)

19 A. A little over \$14,000.

20 Q. And if we were to divide that by \$4.3  
21 million, what would that be?

22 (Pause)

23 A. Comes to a number of .33 percent.

24 Q. So that would be .33 percent return on the

1           Company's investment? Is that, again, "rough  
2           justice," as I heard you use the term before?

3    A.    That's what this calculation comes to.

4    Q.    Concerning the training center and the 4,000  
5           hours that counsel asked you about, are we  
6           now to understand that the 4,000 hours that's  
7           been talked about, of which 1900 hours could  
8           be allocated to gas employees, is training  
9           that was different from what was included in  
10          the analysis that Mr. Iqbal provided on  
11          Page 25 of his exhibit?

12   A.    Yes. I've already gone through that.

13   Q.    Okay. Is it a fair assessment to say the  
14          numbers that are included in Mr. Iqbal's  
15          chart had to do with the training that was  
16          done before the facility was built, and it  
17          was the type of training that was sent out to  
18          National Grid to be done?

19   A.    In the prior years, yes.

20   Q.    Prior years. That had to do with things like  
21          mandatory training for operational employees?

22   A.    Correct.

23   Q.    And in contrast, the 4,000 hours is related  
24          to different employees.

1     A.    The 4,000 hours was, in my testimony, was  
2           described as the amount of hours of training  
3           that was performed at the training center  
4           during 2016.

5     Q.    So it's not all incremental to what was --  
6           it's not all incremental to what was included  
7           in Mr. Iqbal's --

8     A.    Yes. I can't tell you how much, just looking  
9           at total dollars. You'd have to go through  
10          employee by employee, course by course, to  
11          find out what was included in one versus what  
12          was included in the other. Again, it's a  
13          matter of how the questions come. And you  
14          try to answer the questions as fully as you  
15          can based on the questions as posed.

16    Q.    And this additional training is not mandatory  
17          training; is it not?

18    A.    Depends on what you're talking about.

19    Q.    Is it -- I understand that your operational  
20          employees have mandatory training that they  
21          have to do to be licensed to perform their  
22          duties.

23    A.    That's correct.

24    Q.    And the 4,000 hours that you talked about,

1           does it include some of that mandatory  
2           training?

3       A.    It very well may. I'd have to look again at  
4           the details of the courses and the people  
5           that were listed in the response to, I think  
6           it was Staff 4-34, that provided that  
7           information. A lot of that was not the same.  
8           A lot of it was for Gas 101, Electric 101,  
9           some other courses. And when I see the names  
10          of people who were assigned to those courses  
11          and the types of courses that they were,  
12          those were obviously not anything that would  
13          have been included in mandatory technical  
14          training.

15       Q.   And therefore wouldn't have been included in  
16           the information that was -- in the training  
17           that was done down at National Grid.

18       A.    In the years prior?

19       Q.    In the years prior.

20       A.    Correct.

21       Q.    Right. Because you're not sending anybody to  
22           National Grid anymore. I think we  
23           established that months ago; correct?

24       A.    That's correct.



1 Q. And you don't have any idea as to how much of  
2 this 4,000 hours was related to mandatory  
3 training versus what you just described as  
4 Gas 101 and Electric 101. You don't have a  
5 breakdown for us, do you?

6 A. I don't, offhand. And again, you'd have to  
7 look at other facilities. For instance, in  
8 Manchester, there's a conference room.  
9 Sometimes there will be training on safety or  
10 other things there that wouldn't have been  
11 included in either one of those spreadsheets.

12 So as I said when I first got back up  
13 here today, there's a lot of different ways  
14 you can slice training. And, you know, we  
15 try to be as responsive as we can to the  
16 questions that are asked. But I tried to  
17 explain this during the course of the  
18 proceedings, that there's a lot of  
19 information if you want to just talk  
20 technical training, overall training, if you  
21 want to cut it by facility. There's a lot of  
22 different ways to look at it.

23 Q. How much training goes on in 2016 outside the  
24 training center?

1 A. I couldn't tell you, offhand.

2 Q. Is it significant?

3 A. Yes.

4 Q. And what kind of training is that?

5 A. All sorts of training. We have a program  
6 called Safe Start that so far we've been -- I  
7 think last year we went through five  
8 different modules. Everybody in the Company  
9 is supposed to go through that training.  
10 That can happen at any facility. Some of it  
11 happens at the training center, some of it  
12 happens in Londonderry, some of it happens at  
13 the various yards. It's a matter of when  
14 people can go and what is the various  
15 availability. Some of that's in smaller  
16 classes, class sizes, to accommodate people's  
17 schedules.

18 Q. And that would have happened in prior years  
19 as well. That's not something new.

20 A. No, it is fairly new.

21 Q. It is fairly new?

22 Mr. Iqbal's done a calculation of the  
23 various hours that were included in Staff  
24 4-34 and has concluded that the customer

1 service training for EnergyNorth consisted of  
2 152 hours based on that spreadsheet. Would  
3 you accept that, subject to check?

4 A. I'd have to go back and check. My  
5 recollection from looking at that spreadsheet  
6 was that it had about 11 or 1200 lines to it.  
7 And I believe a lot of them -- and I'm not  
8 sure what he's calling customer service  
9 training. So I'd say I don't accept that 118  
10 I think it's low. What he might call  
11 customer service training and what I might  
12 refer to as customer service training might  
13 be two different things, depending on who's  
14 receiving the training.

15 Q. Can you estimate the average hourly cost of a  
16 customer rep that would go through this  
17 training?

18 A. You mean payroll cost?

19 Q. Yes.

20 A. Off the top of my head, I don't know their  
21 salary.

22 Q. How about the average cost for a management  
23 employee? Would that be higher, do you  
24 think?

1     A.    Yes, typically.

2     Q.    And again, could you explain what type of  
3           training these customer reps and management  
4           employees receive at the center?

5     A.    Sometimes it's something called Electric 101,  
6           sometimes it's Gas 101.  Other times it's  
7           more technical, hands-on training, so they  
8           actually get to see and work with some of the  
9           equipment and some of the electric and gas  
10          equipment that actually gets used in the  
11          field.  It helps customer service reps better  
12          be informed when they're talking to  
13          customers.  Rather than just learning about  
14          something on a PowerPoint presentation, they  
15          actually get to see and feel it.

16    Q.    And this is some of the non-quantifiable  
17           benefits that you talked about in connection  
18           with some of the other data responses  
19           concerning this area of training; is that  
20           right?

21    A.    Well, I talked about a lot of  
22           non-quantifiable benefits, some of which were  
23           the ability to have a number of people  
24           trained in a controlled environment and in

1           one place with one instructor at the same  
2           time, rather than variations that you'd have  
3           from job site to job site and being able to  
4           train one or two people at one time.

5    Q.    Let me ask the question a little bit  
6           differently. Do you consider it a  
7           non-quantifiable benefit to have what I'll  
8           call "office employees" go through this  
9           operational training at the training center?

10   A.    Yes. I'm not sure how I'd put a dollar  
11           amount on somebody being able to be better  
12           educated to speak to a customer on the other  
13           end of the phone.

14   Q.    So if we could look at Exhibit 77 for a  
15           moment having to do with the two incidents of  
16           blower malfunctions that occurred after  
17           December 2016.

18   A.    I have it.

19   Q.    On Page 2 there's a paragraph that's entitled  
20           "How the Company was alerted." It's just two  
21           sentences. Could you read those two  
22           sentences into the record?

23   A.    "The plant technician performing the standard  
24           monthly lead/lag swap of the blower operation

1           witnessed the failure of the adjustable speed  
2           drive controller for the new lead blower.  
3           Also, Liberty's Londonderry control room  
4           detected a drop in output pressure levels on  
5           the high-pressure (3.5-pound) system."

6    Q.    So, in fact, the Liberty Londonderry control  
7           room detected this situation; did it not?

8    A.    I think it says two things. First sentence I  
9           read said the plant technician, who would  
10          have been part of the 24/7 staffing, he was  
11          performing the standard monthly lead/lag swap  
12          of the blower operation, witnessed the  
13          failure of the adjustable speed drive  
14          controller for the new lead blower. And in  
15          addition to that, yes, the control room  
16          detected the drop in output.

17   Q.    Can the Keene plant be set off -- shut off  
18          from the control center in Londonderry?

19   A.    I can't answer that. I'm not sure.

20   Q.    Do you know if that's what happened in this  
21          case?

22   A.    I do not.

23   Q.    Mr. Mullen, when you made the assessment that  
24          EnergyNorth rates were lower than Northern

1 Utilities' rates, what was that based on?

2 A. That was based on the discussion that was had  
3 at the hearing the other day.

4 Q. No. I mean what was your conclusion based  
5 on, that EnergyNorth's rates were lower than  
6 Northern's rates? Did you do an analysis of  
7 the two rates?

8 A. That was done the other day when we were  
9 questioning Mr. Frink. And that was the  
10 existing Northern rates to the rates that  
11 would result from the settlement agreement,  
12 as shown as attached to the settlement  
13 agreement.

14 Q. And were you looking at commercial or  
15 industrial or all rates?

16 A. I believe that was residential rates.

17 Q. Did you look at the commercial or industrial  
18 rates?

19 A. No.

20 Q. Do you know if the rate classes are  
21 comparable between EnergyNorth and Northern?

22 A. When you say "comparable," in what way?

23 Q. Well, on the commercial side there are  
24 different breaks of usage generally for rate

1           classes. Do you know if they line up the  
2           same for EnergyNorth and Northern?

3       A.    I'm not familiar, offhand, with Northern's  
4           commercial rates. I can't answer that.

5       Q.    And with respect to the residential rates, do  
6           you know, again, if the rate structure is the  
7           same?

8       A.    Well, structure is one thing. I think the  
9           blocks are different.

10      Q.    The block. That's what I was getting at with  
11           "structure." So there's a customer charge  
12           and then there's a couple blocks for both  
13           companies.

14      A.    Correct.

15      Q.    Do you know if the blocks are different?

16      A.    They are.

17      Q.    How many customers does EnergyNorth have?

18      A.    In total? A little over 90,000.

19      Q.    Do you know how many customers Northern  
20           Utilities has in New Hampshire?

21      A.    Offhand, I don't. I'm more familiar with the  
22           electric side.

23      Q.    Would you accept, subject to check, in their  
24           annual report in 2016, it was about 32,000



1 customers?

2 A. Subject to check, sure.

3 Q. With regard to the implications of the  
4 Commission approving Staff's approval in this  
5 case, you indicated that there would have to  
6 be staffing reductions at EnergyNorth. Do  
7 you recall that?

8 A. I do.

9 Q. Would you agree that both payroll -- that  
10 both recommended revenue requirements in this  
11 case contained funding for a full compliment  
12 of employees and that the only distinction  
13 between the two of them is that Staff  
14 adjusted for three and a half expected  
15 vacancies?

16 A. I think if you focus solely on that  
17 adjustment, then I understand your question.  
18 However, when you look at the totality of the  
19 recommendation, then that one particular  
20 adjustment may not have that impact, but the  
21 rest of the adjustments would.

22 Q. So where would the -- what is it about  
23 Staff's adjustment that would require  
24 EnergyNorth not to fill positions?

1     A.    Well, I think, as I went through, the  
2           reduction in dollars, especially first where  
3           you're below temporary rates, so that is  
4           already refunding dollars to customers, as  
5           well as looking at, you know, each year the  
6           Company has to plan its budgets for capital  
7           and for OEM based on certain assumptions.  
8           Now, if you -- and now I can certainly say  
9           that the assumption going into the year was  
10          not that we would get less than temporary  
11          rates coming out of the rate case. So when  
12          you start looking at lower dollars coming in,  
13          obviously something's got to give.

14     Q.    But you would agree that the Company would  
15           have the opportunity to earn 9.4 percent on  
16           all the investments it makes, with the  
17           exception of the training center and a  
18           portion of the iNATGAS facility under Staff's  
19           proposal; would you not?

20     A.    I don't agree.

21     Q.    Why is that?

22     A.    118 a lot of the other adjustments have  
23           impacts to the earnings and cash flow of the  
24           Company. So I don't agree that Staff's

1           proposal gives a reasonable opportunity to  
2           earn 9.4 percent ROE coming out of this  
3           proceeding.

4                           MR. DEXTER:   That's all the  
5           questions we have.

6                           CHAIRMAN HONIGBERG:   Commissioner  
7           Bailey.

8   QUESTIONS BY COMMISSIONERS:

9   BY COMMISSIONER BAILEY:

10   Q.   We all agree now that if the Commission  
11       approves the settlement agreement, we are  
12       making a finding on the prudence of the  
13       Keene -- the costs of Keene for the 24/7  
14       operations at the blower and the recovery of  
15       the response costs, that we're making a  
16       finding those are prudent.

17   A.   Yes.

18   Q.   Okay.   And based on what you just went  
19       through with Attorney Sheehan, I was sitting  
20       here wondering what the point of that was.  
21       Is it your position that Staff should have  
22       proved, based on the information that it had,  
23       that those things were imprudent?

24   A.   The Company was directed to deal with the

1 costs in this proceeding. We submitted the  
2 costs. We included them in our rate case  
3 filing, just like we include all our other  
4 costs. They're subject to review. There was  
5 extensive discovery that was done on them.  
6 Our understanding was that this was the  
7 proceeding where there was going to be a  
8 determination on that. However, Staff's  
9 position in the case was that essentially  
10 that Keene shouldn't be included and  
11 shouldn't be included in the distribution  
12 rates. And Mr. Frink's testimony mentioned  
13 these costs. He said they may or may not be  
14 prudent, but that's as far as he went. So  
15 we're left -- you know, we were left with,  
16 just like any other costs we sought recovery  
17 of, they were included in our filing, subject  
18 to review and recommendations and -- I'm  
19 sorry. I lost my train of thought at the end  
20 of that response.

21 Q. Well, you knew from the order that we issued  
22 that we were going to review the prudence of  
23 these costs in this rate case --

24 A. Correct.

1 Q. -- didn't you? So where is the evidence that  
2 you put in your petition that shows that the  
3 costs were prudent?

4 A. We submitted all the costs for review.  
5 They've been reviewed. They've been audited.  
6 We included them in this proceeding. A lot  
7 of that information was also provided in  
8 other dockets or other proceedings. I guess  
9 it's a matter of how many times do we have to  
10 submit the same information for review.

11 Q. You understand that the Commission has to  
12 make the decision.

13 A. Perfectly.

14 Q. Okay. And so do we have that information?

15 A. You will.

16 Q. Okay. Thank you. That's all I have.

17 CHAIRMAN HONIGBERG: Commissioner  
18 Giaimo.

19 QUESTIONS BY COMMISSIONER GIAIMO:

20 Q. Good evening.

21 A. Good evening.

22 Q. Just one real quick question with respect to  
23 the training center. At what number would  
24 you have thrown in the towel and said it just

1           doesn't make sense to do it? Is there a  
2           number?

3       A.    I can't answer that. I wasn't managing the  
4           project. I came in later in the process. I  
5           can't give you a number.

6       Q.    All right. Thanks.

7       QUESTIONS BY CHAIRMAN HONIGBERG:

8       Q.    I just want to follow up on a question Mr.  
9           Dexter asked you a few different times in a  
10          few different ways related to the DCF  
11          analysis that you talked about this  
12          afternoon, Exhibit 75. He wanted to know if  
13          you would be comfortable bringing that to  
14          upper management, and you ultimately said  
15          yes, with a lot of other answers. I just  
16          want to make sure I understand.

17                Isn't part of why you would be willing  
18          to bring this to upper management is that you  
19          would be able to say, Well, it can't be worse  
20          than that minimum number, and we're telling  
21          you we think it will be better?

22       A.    Yes.

23       Q.    That's what I thought. That's all I have.

24                       CHAIRMAN HONIGBERG: Mr. Sheehan,

1 do you have any redirect?

2 MR. SHEEHAN: Just two short  
3 topics.

4 REBUTTAL REDIRECT EXAMINATION

5 BY MR. SHEEHAN:

6 Q. On that DCF analysis, Mr. Mullen, isn't it  
7 true that one element of the analysis, that  
8 the analysis includes the Company's  
9 authorized rate of return as a discount rate  
10 in the DCF?

11 A. Yes.

12 Q. And so if you have a positive present value,  
13 that is telling you that the Company is  
14 investing the money, getting all of it back,  
15 plus all of its rate of return, plus the  
16 positive value?

17 A. That's correct.

18 Q. So in this case, if our rate of return was  
19 10 percent, we would earn 10.33 percent on  
20 that project.

21 A. That's correct.

22 Q. So you would enthusiastically recommend this  
23 to senior management; would you not?

24 A. Yes.

1 Q. Second topic. Commissioner Bailey asked  
2 about the presence of evidence on the Keene  
3 topic. Isn't there a presumption of prudence  
4 when a Company makes a rate case filing that  
5 literally contains thousands of decisions  
6 that comprise all the costs involved in the  
7 requested rates?

8 A. That sounds like a legal question.

9 Q. Fair enough.

10 For example, we are asking the  
11 Commission for recovery of a \$10 million  
12 investment in the Tilton high line; correct?

13 A. Correct.

14 Q. We put that in -- that is included somewhere  
15 in all the schedules and line items in our  
16 filing; correct?

17 A. Correct.

18 Q. We did not submit one invoice related to the  
19 high line in this case; did we not?

20 A. That's correct. Nor would we request any.

21 Q. Exactly. So when we file a case with  
22 thousands of elements in it, including dozens  
23 of million-dollar projects, including a \$10  
24 million project, it's really the Staff that



1           will focus on issues we think are imprudent  
2           and elevate them to a point of dispute;  
3           correct?

4    A.    The Staff or --

5    Q.    Or whoever.

6    A.    Yes.

7    Q.    And otherwise, if we had to affirmatively  
8           prove every element in this rate case, we  
9           would be in trial for a year.

10   A.    Correct.

11   Q.    So there -- thank you.

12                           CHAIRMAN HONIGBERG:  Thank you,  
13   Mr. Mullen.  I think you can return to your  
14   seat.

15                           I believe that's all we're  
16   going to do this afternoon.  We're going to  
17   return tomorrow morning when you're going to  
18   discuss exhibits and do closings.

19                           It seems to me, given the way  
20   you're lined up at this point, the order of  
21   closings would be Staff, then OCA, then the  
22   Company, 118 the OCA and the Company are  
23   essentially taking the same position, and  
24   Staff is taking a different position.

1           Everyone agree with that?

2                   MR. KREIS:   Yes.

3                   CHAIRMAN HONIGBERG:   Okay.  Is  
4           there anything else we need to take care of  
5           before we adjourn for the day?

6                   MR. DEXTER:   What time will we  
7           reconvene?

8                   CHAIRMAN HONIGBERG:   Were you  
9           asking the same question, Mr. Dexter, before or  
10          after the --

11                  MR. DEXTER:   What time are we  
12          going to reconvene?

13                  CHAIRMAN HONIGBERG:   I think  
14          we're reconvening at 10:00.  The only question  
15          is whether we're going to do the electric  
16          hearing first or this.

17                  MR. DEXTER:   My recommendation  
18          would be to do this first.  But that's just my  
19          recommendation.  I haven't spoken to -- are we  
20          off the record?

21                  CHAIRMAN HONIGBERG:   Actually,  
22          we're on the record right now.  Do you want to  
23          go off the record?

24                  MR. DEXTER:   Sure.

1                   (Discussion off the record)

2                   CHAIRMAN HONIGBERG:   So we'll go  
3                   back on the record.   So we had an off-the-record  
4                   discussion and agree that the first order of  
5                   businesses tomorrow at 10:00 will be to finish  
6                   this proceeding and then open up the other  
7                   proceeding that is noticed for 10:00 tomorrow  
8                   morning.

9                   With that, we'll adjourn for  
10                  the day.   Thank you.

11                  (Whereupon the Day 6 hearing was  
12                  adjourned at 5:37 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
Shorthand Court Reporter and Notary Public  
of the State of New Hampshire, do hereby  
certify that the foregoing is a true and  
accurate transcript of my stenographic  
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place and on the date hereinbefore set  
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financially interested in this action.

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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

**(1) \$1 - adopted**

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