

**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 Objection to Liberty Utilities'
Motion to Extend Deadline for Filing Liberty's Next LCIRP**

Conservation Law Foundation (“CLF”) submits the following objection in response (“Objection”) to Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty’s (“Liberty”) Motion to Extend Deadline for Filing Liberty’s Next Least Cost Integrated Resource Plan (“Motion to Extend”), filed with the New Hampshire Public Utilities Commission (“Commission”) on June 1, 2022. CLF objects to Liberty’s Motion to Extend and in support of its Objection avers as follows:

1. In its Motion to Extend, Liberty lays out the relevant procedural history for this docket and discusses several of the objections raised by CLF and other parties to Liberty’s 2017 Least Cost Integrated Resource Plan (“LCIRP”) filings. Liberty correctly notes that “[n]o hearing has been held on the merits of the 2017 LCIRP and thus the Commission has not issued an order adopting metrics for determining compliance with RSA 378:38 and whether the 2017 LCIRP complies with those standards.” Motion to Extend at ¶ 16. Liberty explains that without the Commission direction that will flow from an order in this docket, Liberty will likely prepare its next LCIRP in the same manner as the 2017 LCIRP, as supplemented, and speculates that “such a filing would likely meet the same resistance from the parties as the 2017 LCIRP and the

opportunity for improvement and refinement of the LCIRP process will have been lost.” *Id.* at ¶ 17.

2. CLF agrees with Liberty that clarification on the necessary metrics for determining compliance with RSA 378:37-40 would likely be beneficial to Liberty in the preparation of its next LCIRP and that without Commission direction on such metrics, the next LCIRP will likely meet similar resistance from the parties as the 2017 LCIRP.

3. However, extending the deadline for Liberty’s next LCIRP until six months after the Commission issues an order on Liberty’s 2017 LCIRP creates the risk of a significant delay in the filing of Liberty’s next LCIRP if the Commission does not issue an order in this docket in the near future. Under RSA 378:38, utilities must submit an LCIRP at least every five years. *Id.* Liberty’s next LCIRP is due in October 2022. Granting Liberty’s motion, in its current form, risks prolonging the filing of Liberty’s next LCIRP until long after the five-year deadline.

4. In Liberty’s summary of position, filed in this docket on June 1, 2022, Liberty stated that it was reasonable for the Commission to not have resumed its review of the 2017 LCIRP until after the Commission completed its review of the new Tennessee Gas Pipeline capacity contract (“TGP Agreement”) (in Docket No. DG 21-008), which, according to Liberty, occurred once the Commission approved the contract, the Commission denied CLF’s motion for rehearing of the contract approval, and the Supreme Court declined to accept CLF’s appeal. Liberty Summary of Position, at 2. However, Liberty’s position that it was reasonable for the Commission to delay its review of the 2017 LCIRP until after its review of the TGP Agreement was completed is a case of the tail wagging the dog for utility resource planning. Under the New Hampshire statutes governing resource planning, RSA 378:37-40, LCIRPs are supposed to

inform decision-making for individual contracts, rather than the other way around of individual contracts informing LCIRP decisions.

5. As discussed in CLF's summary of position, filed in this docket on June 1, 2022, LCIRPs are intended to function as an integral component of the Commission's oversight and regulation of New Hampshire's gas and electric utilities. As recognized by the Commission, a "well-crafted LCIRP" "allow[s] the Commission the opportunity for input regarding [a utility's] current planning processes, procedures, criteria, and planned investments." *Public Service Company of New Hampshire d/b/a Eversource Energy*, DE 19-139, Order No. 26,362, at 8 (N.H.P.U.C., June 3, 2020). The Commission also has determined that LCIRPs "provide[] a regular snapshot of the factors supporting a utility's investment decisions, which can be helpful in a later rate case when the Commission determines whether the costs of an investment were prudently incurred." *Id.* Additionally, the Commission has made clear that the LCIRP "should not exist in a vacuum, and it should incorporate as much of a utility's true business planning information as possible." *Public Service Company of New Hampshire*, Docket No. DE 10-261, Order No. 25,459, at 18 (January 29, 2013).

6. Liberty's motion to extend the deadline for filing its next LCIRP until after the Commission issues an order in this docket has the potential to create a situation where the Commission is required to review Liberty's proposed investment decisions without an LCIRP to aid and inform the Commission's decision-making. This could deprive the Commission of a "regular snapshot of the factor's supporting [Liberty's] investment decisions," and deny the Commission the "opportunity for input regarding [Liberty's] current planning processes, procedures, criteria, and planned investments." *Id.*; *Public Service Company of New Hampshire d/b/a Eversource Energy*, DE 19-139, Order No. 26,362, at 8 (N.H.P.U.C., June 3, 2020).

7. Despite CLF's concerns about unnecessarily delaying the filing of Liberty's next LCIRP and, in turn, defeating the purpose of the LCIRP filing, CLF believes that Liberty raises a salient argument about the need for clarification on the requirements of RSA 378:37-40 for Liberty's next LCIRP. Accordingly, as an alternative to Liberty's Motion to Extend, CLF recommends that the Commission, instead, extend the deadline for Liberty's next LCIRP until the earlier of either (1) six months after the Commission issues an order on the merits in this docket, or (2) six months following the October 2, 2022 deadline for filing Liberty's next LCIRP. CLF believes that this modification would address the concerns raised in Liberty's Motion to Extend, as well as CLF's Objection.

WHEREFORE, CLF respectfully requests that the Commission deny Liberty's Motion to Extend for the reasons set forth in this Objection and, instead, extend the deadline for Liberty's next LCIRP until the earlier of either (1) six months after the Commission issues an order on the merits in this docket, or (2) six months following the October 2, 2022 deadline for filing Liberty's next LCIRP.

Respectfully submitted,

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June 13, 2022

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Summary of Position has, on this 13th day of June 2022, been sent by email to the service list in Docket No. DG 17-152.

Respectfully submitted,

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