

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 17-152

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

Least Cost Integrated Resource Plan

**Liberty Response to Notice of Counsel Concerns**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, through counsel, respectfully responds to the Notice of Counsel Concerns filed by attorney Richard Husband.

1. On July 18, 2022, attorney Richard Husband, who is counsel for intervenor Terry Clark in this docket, filed a Notice of Counsel Concerns (“Notice”). Mr. Husband filed the Notice “on behalf of himself only and not his client.” Notice at 1.<sup>1</sup>
2. As the title of the document suggests, the filing merely “provides notice of [Husband’s] concerns with respect to the proposed ‘Settlement Agreement’.” Notice at 1. While not filed in the form of a motion, the Notice requests that the Commission “politely deny the July 15, 2022, letter request for a hearing...” Notice of Counsel Concerns at Paragraph 15.
3. As such, the Company does not believe a formal objection to the Notice is necessary because the Notice is not filed on behalf of Mr. Clark and the filing does not request relief or take any position on behalf of Mr. Clark. In addition, Mr. Husband’s request is moot because on July 20, 2022, the Commission issued a Procedural Order Re: Settlement

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<sup>1</sup>It is highly unusual for an attorney representing a party in a matter before the commission to file a pleading that does not state any request or position on behalf of the attorney’s client, but only provides personal commentary by the attorney.

Agreement, scheduling a hearing on August 18 to review the Settlement Agreement filed on July 20 in this docket.

4. Nonetheless, given the severity and unsupported nature of Mr. Husband's concerns, the Company feels it is necessary to file this response in order to set the record straight and clarify errors in the Notice.

The Notice.

5. Unfortunately, Mr. Husband misstates and misinterprets the underlying record. The Company highlight those errors below. To start, Mr. Husband observed that Liberty's planning forecasts, as described in the 2017 LCIRP and related discovery, projects steady growth over the planning period, which Mr. Husband incorrectly characterized as "aggressive expansion plans." Notice at 3-4.
6. Mr. Husband wrote that Liberty projects that this growth in natural gas customers, typically replacing use of oil and propane by those new customers, will result in "roughly an 11% decrease in carbon dioxide equivalent emissions over a 20-year period of time." Notice at 2. Mr. Husband stated that this estimate is "quite likely too high." Notice at 3.
7. Mr. Husband then pointed to the sustainability statements regarding decarbonization by Liberty's corporate parent, Algonquin Power & Utilities Corp. (APUC). Mr. Husband cites a Liberty-New Hampshire press release that includes a summary of APUC's sustainability goals:

Liberty is proud to be part of the Algonquin Power & Utilities Corp. family, and we are honored to be ranked #10 on the Global 100 list of the planet's most sustainable companies. Sustainability guides

everything we do, including our company-wide support for the Intergovernmental Panel on Climate Change's goals to limit planetary warming through decarbonization. We look forward to continuing to work toward a sustainable future for New Hampshire.

Attachment B to the Notice, which is the Liberty press release announcing the new capacity contract with Tennessee Gas Pipeline that the Commission approved in Order No. 26,551 (Nov. 12, 2021).

8. The clear reference in the above press release is to APUC's Net Zero "goal," which can be found here: <https://algonquinpower.com/sustainability/net-zero-2050.html>. APUC makes clear that the Net Zero objective is a "goal" and a "target" that APUC will, in good faith, endeavor to achieve.
9. Improperly characterizing APUC's sustainability goal as "sales and marketing," Mr. Husband claims that the Company's planning as described in this docket and the planning the Company will conduct in the next LCIRP as described in the proposed settlement agreement, will put Liberty on a path that will not achieve the APUC sustainability goal: "Liberty does not have a plan to decarbonize its operations—by 2050, or any other time." Notice at 7. Mr. Husband then mischaracterizes the alleged disconnect between APUC's goal and Liberty's planning to be included in the future LCIRP as "fraud." Notice at 8.

Liberty Response.

10. Mr. Husband's claims and allegations are contrary to the underlying factual record and largely misstate the facts and Liberty's actions in this docket.

11. Aside from the fact that this Commission is not the proper forum to assess a fraud claim, Mr. Husband's suggestion that Liberty is committing fraud by agreeing to an LCIRP that does not require the New Hampshire-based company to demonstrate how it will reach net zero carbon emissions by 2050 is plain wrong and not supported by any evidence. As described above, the net zero goal is clearly stated as a "goal" and a "target" and not a legal obligation of the Company to demonstrate in its next LCIRP how it will achieve net zero by 2050.
12. Also as described above, the 2050 goal is clearly stated to be APUC-wide, not New Hampshire specific. The local Liberty affiliate in this docket will certainly play its part in helping APUC achieve that enterprise-wide goal, but it is an APUC-wide goal that does not fall on the shoulders of one utility in a large corporate family of businesses.
13. For these reasons, the Commission should ignore and disregard Mr. Husband's Notice.

Respectfully submitted,  
Liberty Utilities (EnergyNorth Natural Gas) Corp., d/b/a  
Liberty

By its Attorney,



Date: July 28, 2022

By: \_\_\_\_\_  
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Certificate of Service

I hereby certify that on July 28, 2022, a copy of this response has been electronically forwarded to the service list.

A handwritten signature in black ink, appearing to read "M. Sheehan", is written above a horizontal line.

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Michael J. Sheehan