

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

**Motion for Waiver of Certain LCIRP Requirements**

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, through counsel, respectfully moves the Commission pursuant to Puc 378:38-a and as directed by Order No. 26,684 (September 14, 2022) (the “Order”) to waive the requirement that Liberty include certain items in its 2022 Least Cost Integrated Resource Plan (the “2022 Plan”) to be filed October 3, 2022. Liberty will include those items in a supplemental filing on or before May 1, 2023.

In support of this motion, Liberty states as follows:

1. The contents of Liberty’s 2022 Plan are governed by RSA 378:38, which requires an “assessment of plan integration and impact on state compliance with the Clean Air Act ... and other environmental laws,” an “ assessment of the plan's long- and short-term environmental, economic, and energy price and supply impact on the state,” and an “assessment of plan integration and consistency with the state energy strategy under RSA 12-P.” RSA 378:38 V, VI, and VII.
2. When reviewing these assessments, the Commission is to “consider potential environmental, economic, and health-related impacts of each proposed option.” RSA 378:39.

3. In the Order the Commission described what it expected Liberty to include in its 2022 Plan to be filed on October 3, 2022, and also provided guidance on how Liberty should conduct the above-referenced environmental, health and economic assessments.

4. The Commission expects the Company to include the following:

[T]he Commission specifies that for the purposes of its October 3, 2022, filing, the Company should include: (1) a forecast of future demand, pursuant to RSA 378:38, I; (2) an assessment of demand-side energy management programs, pursuant to RSA 378:38, II; and (3) an assessment of supply options, pursuant to RSA 378:38, II.

Order at 9. Liberty will include these items in the 2022 Plan to be filed October 3, 2022.

5. The Order provided guidance on how Liberty may satisfy the statutory assessments described above, Order at 6-8, and also stated that the Commission expects to review Liberty's "capital planning process" during the course of this docket. Order at 4. For this review of Liberty's capital planning process, the Commission stated that it is interested in a "functional" and a "project" review of Liberty's capital planning process. For the "functional" review,

Liberty should show planned investments in supply portfolio options coupled with any necessary capital investments, including maintenance, system improvements (meters, main replacements, etc.), system expansion, new capacity (pipeline, storage), and any other major category the Company believes would be useful to the Commission.

Order at 5. For the "project" review,

Liberty should include descriptions of any planned supply contracts as well as capital projects costing \$200,000 or more as well as aggregated projects by asset type for smaller investments.

Order at 6.

6. The Order acknowledged that the Commission’s guidance was not provided sufficiently in advance of the October 3 deadline to be meaningfully included in the 2022 Plan as filed on October 3. Therefore, the Commission indicated it would waive the requirement that Liberty include those assessments in the October 3 filing, provided Liberty supplements the 2022 Plan with those assessments and planning information no later than May 1, 2023:

The Commission recognizes that the review process for this Docket No. DG 17-152 has faced challenges, and that the time frame before October 3, 2022, is short. In light of this, the Commission specifies that for the purposes of its October 3, 2022, filing, the Company should include: (1) a forecast of future demand, pursuant to RSA 378:38, I; (2) an assessment of demand-side energy management programs, pursuant to RSA 378:38, II; and (3) an assessment of supply options, pursuant to RSA 378:38, II. The Company will have the opportunity to supplement this material during the pendency of this next LCIRP review proceeding. The Commission further requests that in advance of its October 3, 2022, LCIRP submission, the Company submit (no later than September 21, 2022) a waiver request pursuant to the terms of RSA 378:38-a, with a sunset date of April 30, 2023, to enable Liberty to have time to prepare the remaining statutory elements of its next LCIRP, and the other guide posted material discussed in this Order, which will be filed no later than May 1, 2023. RSA 378:38-a.

Order at 9 (emphasis added).

7. As stated above, Liberty will include the three items enumerated above in its October 3 filing. Liberty also intends to include in its October 3 filing an initial disclosure of the capital planning information, which can be revised and refined through the course of the docket as the Company works with the Commission and the other parties participating in the docket, as appropriate. Liberty will not be able to include any of the environmental, health, and economic assessments by October 3, but agrees to do so by May 1, 2023.
8. Liberty thus files this motion as the “waiver request” pursuant to RSA 378-38-a so that it may “prepare the remaining statutory elements” of the 2022 Plan and prepare any further

information required to review the capital planning process, all to be filed in this docket no later than May 1, 2023.

9. RSA 378:38-a states that the Commission, “by order, may waive for good cause any requirement under RSA 378:38, upon written request by a utility.”
10. As the Commission has already acknowledged, “good cause” exists here due to the short time between Liberty’s receipt of the Order’s guidance and the October 3 deadline for filing Liberty’s 2022 Plan.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Waive the requirement that Liberty include in the 2022 Plan to be filed October 2022 the statutory assessments and, to the extent necessary, the information related to Liberty’s capital planning process, described above;
- B. Require Liberty to supplement the 2022 Plan with those required elements by May 1, 2023: and
- C. Grant such further relief as is just and equitable.

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

By its Attorney,



Date: September 21, 2022

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

I hereby certify that on September 21, 2022, a copy of this Motion has been electronically forwarded to the service list.

A handwritten signature in black ink, appearing to read "M. Sheehan", written in a cursive style.

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Michael J. Sheehan