

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**Docket No. DG 17-152**

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

**Least Cost Integrated Resource Plan**

**CONSERVATION LAW FOUNDATION'S RESPONSE TO LIBERTY UTILITIES'  
JUNE 28, 2019 FILING AND MOTION TO DIRECT LIBERTY TO REFILE ITS PLAN  
WITH MEANINGFUL ALTERNATIVES AND IMPACTS ANALYSES**

Conservation Law Foundation ("CLF") responds as follows to Liberty Utilities' ("Liberty") June 28, 2019 supplemental filing in the above-referenced docket.

Liberty's supplemental filing continues Liberty's already long history in this proceeding of providing incomplete and inadequate information that robs the Commission of its ability to make a determination in Liberty's favor. The Commission should reject Liberty's supplemental filing as untimely, inadequate and non-compliant. The Commission should disallow any major project proposal, including the Granite Bridge project, until Liberty has submitted an LCIRP that complies with New Hampshire law.

**1. The supplemental filing fails to cure the deficiency**

The supplemental filing continues to provide inadequate information. First, it is filed well past the April 30, 2019 filing deadline. Second, it fails to compare gas expansion to any other resource options, including enhanced energy efficiency and electrification, or to evaluate the

extent to which gas demand could be reduced to defer or eliminate the need for massive capital investments. New Hampshire energy policy:

declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.

RSA 378:37. Pursuant to this policy, utilities must provide plans that include an assessment of the plan compliance with environmental laws and the “long- and short-term environmental, economic and energy price and supply impact on the state.” RSA 378:38. By failing to compare to non-gas alternatives the plan fails to meet these statutory requirements. The supplemental filing also fails to provide expert information on health or environmental impacts from a witness with actual training, expertise, or experience in evaluating climate change impacts or other public health impacts. The filing is far too limited in both breadth and depth for the Commission to be able to provide an assessment of the actual health and environmental impacts of the plan and reach a conclusion that the plan ensures that the energy needs of New Hampshire citizens and businesses will be met “at the lowest reasonable cost while providing for the reliability and diversity of energy sources...” while “protect[ing] the safety and health of the citizens, the physical environment of the state, and the future supply of resources.” RSA 378:37.

**2. No major project can be approved until an LCIRP is submitted that integrates alternatives and impacts analyses into Liberty’s resource decisions**

The Commission should require an adequate LCIRP prior to making any determination on a major project, including the Granite Bridge project. Liberty should not be allowed to advance infrastructure proposals that fail to align with an adequate LCIRP. It is Liberty that bears the burden, and has the ability and information needed to put forward a plan that

demonstrates integration with environmental laws and an assessment of the plan's "long- and short-term environmental, economic, and energy price and supply impact on the state." RSA 378:38. Any major project must be reviewed and approved by the Commission to ensure compliance with New Hampshire laws, including ensuring that the proposal is "reasonably safe and adequate and in all other respects just and reasonable." RSA 374:1 As noted by the Commission, "These issues embrace, but are not limited to, the question of whether Liberty reasonably investigated and analyzed its long-term supply requirements and the alternatives for satisfying those requirements." Order of Notice at 2 DG 17-198 (2/8/19). One reasonable means of assessing alternatives is through a request for proposals for non-gas solutions, followed by an alternatives analysis that compares the impacts of a gas expansion option to the impacts of non-pipeline and non-gas alternatives, including a no-build option as well as alternatives that defer the need to build, or reduce the size (and thus the cost and impact) of any gas expansion proposal. Liberty should not be allowed to bypass this requirement by failing to present a timely and adequate LCIRP.

**3. The Commission should rule on pending objections and require Liberty to integrate real impacts and alternatives analyses into its resource plan**

The latest filing by Liberty seeks to back-fill a late and deficient filing, and makes it crystal clear that Liberty has not factored the required statutory considerations into its resource planning. This is inconsistent with the language and intent of the law. RSA 378:37; RSA 378:38. The Commission should reject this continued effort to supplement and direct Liberty to integrate meaningful alternatives and impacts analyses into the body of the LCIRP itself, so that it is clear that Liberty's resource plan meaningfully corresponds to its investigation of alternatives and impact-reduction strategies. Otherwise, the LCIRP process will remain a mere

rubber-stamp, inconsistent with the increased requirements imposed by the legislature in 2015, as well as with the fundamental intent and objectives of the LCIRP process.

As the state moves forward with Grid Modernization, the Commission must take the opportunity to ensure meaningful resource planning by all state utilities, including as to non-traditional alternatives such as non-wires and non-pipes solutions. CLF reiterates its motion to find Liberty's analysis inadequate, and asks the Commission to direct Liberty to conduct meaningful alternatives and impacts analyses, including an analysis of non-gas solutions, into its resource plan. As described above, Liberty's supplemental filing is inadequate but more importantly it indicates that Liberty needs to go back to its alternatives analysis in order to integrate environmental, public health, and economics impacts into its resource plan, including by assessing non-gas alternatives that can serve to defer or avoid major costs while reducing overall project impacts. Such non-gas alternatives should include targeted energy efficiency, demand response, and strategic electrification.

#### **4. A reasonable combined schedule should be adopted**

At that technical session on June 20, Staff indicated that they would circulate a revised procedural schedule considering party input not only for Docket DE 17-152, but also for Docket DE 17- 198, which should remain parallel or subsequent to the schedule in this docket. This is essential because the LCIRP proceeding provides the Commission with the opportunity to review the resource plan that serves as the basis for the Granite Bridge proposal. That review is not discretionary, and to permit the Granite Bridge docket to proceed in the absence of a review of the underlying resource plan would violate the principles of least cost integrated planning as well as the intent, if not the letter, of applicable law. We therefore look forward to reviewing a revised combined procedural schedule from Staff that integrates the input of the parties to date,

or in the alternative, a Commission order that decides all pending motions and sets forth a joint procedural schedule.

In its filing, Liberty included a proposed schedule. CLF does not support that proposed schedule, which is inconsistent with party input provided at the technical session on June 20.

Any adjustment to the schedule for the LCIRP should correspondingly adjust the schedule for major projects, including the Granite Bridge project. Liberty must be required to submit an alternatives and impacts analysis in this docket that incorporates less costly, less impactful non-pipe solutions prior to moving forward with costly capital investments in any other proceeding.<sup>1</sup> *See* RSA 378:37; RSA 368:38. This would not necessitate a lengthy delay, certainly not more lengthy than the delay that Liberty already imposed of its own accord in order to pursue a contract with Calpine (an effort that was ultimately unavailing, but that resulted in a delay of a number of months in both the LCIRP and Granite Bridge dockets).

## **5. Conclusion.**

The Commission should reject Liberty's supplemental filing, rule on pending objections and consider any major proposals only after an adequate LCIRP has been submitted.

**WHEREFORE**, Conservation Law Foundation respectfully asks that the Commission find Liberty Utilities non-compliant and direct Liberty Utilities to resubmit its resource plan to contain a rigorous and sufficiently broad alternatives analysis that considers the environmental, public health, and economic impacts of its resource decisions.

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<sup>1</sup> It is worth noting that Liberty and Eversource have both proposed non-wires solutions in recent and ongoing electric dockets, for the purpose of lowering costs and reducing impacts. *See Liberty Utilities* Docket No. DE17-189 (Petition to Approve Battery Storage Pilot Program) and *PSNH* Docket No. DE 19-057 (general rate proceeding)

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorneys,

*s/Sandra Levine*

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July 15, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Appearance has, on this 15<sup>th</sup> day of July, 2019, been sent by email to the service list in Docket No. DG 17-152.



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Johanne S. Van Rossum