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PUBLIC UTILITIES COMMISSION

**CERTIFIED
ORIGINAL TRANSCRIPT**

June 25, 2018 - 1:36 p.m.
Concord, New Hampshire

RE: DG 18-064
LIBERTY UTILITIES (ENERGYNORTH NATURAL
GAS) CORP., D/B/A LIBERTY UTILITIES:
2018 CAST IRON/BARE STEEL REPLACEMENT
PROGRAM RESULTS
(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
Utilities:
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Rptg. Office of Consumer Advocate:
Brian D. Buckley, Esq.

Reptg. PUC Staff:
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Alexander F. Speidel, Esq.

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

I N D E X

WITNESS PANEL: DAVID B. SIMEK
 CATHERINE A. McNAMARA
 BRIAN FROST
 SHAWN D. FUREY

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

2 CHAIRMAN HONIGBERG: Good
3 afternoon. We're here in Docket DG 18-064,
4 which is Liberty Utilities (EnergyNorth
5 Natural Gas) Corp.'s Cast Iron/Bare Steel
6 Replacement Program Results. We have a
7 hearing on the merits. We have people
8 already prepositioned. Before we do anything
9 else, let's take appearances.

10 MR. SHEEHAN: Good afternoon,
11 Commissioners. Mike Sheehan for Liberty
12 Utilities (EnergyNorth Natural Gas).

13 MR. BUCKLEY: Good afternoon, Mr.
14 Chairman and Commissioners. My name is Brian
15 D. Buckley. I'm a staff attorney with the
16 Office of Consumer Advocate. I'm here
17 representing the interests of residential
18 ratepayers.

19 MS. FABRIZIO: Good afternoon,
20 Commissioners. Lynn Fabrizio on behalf of
21 Commission Staff. With me today are
22 co-counsel, Alexander Speidel; Randall
23 Knepper, Director of Safety and Security in
24 the Safety Division; and Anthony Leone of the

1 Gas and Water Division, utility analyst.

2 Thank you.

3 CHAIRMAN HONIGBERG: I see
4 witnesses are in place. What do we need to
5 do in the way of preliminaries, Mr. Sheehan?

6 MR. SHEEHAN: The Company proposes
7 to mark two exhibits. The first is the
8 initial filing, Docket Book Tab 1, which
9 consists of the Furey/Frost testimony, Bates
10 1 through 44, and the Simek/McNamara
11 testimony, Bates 45 through 67; and
12 Exhibit 2, which was a revised filing. Mr.
13 Simek will explain what was revised. And
14 that is just the Simek/McNamara testimony
15 which we have marked as 45R through 67R. So
16 it can be a complete replacement for that
17 portion of Exhibit 1. And there's nothing in
18 this filing that is confidential.

19 CHAIRMAN HONIGBERG: Okay. Any
20 other preliminaries before we have the
21 witnesses sworn in?

22 [No verbal response]

23 CHAIRMAN HONIGBERG: All right.
24 Would you do the honors, please.

1 (WHEREUPON, DAVID B. SIMEK CATHERINE A.
2 McNAMARA BRIAN FROST SHAWN D. FUREY
3 were duly sworn and cautioned by the
4 Court Reporter.)

5 CHAIRMAN HONIGBERG: Mr. Sheehan.

6 MR. SHEEHAN: That leads me to my
7 first comment. Mr. Furey has managed to lose
8 his voice, so he can whisper. So they have a
9 game plan worked out where we will have him
10 speak as little as possible.

11 DIRECT EXAMINATION

12 BY MR. SHEEHAN:

13 Q. So, Shawn, I will start with you just to get
14 it over with. Your name is Shawn Furey;
15 correct.

16 A. (Furey) Correct.

17 Q. And you work with Liberty Utilities, and your
18 function is manager of construction; is that
19 correct?

20 A. (Furey) Correct.

21 Q. And you prepared testimony with Mr. Frost
22 that has been marked as Exhibit 1 in this
23 matter; is that correct?

24 A. (Furey) Correct.

1 Q. Do you have any changes in your testimony?

2 A. (Furey) No.

3 Q. And do you adopt your testimony as your sworn
4 testimony here today?

5 A. (Furey) I do.

6 Q. Mr. Frost, same questions. Your position
7 with the company is what?

8 A. (Frost) I'm an engineer.

9 Q. And did you prepare testimony in this matter
10 as well?

11 A. (Frost) Yes.

12 Q. And you prepared that with Mr. Furey?

13 A. (Frost) Correct.

14 Q. And can you give us a real high level -- the
15 purpose of your testimony was to describe
16 what?

17 A. (Frost) It was to describe the results of
18 last year's program costs, mileages and
19 drivers in the program.

20 Q. And do you have any changes to that
21 testimony?

22 A. (Frost) No.

23 Q. And do you adopt your written testimony as
24 your live testimony here today?

1 A. (Frost) Yes, I do.

2 Q. Ms. McNamara, your position with the company,
3 please?

4 A. (McNamara) I'm a rates analyst in Rates and
5 Regulatory Affairs.

6 Q. And we marked as Exhibit 1 testimony by you
7 and Mr. Simek, and as Exhibit 2, revised
8 testimony of you and Mr. Simek. Did you
9 assist Mr. Simek and did he assist you in
10 preparing that testimony?

11 A. (McNamara) Yes.

12 Q. And do you have any changes to bring to the
13 Commission's attention this afternoon?

14 A. (McNamara) No.

15 Q. And if I were to ask you these questions
16 today that are in writing, would your answers
17 be the same?

18 A. (McNamara) Yes.

19 Q. So today you adopt that testimony as your
20 sworn testimony?

21 A. (McNamara) Yes.

22 Q. Last, Mr. Simek, your name and position with
23 the company, please?

24 A. (Simek) David Simek, manager of Rates and

1 Regulatory Affairs.

2 Q. And did you participate in the preparation of
3 what's been marked as Exhibits 1 and 2, your
4 and Ms. McNamara's joint testimony?

5 A. (Simek) Yes.

6 Q. And do you have any changes to what has been
7 filed?

8 A. (Simek) I do not.

9 Q. Could you explain for us the reasons for the
10 revised testimony of you and Ms. McNamara,
11 which is Exhibit 2?

12 A. (Simek) Yes. There were two changes. One
13 related to the ROE that was used in the
14 revenue requirement calculation. The Company
15 had used 9.4 percent, which was included in
16 the settlement agreement from the
17 distribution rate case. And then in the
18 meantime, an order had come out in that case
19 that the ROE had changed to 9.3 percent.

20 Q. So your filing updated to reflect that ROE.

21 A. (Simek) Correct. And the other change in the
22 revised filing had to do with Mr. Knepper
23 requesting in some of his illustrative pages
24 to include the degradation fees that weren't

1 included previously.

2 Q. And the cover letter that we filed along with
3 the revised testimony puts a specific
4 reference to where that entry was as
5 DBS/CAM-2 at Page 1, which is Bates 64R. And
6 it's just a number added to Row 5, Column J;
7 is that correct?

8 A. (Simek) Yes.

9 Q. The cover letter also describes the financial
10 impact of the change in ROE. And the cover
11 letter states that the revenue deficiency
12 requested in this case was reduced slightly
13 because of the change in ROE; is that
14 correct?

15 A. (Simek) Yes.

16 Q. And can you give the Commission what the
17 Company's requesting now, the revised filing,
18 and what impact that will have on the average
19 customer's bill?

20 A. (Simek) Yes. The revenue requirements that
21 we are requesting is \$762,488. And that has
22 a customer bill impact for your typical
23 residential customer; it's \$3.26 annually.

24 Q. After you filed your revised testimony, the

1 Company filed a request to formally -- filed
2 a formal request to recover the so-called
3 "carryover costs" that were not included as
4 part of the original filing; is that correct?

5 A. (Simek) Yes.

6 Q. Those carryover costs are the issue that the
7 Company and Staff have spoken about, and the
8 OCA, over the last few hearings; is that
9 correct?

10 A. (Simek) Yes.

11 Q. And did you do a calculation of what impact
12 that would have on this filing should the
13 Commission order the recovery of the
14 carryover costs here?

15 A. (Simek) Yes.

16 Q. And what would that be?

17 A. (Simek) The revenue requirements would
18 increase by \$63,763, which would then have a
19 residential customer bill impact of \$3.53
20 annually. So it's 27 cents higher than our
21 original revised filing.

22 Q. Thank you.

23 MR. SHEEHAN: That's all I have.

24 Oh, and for the Commission's benefit, I have

1 in front of me copies of the spreadsheet. I
2 can hand them up your way if people start
3 asking questions about them.

4 CHAIRMAN HONIGBERG: Thank you, Mr.
5 Sheehan.

6 Mr. Buckley.

7 MR. BUCKLEY: Thank you, Mr.
8 Chairman. Fortunately, Attorney Sheehan
9 already went over my question about
10 residential billing impacts, so we'll skip
11 over that one.

12 CROSS-EXAMINATION

13 BY MR. BUCKLEY:

14 Q. So, moving to Mr. Furey and Mr. Frost,
15 whoever feels is most able to answer, if I
16 could ask you to turn to Bates Page 10 in
17 Exhibit 1, which is your testimony. Now, I'm
18 looking at Lines 5 through 9, which is a
19 discussion of unit costs. And I think I
20 understand this, but if you could possibly
21 just break it down for me a little further.

22 Am I correct in understanding that the
23 Company underestimated direct costs by 21
24 percent, but the overall variance of the

1 total costs was only 4 percent?

2 A. (Frost) That is correct.

3 Q. And could you just explain to me a little
4 further what's included in direct versus
5 indirect costs and why those two values are
6 so different?

7 A. (Frost) Direct costs include the direct
8 contractor and material charges to a job;
9 that would be the contractor's bills and
10 exactly how much we were to pay for a piece
11 of pipe. Indirect costs or loaded costs
12 refer to the direct costs plus the Company's
13 overhead costs. The overhead costs, as
14 explained in the testimony, they include
15 benefits and preliminary design. There is a
16 little bit of an imprecision in calculating
17 loaded costs because it would reflect the
18 total operating costs of the Company at a
19 given time.

20 Q. And where do degradation fees fall within the
21 category of direct versus indirect?

22 A. (Frost) Degradation fee is a direct cost.

23 Q. So is it possible that a significant portion
24 of that 21 percent underestimate could be

1 related to degradation fees, amongst other
2 things?

3 A. (Frost) I would not believe it's related to
4 degradation fees.

5 Q. Can you give me some idea if there is any one
6 category of items that it might be related
7 to, the over 21 percent?

8 A. (Frost) I cannot give that right now.

9 Q. Okay. If I could ask you to turn now to
10 Bates 18, Lines 6 through 7. There's what I
11 think is a couple charts here for our
12 understanding some of the costs associated
13 with marketing customer conversions under the
14 CIBS program. Can you describe for me what
15 is the chart at Bates 18, Lines 6 through 7?

16 A. (Frost) That's the cost that the Company has
17 incurred in labor and materials to complete
18 marketing on the CIBS program and to send
19 mailers to every resident. It includes
20 mailings to every resident along the CIBS
21 program, manual research to figure out which
22 residents are customers and which residents
23 are not customers of the Company, and then
24 additional mailings to the fraction of

1 households that are not current customers of
2 the Company.

3 Q. So it sounds like the marketing efforts to
4 customers along the CIBS program are
5 slightly -- are more labor and possibly
6 cost-intensive than other marketing efforts
7 for a customer --

8 A. (Frost) That is correct.

9 Q. And so at the bottom of the chart at Bates
10 18, Lines 6 through 7, it provides some
11 dollar values on customer conversion costs.
12 Could you characterize those values for me
13 per customer?

14 A. (Frost) In fiscal year 2018, we spent \$787
15 for each customer obtained during the CIBS
16 marketing efforts.

17 Q. And in the last three years, would it be
18 accurate to say that the per-customer
19 acquisition costs are somewhere between
20 roughly \$750 and \$1,000?

21 A. (Frost) That is correct.

22 Q. And then if I could ask you to turn to the
23 chart at Bates 19 of your testimony. Now, am
24 I correct in understanding that this same

1 type of cost is displayed at the bottom of
2 this chart but for the non-CIBS marketing
3 efforts for customer conversions?

4 A. (Frost) That is correct. It's for marketing
5 in areas where we don't currently have
6 service and are extending mains.

7 Q. And can you just explain to me in your
8 testimony, you basically have looked at these
9 two numbers and made a suggestion. What is
10 that suggestion?

11 A. (Frost) Our suggestion is that we would like
12 to continue notifying all customers along
13 CIBS routes; however, we would like to
14 investigate possibly using door hangers or
15 just straight mailing to all property owners
16 or residents along the route without the
17 manual, time-intensive process of trying to
18 figure out which residents along the route
19 are our customers and which ones aren't,
20 because of the costs incurred and that we've
21 spent a lot less in areas where we can just
22 mail based on number of residents there.

23 Q. I'm curious. Do you use the -- I know the
24 Company has a SIMS program that they use to

1 sometimes identify customers who might be
2 potential conversions. Do you use that for
3 this, for CIBS? Excuse the overlap between
4 the two. If you don't know, that's fine,
5 too. I'm just curious.

6 A. (Frost) I'm not sure of the SIMS program, the
7 acronym you're using.

8 Q. I don't know that it is an acronym. But from
9 what I understand, the Company has leased a
10 software program from ICF that helps to
11 identify various potential for conversion in
12 various areas.

13 A. (Frost) I don't think I can adequately speak.
14 I wasn't involved with that program's
15 development and use.

16 Q. But I guess in summary, you are looking at
17 the costs associated with marketing to the
18 customers along CIBS, and specifically those
19 costs associated with the manual data entry
20 and identification. And you're saying that,
21 well, maybe if we back off on some of those
22 labor-intensive marketing practices, we'll
23 still get a fair number of conversions, but
24 at a much smaller cost. Is that an accurate

1 assessment?

2 A. (Frost) Yes, that's the Company's position.

3 MR. BUCKLEY: Okay. Thank you. No
4 further questions.

5 CHAIRMAN HONIGBERG: Let's go off
6 the record for just a second.

7 (Discussion off the record)

8 CHAIRMAN HONIGBERG: Ms. Fabrizio.

9 MS. FABRIZIO: Thank you, Mr.
10 Chairman. I have a series of questions
11 mainly for Messrs. Furey and Frost. Really,
12 these are to kind of close the loops on
13 certain data points to make sure that the
14 record is accurate and that we're all on the
15 same page.

16 CROSS-EXAMINATION

17 BY MS. FABRIZIO:

18 Q. First of all, were both of you able to review
19 Mr. Knepper's testimony in this docket?

20 A. (Frost) Yes, I was.

21 A. (Furey) I was, too.

22 Q. And do you have a copy of his testimony
23 before you, by any chance?

24 A. (Frost) I do not have a copy.

1 MS. FABRIZIO: Mind if I --

2 MR. SHEEHAN: That's fine.

3 BY MS. FABRIZIO:

4 Q. Just wanted to do some sort of back and forth
5 between your testimony and his, just to make
6 sure we have the right numbers.

7 (Ms. Fabrizio handing document to
8 Witnesses Frost and Furey.)

9 Q. So, Mr. Knepper states in Attachment 3 to his
10 testimony on Bates Page 35 -- and that is a
11 spreadsheet, RSK Attachment 3. The last
12 column on the right, at the bottom of the
13 column it indicates, the second to the last
14 line in the last box, actually, seven. Do
15 you see the number seven that's at the bottom
16 of that last column in this spreadsheet?

17 A. (Frost) Yes, I do.

18 Q. Okay. The number seven seems to indicate
19 that seven field samples of bare steel and
20 seven written reports were submitted to the
21 Safety Division for FY2018. Do you see that?

22 A. (Frost) Yes.

23 Q. Okay. Now I'd like you to look at your
24 testimony for Furey/Frost. On Bates Page 33,

1 last line of that page indicates that only
2 six pipe and soil samples were collected. Do
3 you see that line?

4 A. (Frost) Yes.

5 Q. And what does that state?

6 A. (Frost) It states that six pipe samples were
7 collected.

8 Q. And summarized on the following pages.

9 Now I'd like you to go to Bates Page 40
10 of your testimony. And this page states
11 there was a seventh sample collected; is that
12 correct?

13 A. (Frost) Yes.

14 Q. So would you agree, then, that the correct
15 number is seven samples rather than six?

16 A. (Frost) Yes, seven samples.

17 Q. Okay. Now, looking at the same written
18 report on Bates Page 40 of your testimony, it
19 states that the pipe is from a low-pressure
20 system. Do you see where that is indicated?

21 A. (Frost) Yes.

22 Q. And would you agree that the Tilton mains are
23 fed from a 60 psi high-pressure system and
24 that that is the only pressure distribution

1 system in the town of Tilton?

2 A. (Frost) Yes, I do.

3 Q. So, going back to Mr. Knepper's testimony on
4 Bates Page 35, Attachment 3 shows that the
5 seventh sample, which is again on the far
6 right, in the last big box with an outline
7 around it, correctly says 60 psi on Peabody
8 Street.

9 A. (Frost) Yes.

10 Q. And do you believe that's accurate?

11 A. (Frost) I do.

12 Q. Okay. So we have those corrections to the
13 understanding of those statements in the
14 testimony.

15 Now, looking at your testimony of all
16 seven samples on Bates Page 34 through Bates
17 Page 40, would it be fair to say that these
18 samples indicate that there is evidence of
19 active corrosion on each of these samples?
20 Would that be your understanding of what
21 these pictures depict?

22 A. (Frost) They do depict corrosion.

23 Q. Okay. And would it be fair to say that all
24 seven of the sample pipe pieces have

1 experienced active corrosion, based on these
2 photos, and your report as well?

3 A. (Frost) I would say -- I mean, is there a
4 definition of "active corrosion" we'd like to
5 use?

6 Q. Well, maybe we can get at it by saying what
7 you mean in your report when you spell out
8 the sample condition of each piece.

9 A. (Frost) They all indicate varying degrees of
10 corrosion.

11 Q. Okay. Thank you.

12 Now going back to Mr. Knepper's
13 testimony on Bates Page 35, again the
14 Attachment 3 and his history of the 55 bare
15 steel samples that have been submitted by
16 Liberty Utilities and its predecessors as
17 part of CIBS filings since 2009. They appear
18 to indicate -- all of the samples in his
19 summary appear to indicate evidence of active
20 corrosion, is that correct, with the possible
21 exception of the two in yellow that are
22 marked as in "good" condition?

23 A. (Frost) That would be correct, that they all
24 evidence wall loss due to corrosion.

1 Q. Okay. Thank you.

2 And is it fair to say that any bare
3 steel pipes shown with various levels of
4 pitting, and clearly the ones with holes,
5 have indeed experienced active corrosion? Is
6 that your understanding of the sample
7 conditions?

8 A. (Frost) Yes, they've all experienced wall
9 loss.

10 Q. Okay. Thank you.

11 And do you agree that bare steel samples
12 that have been selected through the years
13 have been appropriate for all the years
14 listed?

15 A. (Frost) I do.

16 Q. And could you elaborate on that, why you feel
17 they're appropriate?

18 A. (Frost) Sections of bare steel pipe selected
19 for replacement have prior leak history or
20 risk factors due to their operating pressure
21 or location that would indicate replacement
22 is warranted.

23 Q. Okay. Thank you.

24 And is it correct that the average age

1 of the seven samples in fiscal year 2018
2 appear to be nearly 90 years old?

3 A. (Frost) That is correct.

4 Q. And the larger group over the entire 55
5 samples collected since 2009 have an average
6 age of nearly 85 years?

7 A. (Frost) That is correct.

8 Q. And can we extrapolate from that and expect
9 that the condition of the remaining bare
10 steel segments can be characterized as either
11 well past their prime and examples of
12 deteriorating or what is known as "worn" pipe
13 or "leak-prone" pipe?

14 A. (Frost) Yes.

15 Q. Thank you.

16 Now I'd like to go to your testimony on
17 Bates Page 9. Specifically I'm looking at
18 Line 10. I see a figure of 2,668,808. Can
19 you explain what that figure represents?

20 A. (Frost) That represents costs from the fiscal
21 year 2017 program for finished restoration
22 that occurred during fiscal year 2018.

23 Q. That are being carried over in this
24 proceeding or --

1 A. (Frost) That is correct. They're being
2 carried over into this proceeding.

3 Q. Okay. Thank you.

4 Now, please go to Attachment 2 of your
5 testimony. These are the large spreadsheets
6 attached.

7 MR. SHEEHAN: If you'd like them,
8 these are the bigger, if you want to -- not a
9 lot bigger, but a little bigger.

10 BY MS. FABRIZIO:

11 Q. I'm looking at the one marked as Page 44
12 that's handwritten in the lower corner of the
13 spreadsheet, lower right-hand corner.

14 MR. SHEEHAN: Commissioner, the
15 large printout is 44 and 45 combined, left to
16 right.

17 MS. FABRIZIO: We're all on the
18 same page?

19 BY MS. FABRIZIO:

20 Q. So if you go to Column BL and Row 83, 83 will
21 be the first shaded blue line at the bottom
22 of the column. I see a cell with the
23 2,668,808 that is referenced in your
24 testimony. Is that where this number in your

1 testimony came from?

2 (Witness reviews document.)

3 A. (Frost) That is correct.

4 Q. And that's fiscal year 2017 carryover totals,
5 according to this exhibit. And I note in --
6 I am understanding that correctly; right?

7 A. (Frost) Yes.

8 Q. Okay. And I look directly above the Rows BL
9 83 and see 24 lines of numbers --

10 A. (Frost) Yes.

11 Q. -- beginning with 30,955 and ending with
12 257,969; is that correct?

13 A. (Frost) Yes.

14 Q. Okay. Now I see those same sets of 24
15 numbers, and they appear to be duplicated in
16 Column AY --

17 A. (Frost) Yes.

18 Q. -- which is labeled "Actual Total Cost
19 Loaded" and BE 83, which is labeled, "Total
20 Recoverable Cost"; is that correct?

21 A. (Frost) Yes.

22 Q. So now I see on Bates Page 27 of your
23 testimony, and I'm looking at the second full
24 paragraph, the second line, you have a figure

1 of 2,718,259 listed at that point. Can you
2 confirm which number is correct? Is it this
3 number or is it the 2,668 -- the 2,668,808
4 figure?

5 (Witness reviews document.)

6 A. (Frost) The discrepancy appears to be as a
7 result of degradation fees. I believe that
8 the Company can collect degradation fees
9 under recovery. So it would be 2,718,259.

10 Q. So this adds degradation fees to the total
11 carryover cost figure that we saw earlier?

12 A. (Frost) Yes.

13 Q. Okay. Thank you.

14 Now continuing down a little further on
15 Bates Page 27, the same paragraph, closer to
16 the middle, there's a sentence that begins,
17 "The Company is seeking the revenue
18 requirement..." Do you see that sentence?

19 (Witness reviews document.)

20 A. (Frost) Yes.

21 Q. Could you read that sentence for the record,
22 please?

23 A. (Frost) "The Company is seeking the revenue
24 requirement associated with \$1,402,570 of

1 fiscal year 2017 carryover costs above the
2 allowable carryover cost as part of the step
3 increase in Docket No. DG 17-048."

4 Q. Okay. And can you explain how the 1,402,570
5 is derived?

6 A. (Simek) I can't right now. I believe it was
7 the actual known spend at the time of the
8 filing of the distribution rate case.

9 Q. And does this number reflect the number
10 crunching prior to the Commission's issuance
11 of its order on April 27th?

12 A. (Simek) Yes.

13 Q. Okay.

14 A. (Simek) Yes, it was the known spend above and
15 beyond the 5 percent that we were aware had
16 already been placed in service, and we
17 requested it within the distribution rate
18 case.

19 Q. And given the Commission's order of
20 April 27th, does this number need to be
21 revised for purposes of this filing?

22 A. (Simek) No, it's the exact amount.

23 Q. Okay. And turning to back to Mr. Frost and
24 Mr. Furey, in your testimony in Bates Page 9,

1 Line 21, and Bates Page 10, Lines 1, 2 and 3,
2 you state that -- you cite to city rules
3 regarding minimum temperature requirements,
4 or a requirement that trenches be allowed to
5 settle for one full freeze-thaw cycle before
6 final restoration; is that correct?

7 A. (Frost) Yes.

8 Q. And am I correct in understanding that the
9 minimum temperatures apply to pavement
10 temperatures or air temperatures?

11 (Witness reviews document.)

12 A. (Frost) They apply to air temperature during
13 the day.

14 Q. And are these mentioned only in the City of
15 Nashua's street repair requirements, to your
16 knowledge? Is this a requirement that is
17 clear in the three cities that you discuss in
18 your testimony: Manchester, Concord and
19 Nashua?

20 A. (Frost) Yes. Paving specifications are
21 applicable to Nashua, Manchester and Concord.

22 Q. And is that specific requirement of minimum
23 temperature applicable in all three of the
24 cities that you are looking at: Manchester

1 Concord, Nashua? My understanding is that
2 that applies only in Nashua, but I just -- it
3 may be an incorrect understanding. I'd like
4 to know what your understanding is.

5 A. (Frost) My understanding is that all three
6 cities have paving specification
7 requirements.

8 Q. And so what exactly is the minimum
9 temperature below which paving should not
10 occur?

11 A. (Frost) The generally accepted temperature is
12 60 degrees that New Hampshire DOT recommends,
13 which most cities adopt.

14 Q. And my understanding is that in Nashua, that
15 temperature is actually memorialized at
16 40 degrees. Is that your understanding?

17 A. (Frost) Could you repeat the question?

18 Q. My understanding is that that minimum
19 temperature is actually memorialized in
20 Nashua's requirements as 40 degrees. Was
21 that your understanding, working in Nashua?

22 A. (Frost) I do not have a copy of Nashua's
23 standard specifications and ordinances up
24 here.

1 MS. FABRIZIO: Mr. Speidel is going
2 to hand out copies to the witnesses of the
3 cities of Concord, Manchester and Nashua and
4 State of New Hampshire specifications for
5 paving requirements, and we would like to
6 mark these as exhibits.

7 CHAIRMAN HONIGBERG: I think three
8 is the next number.

9 MS. FABRIZIO: Three is the next,
10 yeah.

11 BY MS. FABRIZIO:

12 Q. So you will see that you have general permit
13 conditions and construction requirements for
14 the City of Concord, City of Manchester, City
15 of Nashua and the State of New Hampshire.
16 Could you point us to the minimum temperature
17 requirements that you relied on in each of
18 these, please?

19 (Witness reviews document.)

20 Q. If it helps, Staff was able to find a
21 temperature restriction only in the City of
22 Nashua requirements, and that is on Bates
23 Page 14. Again, on Bates Page 16, the mixing
24 temperature and the placing hot bituminous

1 pavement provisions refer to temperatures,
2 specifically, surface temperature and air
3 temperature must be above 40 degrees with
4 respect to paving -- mixing of pavement for
5 paving.

6 (Witness reviews document.)

7 Q. Do you see that reference to 40 degrees?

8 So, given that limitation in the City of
9 Nashua, if there were a period of four hours
10 during the day in the fall, let's say between
11 10 a.m. and 2 p.m., and it was above 40
12 degrees, assuming the surface temperature is
13 warmer than the air temperature, would it be
14 possible to pave in Nashua?

15 A. (Frost) I don't think I could conclusively
16 comment on that. We would have to verify
17 with the city engineer's office whether they
18 would accept pavement in that situation.

19 Q. When the temperature's above 40 degrees?

20 A. (Frost) If they would accept pavement in a
21 situation where the temperature was above 40
22 degrees for such a short period of time.

23 Q. I was giving the time limitation only as
24 potential construction work hours during the

1 day, say between 10 and 2 on that day the
2 temperature stays above 40 degrees. Could
3 the Company pave if they had paving to do?

4 A. (Frost) In a situation like that, we would
5 contact the city engineer's office who
6 oversees our construction and has to accept
7 the final product, and we would ask them if a
8 temperature of that short a duration would
9 allow proper curing of the asphalt
10 replacement.

11 Q. And do you know if a similar restriction is
12 included in Manchester's or Concord's written
13 policies, based on your experience in those
14 cities?

15 A. (Frost) Based on my experience, low
16 temperatures, low ambient temperatures do not
17 result in proper quality of placed asphalt.
18 So many municipalities will not allow the
19 Company to complete paving or finish paving
20 and final restoration during low temperature
21 periods. That forms the basis for the
22 varying calendar date restrictions on finish
23 paving.

24 Q. Am I correct that the freeze-thaw

1 requirements apply only after a certain date
2 in the calendar year, for example, after
3 November 15th, for all three cities? Is that
4 correct?

5 A. (Frost) Could you expound upon the
6 freeze-thaw requirement?

7 Q. Along the same lines of thought, do these
8 temperature restrictions apply only after a
9 certain date in the calendar year? Do you
10 have to worry about these minimum, for
11 example, the 40-degree minimum that we saw in
12 the Nashua requirements, you know, any time
13 of the year before November 15th?

14 A. (Frost) That would be correct.

15 Q. What would be correct? I'm sorry.

16 A. (Frost) They're two separate requirements,
17 calendar-year restrictions on paving and
18 temperature to ensure quality finished
19 product.

20 Q. And what is the calendar-year restriction
21 that's separate from the temperature
22 requirement?

23 A. (Frost) It's outlined in the exhibit you gave
24 us. Bates Page 3 of the exhibit defines, for

1 the City of Concord, that no permanent street
2 restoration will be allowed between
3 November 15th and April 15th unless
4 specifically authorized by the city engineer.

5 Q. So a typical construction period for the year
6 would be between April 15 and November 15.

7 A. (Frost) That would be the finished paving --

8 Q. Can you explain that, please?

9 A. (Frost) -- requirement. Many times the
10 cities will allow us to continue construction
11 later than, all the way through the end of
12 the year; however, they will not allow
13 placement of final restoration and finished
14 paving because cold temperatures will not
15 allow proper pavement placement.

16 Q. After November 15th. Essentially that's the
17 stop point for that; is that correct?

18 A. (Frost) Typically you'd find that
19 November 15th, the weather would be too cold
20 to allow satisfactory paving operations.

21 Q. Okay. All right. Going to try again.

22 November 15th appears to be the sort of
23 cut-off date for finished paving, as you call
24 it, in each of the three cities.

1 November 15th in Concord, for example --
2 Concord actually requires permanent patching
3 to wait only 30 days for the settling of a
4 temporary patch. So if you've put in the
5 temporary patch 30 days before
6 November 15th --

7 CHAIRMAN HONIGBERG: Mr. Knepper,
8 maybe you can clarify how these -- what the
9 questions are here.

10 CROSS-EXAMINATION

11 BY MR. KNEPPER:

12 Q. Let me ask this question: So is it our
13 understanding that if you look at Bates Page
14 004 right next to that Exhibit 3, it states
15 when that permanent patch has to be done; so
16 if you were finished in the month of May, you
17 could put that permanent patch on and let it
18 settle? And what they're saying is anytime
19 after July 1st you could do the finished
20 paving. And then it gives a similar one for
21 June, and it says you can do that finished
22 paving by August, and then similar by July,
23 and it continues all the way up to basically
24 they want all finished paving by

1 November 15th? Is that correct?

2 A. (Frost) I believe that that chart mainly
3 applies to spot repairs for Liberty. That
4 would be such as a single excavation for a
5 leak repair. The city typically requires us
6 to finish all of the mains and service
7 project in its entirety before beginning
8 final paving because they do not want kind of
9 a checker board, quilted patch. They would
10 like the job to be finished in its entirety
11 and paved as one unit. And this job could --
12 this could be a main replacement job that
13 stretches for half a mile.

14 Q. Correct. What we're saying is, if you have
15 the half a mile done in the month of June,
16 looking at that page, you could finish pave
17 in August, the whole month of August, the
18 whole month of September, the whole month of
19 October, and up to November 15th, is that
20 correct, if it was completely completed in
21 the month of June?

22 A. (Frost) Yes, but I'm not aware of Liberty
23 being able to complete a half-mile of
24 construction by the beginning of June.

1 Q. Okay. If it was -- I'm not really worried
2 about the half-mile or whether it's 2,000
3 feet or 4,000 feet. The whole point is the
4 city kind of lays out when you have to be
5 done. And basically, it does not require a
6 freeze-thaw cycle on all your jobs is what --
7 looking at Exhibit 3, Bates Page 4 in that
8 calendar.

9 A. (Frost) The Company's testimony last year
10 explained the freeze-thaw cycle. The City of
11 Concord allows an alternative restoration of
12 milling and overlaying, that the Company
13 presented a 30-percent, approximately, cost
14 savings. And the Company came to an
15 agreement with the City of Concord to let the
16 trench settle over the winter, because during
17 the prior testing period there was paving
18 warranty claims that cost the Company, and by
19 extension, the Company's customers, in
20 pavement repairs. And it was found that by
21 letting the trench settle over one winter
22 period, that those claims did not occur. So
23 the Company found it to be in the best
24 interest of all parties to complete paving in

1 the second year.

2 Q. Okay. So that's a Liberty-initiated -- or
3 informal agreement, but that's not
4 memorialized in the city's paving
5 specifications; is that correct?

6 A. (Frost) That is correct. That's in writing.
7 We have it in writing with the city.

8 Q. So, looking and going on to the next page of
9 Exhibit 3, in Manchester, do they have a
10 similar freeze-thaw cycle restriction that
11 you just mentioned for Concord?

12 A. (Frost) They only have an informal
13 freeze-thaw cycle because the Company has
14 presented the grind and inlay program that
15 saves money to the City of Manchester and
16 only applies to PILOT program projects in
17 that city.

18 Q. And similar for Nashua. Do you see the same
19 thing, a restriction for the freeze-thaw in
20 their paving specifications?

21 A. (Frost) No. Nashua mandates a settling
22 period.

23 MR. KNEPPER: Okay. I think that's
24 what Lynn was trying to ask.

1 MS. FABRIZIO: Thank you, Mr.

2 Knepper.

3 BY MS. FABRIZIO:

4 Q. All right. So, looking back at the large
5 spreadsheet we have, Bates Page 44, I see a
6 column labeled "AF." Column AF is labeled
7 "Status." And within that column I see
8 entries that are either blank or filled with
9 "casbuilts" or "comps". My understanding is
10 that casbuilt signifies an entry into the
11 work system, indicating that mains and
12 services have been installed, a work order is
13 not closed out yet, and perhaps unfinished
14 final paving costs or other restoration
15 efforts may not be completed yet; is that
16 correct? Can you explain what "casbuilt"
17 stands for?

18 A. (Frost) The projects marked "casbuilt,"
19 they've had all final records received,
20 they've been financially accounted for by the
21 Company as the units of property are in
22 service. The columns marked "comp" mean that
23 all final records have been received, the
24 projects are in service, the pipe is in

1 service, but the financials have not been
2 finalized yet. And we did not reflect status
3 for carryover jobs, but those should all be
4 in casbuilt.

5 Q. An example would be for the Concord mains in
6 Lines 4 through 6 of Ridge Road, Langdon
7 Avenue and Downing Street. And the
8 corresponding column, BG, Estimated Carryover
9 Loaded Costs, are, respectively, 87,404,
10 28,235 and 48,234. Is that correct for those
11 projects?

12 A. (Frost) Those are estimated carryover costs.

13 Q. So, based on what you've said, the comp means
14 the work order's completed and all costs are
15 finalized, including paving costs; is that
16 correct?

17 A. (Frost) It does not include final
18 restoration.

19 Q. Okay. So if we look at Concord mains,
20 Row 10, Armour Place, Library Road, Column AF
21 says comps; and the corresponding Row BG,
22 Estimated Carryover Loaded Cost, is shown as
23 zero. Is that what you see?

24 A. (Frost) Correct.

1 Q. And now reading Rows 12 and 13, I see
2 Gladstone and Warren Street. These are
3 listed as comp, but there's also Column AF
4 that says comp, and corresponding Row BG,
5 Estimated Carryover Loaded Costs, is shown as
6 30,603 and 24,224, respectively. So is the
7 comp completed, or is there work still to be
8 done in those two projects?

9 (Witnesses Frost and Furey confer.)

10 A. (Frost) Yes, it does show carryover
11 restoration costs for those projects because
12 they have not been final paved.

13 Q. Okay. Thank you.

14 Moving on to your testimony on Bates
15 Page 15, Lines 6 and 7. You refer to
16 Attachment SDF/BRF-3. Could you point me to
17 the Bates page where you can find that?

18 (Witness reviews document.)

19 Q. Staff has not been able to identify that
20 particular exhibit. Does this need a
21 correction, or is there in fact an SDF/BRF-3?

22 MR. SHEEHAN: If I can help? It
23 clearly is not attached as Attachment 3 to
24 the testimony. It's the marketing letter

1 that prior orders have required the Company
2 to file. And we did file one, dated
3 December 20 of 2017. And I can -- we will
4 certainly provide a copy of that as
5 Attachment 3 to the testimony. But it was
6 filed in December.

7 MS. FABRIZIO: And that would fill
8 in the gap for that particular attachment,
9 SDF/BRF-3?

10 MR. SHEEHAN: Correct.

11 MS. FABRIZIO: Thank you. That
12 would be helpful.

13 BY MS. FABRIZIO:

14 Q. All right. I'm turning now to Mr. Simek and
15 Ms. McNamara's testimony.

16 Okay. The Company's petition in this
17 proceeding was initially filed prior to the
18 issuance of Commission Order No. 26,122
19 issued on April 27 in Docket DG 17-048
20 regarding permanent rate changes; is that
21 correct?

22 A. (Simek) Yes.

23 Q. Okay. And then your testimony was revised
24 based on that order and refiled on May 31st,

1 2018; is that correct?

2 A. (Simek) Yes.

3 Q. Thank you. So if we look at the last three
4 lines of Bates Page 49R, which indicates a
5 revised page...

6 (Pause in proceedings)

7 Q. My apologies. If we look the last three
8 lines, 21 -- 20, 21 and 22, Bates Page 49R,
9 and Lines 1, 2, 3 of Bates Page 50R, this
10 states that the revised Attachment DBS/CAM-1
11 was filed and incorporated into the
12 depreciation study of DG 08-009. Was there a
13 new depreciation study filed as part of DG
14 17-048?

15 A. (Simek) Yes.

16 Q. That new depreciation study in that docket
17 and used by the Commission in its order left
18 the category of mains the same at a 60-year
19 depreciation life, with a negative net
20 salvage value; is that correct?

21 A. (Simek) Subject to check, yes.

22 Q. And this translates into a whole-life
23 depreciation accrual rate of 1.92 percent?

24 A. (Simek) Again, without having that in front

1 of me, I would just have to say, subject to
2 check, yes.

3 Q. And do you recall this indicates to Staff
4 there is no change between the depreciation
5 study for DG 17-048 and DG 08-009 for the
6 category of mains? Was that your
7 understanding as well, based on the
8 Commission's order?

9 A. (Simek) Again I'd have to double-check. I
10 want to point out this is for fiscal year
11 2018, which is based on items that were
12 placed in service by March 31st of 2018.

13 Q. And this being your testimony, can you --

14 A. (Simek) No. All the dollar amounts that were
15 placed in service in this procedure, whereas
16 the rate case depreciation study was not even
17 ruled upon until -- or was meant to be for
18 rates effective, I believe it was June 1st --
19 or May 1st. I'm sorry.

20 Q. Okay. So with respect to the category of
21 services, and I guess we're relying on your
22 recollection of the Commission's order and
23 the implications for this proceeding, the
24 latest depreciation study changed the life of

1 services from 40 years in DG 08-009 to 45
2 years.

3 A. (Simek) That sounds correct.

4 Q. And this 45-year life of service, coupled
5 with a negative net salvage value, translates
6 into a whole-life depreciation accrual rate
7 of 3.55 percent; is that correct?

8 A. (Simek) Subject to check, it sounds correct.

9 Q. So this is a change from the previous rate of
10 4.0 percent associated with DG 08-009?

11 A. (Simek) Correct.

12 Q. So if you go back to Bates Page 59R, and this
13 time, services, I see the rate 4.0 percent.

14 A. (Simek) I'm sorry. What is the question?

15 Q. Can you go to Bates Page 59R in your
16 testimony?

17 A. (Simek) Yes.

18 Q. And what rate do you see for services with
19 respect to depreciation?

20 A. (Simek) Four percent.

21 Q. Hmm-hmm. And can you tell me what the
22 resulting effect would be if we were to apply
23 3.55 percent?

24 A. (Simek) Not off the top of my head, no. But

1 I do want to emphasize that that is the rate
2 that was in place when these capital projects
3 were placed in service.

4 Q. Okay. Thank you.

5 MS. FABRIZIO: That concludes my
6 questions for the witness panel. Thank you.

7 CHAIRMAN HONIGBERG: Commissioner
8 Bailey.

9 INTERROGATORIES BY COMMISSIONERS:

10 BY COMMISSIONER BAILEY:

11 Q. I only have a couple high-level questions.
12 One, or first, the door hangers that you said
13 you would rather do than figuring out which
14 customers along the route have service, would
15 you expect maybe to get new customers if you
16 did door hangers?

17 A. (Frost) We currently use door hangers as part
18 of our -- sorry about that. We currently use
19 door hangers as part of our marketing efforts
20 overall with the Company. So, yes.

21 Q. So, then, you're asking to eliminate doing
22 something, but you're not doing anything
23 different. You just want to stop having to
24 figure out which customers along the route

1 have service and send those individual
2 customers additional information than the
3 general information that you send to all
4 customers?

5 A. (Frost) If I understand correctly, yes, we'd
6 like to send general information to all
7 households along the route of a CIBS project.

8 Q. Which you do today.

9 A. (Frost) And we also complete follow-up
10 marketing with non-customers. We'd like to
11 eliminate the follow-up marketing because of
12 the cost effort shown.

13 Q. And did your analysis show that not that many
14 customers who -- or not that many potential
15 customers, the people that don't have
16 service, not many of those sign up for
17 service when you are replacing the mains on
18 their street?

19 A. (Frost) I think it would be hard to
20 characterize "not that many." The Company
21 has a very high saturation rate along the
22 routes where CIBS projects take place, an
23 extremely high saturation rate, in the high
24 80s to 90 percent. We are able to convert a

1 fraction of those customers. However, the
2 number is just a number. It isn't that much,
3 as shown on Bates Page 18, that we converted
4 16 customers in fiscal year 2018.

5 Q. Sixteen out of potentially how many?

6 (Witness reviews document.)

7 A. (Frost) So, 154 letters were sent to
8 non-customers. This is shown on Bates 16,
9 Line 1.

10 Q. Okay. Thanks. I get that now.

11 The second question is about Keene. Do
12 you have cast iron/bare steel in Keene?

13 A. (Frost) There are currently cast iron mains
14 in Keene.

15 Q. But that's not part of this program at this
16 point.

17 A. (Frost) No, it is not.

18 Q. Okay. Thank you.

19 CMSR. BAILEY: That's all I have.

20 CHAIRMAN HONIGBERG: Commissioner
21 Giaimo.

22 BY COMMISSIONER GIAIMO:

23 Q. Good afternoon. On Bates 8, it says, "The
24 Company remains committed to and is on track

1 for completing the removal of substantially
2 all of the leak... and associated bare steel
3 by 2024." Is that still on track?

4 A. (Frost) Yes, as shown on Bates 21, our chart
5 shows in fiscal year 2024 that we'd be less
6 than 10 miles at current predictions.

7 Q. Do you have a forecast as to the total cost
8 of the project as of 2024 then?

9 A. (Frost) We do not have a total cost.

10 Q. On Bates 13, you suggest, where prudent, the
11 Company endeavors to align the CIBS work to
12 occur in conjunction with municipal-driven
13 projects by aligning the work you do with the
14 work they need to have done. Has an analysis
15 been done as to what those synergies have
16 saved customers?

17 A. (Frost) I'm not aware of the specific
18 analysis.

19 Q. Would you suggest that it's significant? A
20 reduction of 10, 15, 20 percent maybe?

21 A. (Frost) That would be the correct range based
22 on what fraction paving costs results play
23 into total job costs.

24 Q. In the last interchange or the last

1 discussion you had with Commissioner Bailey,
2 you talked about 16 customers had been
3 converted. So that was 16 out of 26 that
4 reached out to you after your initial
5 communication; is that correct?

6 (Witness reviews document.)

7 A. (Frost) Yes. As the chart on Bates 17 shows,
8 there were 26 customers that responded to our
9 letter -- or 26 potential customers that
10 responded to our letter. Of those, 16
11 actually signed up for gas service.

12 Q. That sounds like a lot to me. Is that a lot?
13 Sixteen out of 26 sounds like a pretty good
14 hit rate.

15 A. (Frost) Well, that's -- there was 154
16 prospects that we sent -- non-customers that
17 received letters. Of those, 26 called us
18 back, and of that 26, 16 actually signed up
19 for service.

20 Q. On Page 20, you talk about you don't want to
21 engage in extra time-consuming and extensive
22 efforts to market. If you're getting a
23 62-percent hit rate on the initial marketing
24 efforts, how much more effort is it?

1 A. (Frost) Well, I think the Company's position
2 is that the cost of acquisition of customers
3 along CIBS routes throughout this method is
4 exponentially higher than the cost of
5 acquisition of customers along main extension
6 projects. And the Company feels it's a more
7 prudent use of funds to market more heavily
8 in main extension areas than in CIBS areas.

9 Q. Okay. So I guess where I'm struggling is if
10 the ground is open and there are customers
11 around there, it seems to make sense to try
12 to connect customers, even if the marketing
13 costs are high, because it seems like it's
14 open and available and accessible. Am I
15 wrong?

16 A. (Frost) Yes. Well, the Company still
17 proposes to make an offer to customers along
18 CIBS routes. The Company would just like to
19 modify the marketing a little bit, to be a
20 little less -- to spend a little less time on
21 it, but to still make that offer. And I
22 think it can also be -- the Company is
23 thankful for the 16 customers we received
24 along CIBS routes. But we also added -- the

1 total number of customers added through all
2 means last year was 1,621. So, as a portion,
3 the number of customers obtained during CIBS
4 is a very small fraction of the total of the
5 Company's marketing efforts for the year.

6 Q. Okay. I think Attorney Fabrizio asked the
7 panel if they had seen Mr. Knepper's
8 testimony. I think the answer was generally
9 yes; correct?

10 WITNESS PANEL: Yes.

11 Q. On Page 24 of Mr. Knepper's testimony, he
12 suggests -- and this is my words -- that
13 Liberty's CIBS planned for 2019 may be a
14 little over-ambitious. I guess I'd like to
15 hear your thoughts on the plan, whether or
16 not you think that's an accurate statement.

17 (Witnesses Frost and Furey confer.)

18 A. (Frost) The Company does not feel that it's
19 over-ambitious. For the past several years
20 we've continually increased the amount of
21 CIBS mains replaced. We feel that we can
22 work on this. The Company also has high
23 goals each year. Because this is leak-prone
24 pipe that presents a safety risk higher than,

1 say, plastic pipe or other modern piping
2 systems, the Company endeavors to get it out
3 of the ground as soon as possible.

4 Q. And my last question would be, it sounds like
5 the Safety Division, based on Mr. Knepper's
6 testimony, believes it's an appropriate time
7 to re-examine the program. Does the Company
8 think it's worthy of or in need of being
9 re-examined, or should you continue on course
10 through 2024?

11 A. (Simek) We like the program as it's designed
12 now. Of course, we're willing to discuss
13 with Mr. Knepper and maybe come up with
14 alternatives. But we're happy with the way
15 it is now.

16 COMMISSIONER GIAIMO: Thanks.

17 BY CHAIRMAN HONIGBERG:

18 Q. I just want to return to the marketing issue.
19 I think I understand your position at a few
20 different levels, that, at bottom, these
21 places have been on a gas line for a long,
22 long time. If they haven't converted to gas
23 by now, there may be a hard sell for a
24 variety of reasons. That's part of what's

1 going on; right?

2 A. (Frost) That is correct.

3 Q. Are these customers still moneymakers,
4 though, even when you factor in the costs of
5 getting them onboard? How many years does it
6 take before they're moneymakers for you?

7 A. (Frost) Well, I believe we spend
8 approximately, roughly one year's worth of
9 gross profit margin in marketing costs.

10 Q. That's overall?

11 A. (Frost) On the CIBS customer.

12 Q. On the CIBS customers. So they're profitable
13 after one year?

14 A. (Frost) Well, you would have to add in also
15 the cost of service, installation.

16 Q. Right. So, I mean, how many more years does
17 it take? I mean, it may well be this. It
18 doesn't make sense. If it takes 20 years to
19 make one of your customers profitable, then I
20 think we all understand that probably isn't
21 worth it.

22 A. (Frost) I don't know the exact figures. It
23 also depends on the length of service that's
24 required to be laid. But the profitability

1 range would probably be out to six to seven
2 years, if I were to estimate.

3 Q. Okay. I think the other questions I had have
4 been answered.

5 CHAIRMAN HONIGBERG: Mr. Sheehan,
6 do you have any further questions for your
7 panel?

8 MR. SHEEHAN: A few follow-up, if I
9 may.

10 REDIRECT EXAMINATION

11 BY MR. SHEEHAN:

12 Q. Mr. Frost, on that last topic, you said, and
13 I understand you're estimating, that the
14 advertising costs, marketing costs, for a
15 CIBS customer is roughly equivalent to one
16 year's margin, \$700 or \$800; correct?

17 A. (Frost) That is correct.

18 Q. And then by saying six or seven years to
19 become "profitable," if that's the right
20 word, means you have to spend another five or
21 six times 700 for the service and related
22 costs.

23 A. (Frost) Yes, we have to install the pipe and
24 re-pave the street.

1 Q. And the Company's request here is not to
2 cease marketing to CIBS customers, but
3 basically to take a step back and go with the
4 more general notifications that we give all
5 customers along CIBS routes, that we'll be in
6 your neighborhood and, in effect digging up
7 your streets.

8 A. (Frost) That is correct. We'd like to make a
9 general notification. In the past few years,
10 at the request of Staff, the Company has
11 increased its marketing, gone to more
12 personalized marketing to each of these
13 customers to try to see what the results were
14 going to be. And I think we've determined
15 that it has not resulted in something that is
16 the best use of funds.

17 Q. Mr. Simek, I think you said it twice, but to
18 be clear, the depreciation rate from 08-009
19 is what applies to the dollars we're seeking
20 recovery for today.

21 A. (Simek) Correct.

22 Q. And the depreciation rate from the most
23 recent rate case would apply to pipes going
24 in the ground today --

1 A. (Simek) Correct.

2 Q. -- and going forward.

3 A. (Simek) Correct.

4 MR. SHEEHAN: That's all I have.
5 Thank you.

6 CHAIRMAN HONIGBERG: All right.
7 Let's go off the record for a minute.

8 (Discussion off the record)

9 CHAIRMAN HONIGBERG: We'll go back
10 on the record. We're going to take a break
11 and come back in about 30 minutes.

12 (Brief recess was taken at 2:53 p.m.,
13 and the hearing resumed at 3:39 p.m.)

14 CHAIRMAN HONIGBERG: Would you
15 swear in the witness.

16 (WHEREUPON, RANDALL S. KNEPPER was/were
17 duly sworn and cautioned by the Court
18 Reporter.)

19 CHAIRMAN HONIGBERG: Ms. Fabrizio.

20 MS. FABRIZIO: Thank you, Mr.
21 Chairman.

22 DIRECT EXAMINATION

23 BY MS. FABRIZIO:

24 Q. Mr. Knepper, could you please state for the

1 record your full name and your position with
2 the Commission.

3 A. Randall Knepper. I'm the Director of Safety
4 and Security.

5 Q. Thank you. And are you familiar with the
6 document you filed in this docket on
7 June 18th, 2018?

8 A. I am.

9 Q. With revisions filed on June 19th?

10 A. Yes.

11 Q. Thank you. And what is that document?

12 A. That's my testimony with attachments.

13 Q. And did you prepare this testimony with the
14 attachments as part of your responsibilities
15 for reviewing the petitioner's CIBS filing in
16 this docket?

17 A. Yes, I did.

18 Q. And are you the primary analyst responsible
19 for examining the CIBS filing here at the
20 Commission?

21 A. Yes.

22 Q. Mr. Knepper, do you have any corrections
23 you'd like to make to hearing exhibit -- to
24 your testimony and attachments, which I'd

1 like to admit as Hearing Exhibit 4?

2 CHAIRMAN HONIGBERG: Well, why
3 don't we get an answer to the question and
4 then you can --

5 BY MS. FABRIZIO:

6 Q. Do you have any corrections to make to your
7 testimony and attachments?

8 A. I have two minor corrections. They're
9 spelling corrections, if you want, just to
10 put them on the record.

11 Page 13, Bates Page 13, Line Item 1, I
12 spelled "forecast" wrong. And Bates Page 14,
13 Line Item 13, I spelled "three" wrong.
14 Someday I will have testimony that is correct
15 and I can say "zero."

16 CHAIRMAN HONIGBERG: All right. So
17 you want to have the testimony marked as
18 Exhibit 4.

19 MS. FABRIZIO: Yes.

20 CHAIRMAN HONIGBERG: Is it your
21 idea that the June 19th corrective filing
22 will just be replacing pages, or are you
23 going to mark that separately?

24 MS. FABRIZIO: In the end, the

1 revised testimony was filed in full with the
2 corrected pages, and so I would recommend
3 that we adopt that as Hearing Exhibit 4.

4 CHAIRMAN HONIGBERG: So the
5 testimony is from the June 19th filing. The
6 attachments are from whatever date it was
7 when the earlier one was filed?

8 MS. FABRIZIO: 18th, yes.

9 CHAIRMAN HONIGBERG: Okay.

10 (Exhibit 4 marked for identification.)

11 BY MS. FABRIZIO:

12 Q. Mr. Knepper, could you please offer a brief
13 summary of your testimony.

14 A. Sure. I reviewed Liberty's petition. I
15 looked at their accompanying testimony that
16 they filed. We did, I guess, limited
17 discovery and had one tech session. In
18 regards to reconciling and approving the
19 costs associated with the fiscal year 2018
20 cast iron and bare steel program -- this is
21 the 10th year of this program, what we call
22 the "CIBS Program" -- I believe following
23 practices which have been done in the past,
24 which should continue on for next year as

1 well, should be to submit the final petition
2 by April 15th of each year, continue the
3 cutting out of the physical segments and
4 issuing the reports to us. I still believe
5 that filing of your customer retainment for
6 those customers along the way and conversions
7 is a worthwhile endeavor. I would like their
8 report to go a little bit further in talking
9 about how the hundred-foot free service offer
10 that they used for those who currently don't
11 have gas service was successful in obtaining
12 their customers. And I believe an audit
13 should be done on this every year that the
14 program is in place. And lastly, as I stated
15 in my testimony, I don't believe any excess
16 carryover costs should be included.

17 Q. Thank you.

18 Mr. Knepper, on Bates Page 16 of your
19 testimony, Lines 17 to 18, you state that the
20 settlement allows for recovery of only
21 \$735,802 unless the Safety Division approves
22 a higher amount; is that correct?

23 A. That's correct.

24 Q. And are you familiar with the letter Mr.

1 Sheehan filed on June 21st formally
2 requesting recovery of excess carryover costs
3 of \$579,887, over and above the \$735,802 that
4 we just referenced?

5 A. That's correct, I am familiar with it.

6 Q. And does the Safety Division plan to approve
7 that request?

8 A. No.

9 Q. Okay. Thank you.

10 Do you agree with the Company's
11 statements that you've heard earlier today
12 regarding municipal paving?

13 A. Some of them.

14 Q. Okay. Could you elaborate, please.

15 A. I believe if you read their testimony, it
16 kind of lumps all the cities and towns'
17 paving restrictions together. And in
18 general, they are very similar to each other.
19 But if there is nothing that prevents Liberty
20 from doing final pavement on projects that
21 are completed early in the season -- and when
22 I say "early," I mean prior to October; so
23 those that are completed in May, June, July,
24 August, September -- they could get those --

1 if they could get those final pavements done,
2 especially for Nashua and Manchester, they
3 could be completed, and that would lower the
4 excess carryover costs. I've seen that in
5 both last year's for fiscal year 2017, which
6 are the subject of this year's reconciling,
7 and we also see it in the numbers with the
8 completed projects of fiscal year 2018. So
9 the carryover issue has been discussed in the
10 past. I think we discussed it in the last
11 two CIBS proceedings. And I just think that
12 we're at disagreements between the Company
13 and myself.

14 Q. Thank you.

15 MS. FABRIZIO: Staff has no further
16 questions for Mr. Knepper.

17 CHAIRMAN HONIGBERG: Mr. Buckley,
18 do you have any questions for Mr. Knepper?

19 MR. BUCKLEY: Just a few, very
20 brief questions.

21 CROSS-EXAMINATION

22 BY MR. BUCKLEY:

23 Q. Mr. Knepper, you mentioned at Bates 7, Lines
24 10 through 13, "The [sic] delicate balance to

1 weigh the need to replace aging piping
2 systems as they near... undesirable condition
3 at which leaks... in mains break against
4 premature replacement of pipes that have many
5 years of useful life and pose little risk to
6 the public."

7 So I pose a question for you here,
8 recognizing that you are, of course, kind of
9 the head of the Safety Division here at the
10 PUC. But I would like to hear your
11 perspective on whether at some point we would
12 reach a point of diminishing returns
13 regarding investment in CIBS replacement.

14 A. I think conceptually we are starting to see
15 that. So the bulk of the CIBS program over
16 the last 10 years has replaced approximately,
17 I believe, on the order of 60 percent of the
18 inventory that was out there. Liberty has
19 picked up its pace in the last couple years,
20 and the construction season going on this
21 year is another aggressive one. And so
22 that's, you know, been part of that
23 reduction. But when you -- you also want to
24 look at the corresponding leak rates that are

1 associated with those pipes and the overall
2 leakage rates on their system, and they've
3 been declining as well. And we're starting
4 to see periods now where the leakage rate
5 isn't really declining in the same
6 relationship as it was. We saw steep curves
7 dropping on the leakage rate, and now we're
8 starting to see it flattening out.

9 So I think the answer is, conceptually,
10 yes, there is a point where, you know, you're
11 replacing it and you're doing it because it's
12 aged. And it will fail at some time, you
13 just don't know when. But it's not going to
14 be based on the corresponding leakage rates.

15 Q. And are you aware of instances where other
16 LDCs have partnered with non-governmental
17 organizations to help detect where they might
18 want to target programs like CIBS due to
19 leaks that are detectable in open air?

20 A. Can you give me an example of what you're
21 referring to?

22 Q. I'm thinking of the Environmental Defense
23 Fund has partnered with I think Boston Gas.
24 It's the Boston Metropolitan area, and they

1 publish maps of various leaks. And I think
2 those maps are used to help target programs
3 like this.

4 A. Yes, EDF has helped target that. There's
5 been a couple other ones across the country.
6 Liberty's not been one of the candidates
7 selected to do that because, No. 1, we don't
8 have a huge backlog of 30,000 leaks that are
9 unattended. So we have a much more smaller,
10 confined and smaller-scale program. So they
11 take this technology, put it in cars, and
12 they go around and drive around the cities
13 and they look for leakage rates. The
14 technology that they use is much more, I
15 don't know, at a different level than what
16 the gas company uses. It's at a scale that
17 picks up parts per billion versus parts per
18 million. So they find a lot, a lot, a lot of
19 little leaks. But it doesn't always
20 distinguish if the leaks are coming from the
21 gas system. It's just any leaks that are in
22 town. So it could be useful, but I doubt
23 that they would apply that to a New Hampshire
24 program.

1 Q. So, moving on at Bates 25, you discuss -- you
2 express support for a full review of the CIBS
3 mechanism I think prior to fiscal year 2020.
4 Can you just very briefly summarize your
5 thoughts on that matter?

6 A. Yes. So, yes, on Bates Page 25, I think I
7 list some of the things that we think is
8 worth exploring. So the CIBS program, as I
9 said before, is 10 years old now. I think
10 anything after 10 years is worth going back
11 and looking to see if the parameters that
12 were initially considered when you're
13 designing the program are still valid. And
14 so we think that it may be time to explore
15 that at this point in time. So we're talking
16 about fiscal year 2020. And I think we
17 wanted to give notification to the Company to
18 sit down and have that discussion, and let's
19 explore whether it makes sense to either
20 suspend this or terminate this. And we've
21 done that.

22 So, in addition to some of the things
23 there, there's precedent here at the
24 Commission for doing that. We did it in

1 Northern Utilities in a docket in 2000 that
2 was initially started in 1990s. So after 10
3 years we put a hiatus on that program, and
4 the company continued to replace bare steel
5 on their own; it just wasn't done with a
6 tracking mechanism or a surcharge or a step
7 adjustment. So it's not something that's
8 never been done here before.

9 And we're kind of nearing the end. I
10 think at the end of this fiscal year, 2019, I
11 think they're predicting to be less than
12 70 miles. I think it's going to be somewhere
13 in the mid 60s. I could be precise and look
14 it up. So it's now less than 4 percent. The
15 cast iron/bare steel is less than 4 percent
16 of their total system. So it's now getting
17 into, I don't know, call it the last phase.

18 Q. And so to follow up on that suggested
19 investigation, we spoke a moment ago about
20 whether maybe there was a conceptual point
21 where we would reach a point of diminishing
22 returns investing in the CIBS program. Is it
23 your expert opinion right now, have we
24 reached that point, or is there more to go?

1 A. I think we wrote a letter that said it's
2 worth exploring now. So the answer to that
3 is I can't tell you that right now, but I
4 think it's definitely worth having the
5 discussion. This whole CIBS program has been
6 a collaborative approach from the beginning
7 between the Staff and the utilities and OCA.
8 And I think now we don't want to stop that.
9 We just want to have the discussion and
10 re-examine.

11 Q. So one final line of questioning here for you
12 related to the targeted marketing to new
13 customer prospects under the CIBS program.

14 If I recall from your testimony, you --
15 let me ask you. Can you just briefly explain
16 your support for the continued targeted
17 marketing?

18 A. Yeah, I think I look at it differently. When
19 you pick up 16 out of 26 customers, that's a
20 success. When you're picking up 16 out of
21 154, I would say that's a success. When
22 you're going by a house, and this is the only
23 opportunity because they're going to change
24 out their heating equipment, which typically

1 lasts on the order of 20, 25 years, these
2 opportunities don't come by very often. So,
3 comparing, I don't know, hard, difficult
4 customers that it takes to attain -- and I
5 agree there's a reason why they're not
6 already customers to those new main extension
7 programs where there can be new development.
8 It's brand new equipment. I just think it's
9 not even a comparison. I would totally
10 expect those costs to pick up that customer
11 to be higher. And just like any business,
12 you don't get rid of low-margin business and
13 only try to get high margin. You keep a
14 blend of those type of customers and what it
15 takes. So I just think we have differing
16 opinions as to the worthwhileness of it.

17 I do remember back when they weren't
18 doing that. We would have entire years where
19 they picked up one customer or no customers.
20 And so I believe that those marketing efforts
21 should continue. I think, and I've said it
22 in my testimony, I think it can be even
23 further enhanced the further out you go. The
24 more decision time you give customers, two

1 years', three years' notice, and not just the
2 one year, I think you'll have a higher chance
3 of success.

4 Q. Would it surprise you to know that the Office
5 of the Consumer Advocate has some concern
6 about per-customer marketing costs somewhere
7 around \$750 to \$1,000 compared to what those
8 costs are elsewhere on main extensions being
9 closer to \$33?

10 A. Yeah, I think that they are picking up those
11 ones that are main extensions. But I don't
12 think that you want to make that comparison.

13 Q. No further questions.

14 CHAIRMAN HONIGBERG: Mr. Sheehan.

15 MR. SHEEHAN: Thank you.

16 CROSS-EXAMINATION

17 BY MR. SHEEHAN:

18 Q. Mr. Buckley just asked you some questions
19 about whether the program is reaching a point
20 of diminishing returns. How did you define
21 the meaning of "diminishing returns" when you
22 answered?

23 A. I don't think I defined it.

24 Q. Well, in your head, how did you interpret the

1 question?

2 A. I'm starting to look at if you look at -- if
3 you look at -- in my head, I'm starting to
4 visualize curves where the leakage rate is
5 going down and now it's starting to flatten
6 out. So if you picture it very much like a
7 restoration curve for electric customers, you
8 get a lot of customers restored quickly. But
9 the ones at the end take the most amount of
10 effort, the most amount of cost, and you get
11 the fewest on. That's what I'm visualizing.

12 Q. And are you implying that's a bad thing, that
13 the last few customers are going to take more
14 money to fix, in this case, the leaks on the
15 pipes in front of their house?

16 A. I didn't imply whether it was good or bad. I
17 didn't imply any of that. Someone asked me
18 is there a point, and that's what you have to
19 examine and you have to look at. Without
20 having the data and discussions with the
21 Company to see if there is, you know, a
22 relationship, I don't know. I don't really
23 know exactly where that would be. But I
24 think conceptually, ideally, probably like

1 anything, there's a point where the efforts
2 to do certain things outweigh the costs to do
3 it.

4 Q. I should preface this line of questioning
5 with the fact that the Company has no problem
6 having these discussions. So please don't
7 take that to be the focus here. I'm just
8 exploring your thinking.

9 You are aware that the Company selects
10 the cast iron pipes to be replaced by a
11 number of factors, including leak history,
12 where one batch of leaks may be closer to
13 another batch and it may make sense to
14 replace that line, and many other factors in
15 trying to do the most cost-effective
16 replacement earlier and then saving, in
17 effect, the hardest ones for the end. You're
18 aware of that basic mindset.

19 A. Yes, and I think I kind of summarize that in
20 my testimony as well.

21 Q. In fact, you've urged that over the years,
22 ways we could do a better job at those sorts
23 of things.

24 A. Yes. I think that we're doing things more on

1 a neighborhood basis. We're getting the
2 smaller pipes. We're getting the ones that
3 are not necessarily the most expensive ones
4 to get at. And so we've been part of that
5 process of selecting candidates. But I don't
6 think anybody here has a crystal ball that
7 says this is the exact candidate. And we try
8 to look at it and review it and see if what
9 you're selecting is appropriate, and I think
10 we give our comments back. And so far we
11 think -- well, even looking at the results of
12 the bare steel, I would say that you have
13 corrosion problems on your bare steel that's
14 totally evident, and they're not getting any
15 better.

16 Q. And that was going to be my next set of
17 questions. In counsel's examination of our
18 witnesses, they were asking about those
19 samples that we've been providing you over
20 the years. And what I got from the gist of
21 the line of questioning is that pipes we're
22 taking out now are still pretty bad.

23 A. I think the questions was about active
24 corrosion. And so if you consider active

1 corrosion, similar to the questioning that
2 was just going on, where's the point that you
3 consider things active corrosion --

4 Q. If I may interrupt. What is active
5 corrosion?

6 A. So, active corrosion by the code says when
7 you have more than 70 percent wall loss, it
8 says you have to remediate it, and it says
9 you must replace it, right. So if the
10 Company says I have active corrosion in my
11 system, they would have to replace it.
12 Doesn't matter whether there's a program or
13 not. And they have to replace it all,
14 immediately. The problem with that is you
15 don't have an army. You probably can't.
16 There's pragmatic reasons that municipalities
17 aren't just going to allow you to do certain
18 things. So now we're back into, you know, I
19 don't deny that there's active corrosion, I
20 guess, to get around that requirement, but
21 from my standpoint, we have all the elements
22 of having active corrosion. And so this
23 whole program of cast iron/bare steel is to
24 get rid of the bare steel, right. Not just

1 the bare steel mains, but to get rid of those
2 bare steel services. And if we're getting
3 rid of the bare steel services and they're
4 attached to cast iron, it only makes sense to
5 get rid of the cast iron.

6 Q. Just a couple quick topics. We have
7 discussed carryover costs many times in the
8 past, and I will be brief.

9 You will agree that the various paving
10 restrictions and requirements of the cities
11 at a high level means that jobs that are
12 completed at some point in the fall simply
13 can't be paved until the next spring;
14 correct?

15 A. I think that you should take those -- I guess
16 I wouldn't answer the question that way. I
17 look at those as constraints. We have
18 constraints. The city and town have
19 constraints on their paving restrictions. We
20 know that going in, right. We know what we
21 want to get done. We know the resources that
22 we can apply. Liberty's in charge of those
23 resources, how fast they get something done.
24 And that all becomes part of the equation. I

1 don't look at it as that's the thing that's
2 causing us not to get it done. I look at it
3 as that's a factor you have to consider as
4 part of what the program is when you present
5 it.

6 So, for instance, this year alone, there
7 was 45 projects scheduled. I believe it was
8 7 or 8 -- I have to look at my testimony --
9 that didn't even get started. So that has
10 nothing to do with even the city or town
11 requirements, right. And there was a whole
12 host of ones that never got paved, even
13 though it was well before the paving
14 deadlines of the city. So I look at that and
15 say I'm not so sure it's necessarily that's a
16 constraint that you can't work into the
17 equation.

18 Q. Can you answer my question now? Would you
19 agree with me that projects that are
20 completed after a certain point in the fall
21 won't be paved until the next spring?

22 A. Yes, the ones on November 15th, typically,
23 yes.

24 Q. And you agree with --

1 A. And when you say "completed," okay, per
2 Liberty's completion, that just means mains
3 and services installed. You have to have a
4 period where you have to wait to settle, let
5 the temporary pavement get settled, and then
6 you can do that final restoration. Both the
7 settling period and that final restoration
8 are known constraints that the Company knows.

9 Q. I understand that. But the other constraint
10 is there's only so many miles and so many
11 crews can complete over the course of the
12 season; correct? You have whatever the
13 number of crews on the street. They're only
14 going to be able to do so many miles.

15 A. Well, it depends how many crews you
16 have and --

17 Q. That's what I said. You have X number of
18 crews, you're going to get Y number of miles.

19 A. So if you know what you're targeting, then I
20 think you have to get the resources to get
21 that done.

22 Q. But Mr. Knepper, you also have a concern
23 about the Company having too many contractors
24 out there that we're not managing properly --

1 A. Right.

2 Q. Then when you say don't have so many --

3 A. I totally agree. I think that is a
4 constraint that you have to look at, that if
5 your -- crews just don't work on their own.
6 You have to manage them. You have to make
7 them part of your process, right. So you
8 could say I want to do a hundred projects
9 this year. But if you don't have the crews,
10 you're just going to have a lot of unfinished
11 ones.

12 Q. So, based on the crews that we actually have,
13 if we want to get a good chunk of CIBS miles
14 removed, we have to work late into the year.
15 Would you agree with that?

16 A. Or you can adjust your other work that crews
17 are working on, new growth or municipal
18 projects. Those are also two other factors
19 that can be looked at.

20 Q. And those are all competing priorities within
21 our company, or any company.

22 A. I believe so.

23 Q. And isn't it the purpose of the CIBS program
24 to try to get CIBS work close to the top of

1 that priority stack by allowing for the
2 annual recovery of the allowed costs?

3 A. I think that's one of the factors, yes.

4 Q. Briefly on the marketing. I believe whatever
5 the label is, the ramped-up marketing was a
6 proposal of yours a couple years ago, that we
7 try to make a bigger effort to market to
8 these unserved people on CIBS routes;
9 correct?

10 A. Yes.

11 Q. And I believe this was the third year that we
12 have employed what we've called the
13 "upgraded" or "ramped-up" tactics. Would you
14 agree?

15 A. Yes.

16 Q. And the hope was, yours and ours, that we
17 would pick up more of the CIBS customers,
18 more of the customers along CIBS routes;
19 correct?

20 A. Yes, and more compared to when those weren't
21 being done.

22 Q. And the testimony that Mr. Frost and Mr.
23 Furey filed, the chart that I believe they
24 were reviewing with Commissioner Giaimo on

1 Bates 17, has that table of saturation rates,
2 number of prospects, number of responses and
3 number of conversions. And when you get
4 there, my question is -- the first year in
5 that table was before the upgraded process,
6 and the last three were after. And I guess
7 my question is -- there really isn't that
8 much of a difference, understanding this is a
9 very small sample of a very quirky
10 year-to-year customer base.

11 A. I think when you go down to even prior to
12 that, that's not part of this table, fiscal
13 year 14 and 13, we were seeing numbers of
14 zero and one for a conversion from.

15 Q. We have four for the first year of the
16 ramped-up.

17 A. Right. So it sounds like it's increasing.

18 Q. But isn't this also a case -- well, we have
19 15 before it started.

20 A. Well, the other part of this, Attorney
21 Sheehan, is that, you know, you're doing more
22 work, right. So we're getting the prospects.
23 You can see the numbers increase: 154, 67,
24 59. So I would think that I would expect

1 that there will be more customers in the
2 future. Why would we want to just put door
3 hangers on something?

4 Q. But the reason would be, Mr. Knepper, is --
5 again, I understand this is a small sample in
6 this exhibit. But in the year without the
7 extra efforts, we got 15 new customers out of
8 47 possibilities. Three years later, we have
9 150 possibilities and we get 16. So the
10 extra efforts -- again, understanding the
11 limitations of this -- did not result in more
12 customers per mile or --

13 A. Right. So that's why I made my comment of
14 maybe we start in earlier than just the
15 single year and you give those customers more
16 time to do that. That could be a change to
17 do.

18 Q. But my question is, and I'm asking the
19 questions, is doesn't what we have done --

20 MS. FABRIZIO: Objection here.
21 Counsel seems to be arguing with the witness.
22 And in part, he appears to be testifying on
23 behalf of the Company. If we could kind
24 of focus and --

1 CHAIRMAN HONIGBERG: Overruled.

2 You can continue.

3 BY MR. SHEEHAN:

4 Q. We could certainly change the tactics. Put
5 that aside for a moment. With the existing
6 tactics, doesn't it show that they're frankly
7 not working?

8 A. I don't agree.

9 Q. Okay. Fair enough.

10 And the increased tactics would cost
11 more money; correct?

12 A. Yeah, I totally agree that it costs more to
13 try to attract the customer who is not
14 wanting to be on your system all these years
15 than one who's brand new and coming onto your
16 system that is in what I would call a "virgin
17 territory." Because you tend to pick up
18 groups of people, right, versus individually.
19 And so individually, it costs more than with
20 groups.

21 Q. But isn't that better for all customers if
22 we're picking up more of them more cheaply?

23 A. I think it should be both is my point.

24 Q. Fair enough.

1 MR. SHEEHAN: I have no further
2 questions. Thank you.

3 CHAIRMAN HONIGBERG: Commissioner
4 Bailey.

5 INTERROGATORIES BY COMMISSIONERS:

6 BY COMMISSIONER BAILEY:

7 Q. Back to the active corrosion. I'm glad that
8 you explained that term. Do you think that
9 the remaining CIBS pipes are in active
10 corrosion, or close to it?

11 A. Yes. I haven't seen anything that indicates
12 that it's not.

13 Q. Okay. So, then, why would we think about
14 stopping the program just because the leak
15 curve -- I'm not articulating the question
16 well -- just because the reduction in leaks
17 isn't as great as it was in the beginning?

18 A. I'm just saying that's one of the things we
19 need to look at. I'm saying we should
20 explore the possibility. We're not saying we
21 want to -- that we're going to terminate it.
22 But I think we need to look at the data that
23 brought us here and the data that's causing
24 you to examine the candidates. And so I

1 think that, in my opinion, that for 10 years
2 of doing these samples, we've seen it. It's
3 not only -- you know, to me, if you have a
4 hundred percent wall loss, that's -- I don't
5 know how the Company can say it's not active
6 corrosion on that pipe. It doesn't get any
7 clearer to me than that. The question
8 becomes how prevalent is that active
9 corrosion. And it looks to me like, after 10
10 years at different locations all around, I
11 think you could summarize that we have it
12 generally within their distribution systems.
13 And so wherever those concentrations of bare
14 steel are, it seems like we haven't found any
15 that, hey, we're digging up 1920 pipe and
16 it's in nice, pristine condition.

17 Q. So what I don't understand is it sounds like
18 the bare steel, the cast iron/bare steel pipe
19 needs to be replaced. And if you think that
20 it's in active corrosion, that it needs to be
21 replaced as soon as possible pursuant to the
22 code, so --

23 A. I think without a CIBS program they would
24 have to do it, and with a CIBS program they

1 would have to do it.

2 Q. All right. That's what I was trying to
3 understand.

4 I also am having a hard time
5 understanding the argument against the --
6 well, your position that they should continue
7 or even increase the marketing to the
8 non-customers along these routes, especially
9 given this table that we looked at a minute
10 ago, that you looked at with Mr. Sheehan,
11 sort of looking at the same thing. You know,
12 15 out of 47 is a third; 16 out of 154 is
13 like 10 percent. So it doesn't show that
14 this marketing got --

15 A. So, 10 percent is very good when it comes to
16 marketing. Typically your responses are 1 to
17 2 percent.

18 Q. Right. But if they didn't have that
19 marketing, would they have that 10 percent
20 anyway?

21 A. All I can say is when they weren't doing
22 that, we were getting zeros and ones.

23 Q. Except for in 2015, it was 30 percent.

24 A. Yeah.

1 Q. Was that just a lucky year?

2 A. Could be. I don't know because I don't --
3 I'm not embedded in the Company, so I don't
4 know exactly what they did. I could go back
5 and see if we even requested it.

6 The whole idea of putting some focus on
7 it came about when, you know, they weren't
8 even attempting to pick up customers, and all
9 they were doing is, you know, I'm going by
10 your house and I put a door hanger. Most
11 people cannot make a capital investment that
12 quickly. It takes time to get quotes. It
13 takes time to plan something like that to
14 make a decision. And so the Company knows
15 what the candidates are. So they can tell
16 the customers -- you know, they may not say,
17 well, it's going to be this year, but they
18 could let them know two years from now or
19 three years from now that we have it on our
20 list of things to do, and that lets people
21 warm up to making that big cost conversion,
22 because cost conversions are expensive.

23 Q. So I think I understand now that the door
24 hangers don't do any good because it's too

1 late. But if they did a generic, hey, we're
2 going to be replacing the main in your
3 neighborhood in the next one to two years,
4 and they sent it to everybody rather than try
5 to target the people that were non-customers,
6 would it be a little less expensive for the
7 Company and provide the same results?

8 A. So as part of this program, right, they have
9 to tell us what the service is and who they
10 serve, right. And so they're doing that
11 research internally in the Company: This
12 customer has a bare steel service, this
13 customer has a plastic service, this customer
14 has a coated steel service, this customer
15 doesn't have a service.

16 Q. They tell you that for each customer each
17 year?

18 A. It's part of the program as to how many
19 services are there, yes.

20 So my point is they kind of already know
21 what the universe is. The only thing that
22 they're not knowing is the exact dates of
23 when they're going to start and finish.

24 Q. See, I heard the testimony a little bit

1 differently than that, that they don't know,
2 or it costs a lot of money to figure out
3 which customers are not served. Did I
4 misunderstand that, do you think?

5 A. I'm saying within the Company there's people
6 putting those elements together. That's how
7 they're able to fill out this Bates Pages 43
8 and 44 of their testimony, and that's how
9 they're able to report to us the services
10 they have. So they have to do that
11 preliminary background work anyways. So,
12 what don't you have. So if you have 23, then
13 25, 27, then 32, and there's a building or
14 structure there, that would be a candidate.
15 That would be a potential candidate to really
16 go after and try to see if you can convince
17 them that we have a once in a lifetime
18 opportunity to come by and to feed you,
19 because there'll probably be moratoriums put
20 on later by the city, so here's a good chance
21 to take advantage of it.

22 Q. Okay. Thank you.

23 CHAIRMAN HONIGBERG: Commissioner
24 Giaimo.

1 BY COMMISSIONER GIAIMO:

2 Q. Good afternoon. So what I heard was after 10
3 years you think it's appropriate to
4 re-examine the program. So that makes sense.
5 But I just want to clarify. Is the Safety
6 Division recommending suspending the program
7 and then evaluating it or doing it
8 concurrently -- by that I mean continue the
9 program and then while you're examining?

10 A. So, this hearing is about fiscal year 2018,
11 which is the reconciliation of '17. And
12 they're currently doing '19 right now, fiscal
13 year 2019. So we'll have that hearing next
14 year about the same period of time. And so
15 what we've said is, before you start to just
16 roll out fiscal year 2020, let's take a look.
17 Let's take a breather before you go too far
18 and see is there any changes that we need to
19 make. Do we need to suspend it? Does it
20 make sense? I just think running it to the
21 end into the ground doesn't -- I think now's
22 a good time. And so as you're getting down
23 into the amount of pipe that's left to
24 replace, we think that now's the time to have

1 that discussion.

2 So we would have the discussion,
3 assuming sometime in the fall. We haven't
4 picked a date. We invite the OCA and whoever
5 else wanted to participate and explore it and
6 talk about it. You know, that's really what
7 we have to do. But you have to -- I think we
8 have to have a -- we have to let them know
9 that that's kind of in the back of our minds
10 a little bit to talk about it and then kind
11 of find out is there any super compelling
12 reasons other than getting accelerated
13 recovery. To me, one of the constraints is,
14 you know, they've already committed by saying
15 they want to get it down by 2024. So I think
16 that should be number one if that commitment
17 is still there, or is it a commitment only if
18 we have the CIBS program.

19 Q. There was a lot in there. I guess I'm
20 struggling because you said we want to take a
21 breather, but then we want to re-examine.

22 So, a "breather" to me connotes suspending.

23 A. Well, that may be -- we may take a year and
24 suspend it and catch up on these extra paving

1 costs, and that's all that gets done. And
2 then the next year you're hitting it hard and
3 there's no constraints of trying to get that.
4 That might be an outcome. It might be, hey,
5 trying to recover all these costs in a single
6 year probably is difficult because they're
7 not incurring it in just one season. Maybe
8 we need to change and lengthen it. Maybe we
9 don't need the program at all if the Company
10 is filing rate cases at a frequency that that
11 lag time isn't even there.

12 So, these are all things that have
13 changed over 10 years. And I think it's just
14 kind of go back and say -- and not only that,
15 the Company, we've had three predecessors,
16 and the staff has changed and we've changed.
17 I just think it's time to take a good look
18 and say why are we doing this and exactly
19 what is the -- should we continue it. And we
20 may come back and say, no, we need to
21 continue it, maybe make a minor adjustment
22 here or there, or not.

23 Q. So, on Bates 26 you have -- on Lines 9 to 12,
24 you actually discuss the merits of

1 accelerating and having the program
2 accelerated between now and 2024.

3 (Witness reviews document.)

4 A. So I'm sorry. Lines 9 through --

5 Q. Through 12. You talk a little bit about the
6 values, but particularly to the ratepayer
7 savings associated with accelerating the
8 program.

9 A. Yeah. So, I mean, one of the things about
10 not doing something and putting things off to
11 the future is the costs tend to be more,
12 right, that the costs -- if you extend this
13 and they do it over in five years, is it
14 better to do -- is it cheaper now; right? So
15 that's one of the things you have to kind of
16 consider: What's their cost structure going
17 to be in five years? Don't really know. So
18 far, this is the first year we've kind of
19 seen an uptick in costs. Some of it's due to
20 degradation fees which we weren't having
21 before. Some of it's due to we're getting
22 into the difficult sections. I think in
23 their testimony they talked about, well,
24 we're hitting more asbestos, and we're

1 hitting some of these more expensive things.
2 We're getting the larger pipes, 10-, 12-, 16-
3 inch pipes, very much more expensive to do.
4 Even though they have a small inventory of
5 them, those are the kind of things that I
6 think you have to consider.

7 Q. Thank you very much.

8 BY COMMISSIONER HONIGBERG:

9 Q. Mr. Knepper, I think the last time, or maybe
10 it was the last time before that, when we
11 talked about the degradation fees, I
12 understood the situation to be that the
13 Company doesn't lose the ability to recover
14 those costs; they just can't do it in this
15 accelerated program. Do I have that right?

16 A. Yeah, I think anything that they don't get in
17 the CIBS is eligible for cost recovery in a
18 rate case. But it's subject to anything
19 else, prudence, look and review and all those
20 things.

21 Q. With respect to maybe spending the next year
22 before the next hearing doing a deeper dive
23 into this program, would that be a more
24 appropriate time to discuss changes in

1 marketing than doing it in this relatively
2 short time frame that we have to consider it
3 now?

4 A. I think that would be one of the areas we'd
5 want to look at. The original CIBS program,
6 we didn't even outline anything about
7 marketing. That wasn't even one of the
8 things. That's one of the things that we've
9 kind of grown in the 10 years about that
10 subject. So, yes.

11 Q. All right. I didn't have any other
12 questions.

13 CHAIRMAN HONIGBERG: Mr. Sheehan --
14 I'm sorry. Ms. Fabrizio, do you have any
15 further questions for Mr. Knepper?

16 MS. FABRIZIO: Just one wrap-up
17 question based on the questioning we just
18 heard.

19 REDIRECT EXAMINATION

20 BY MS. FABRIZIO:

21 Q. Mr. Knepper, would you be comfortable with
22 the Company recovering its costs for main and
23 service replacements through regular rate
24 cases in the future without the acceleration

1 of recovery that the CIBS program provides?

2 A. Well, we've done it both ways, right. We've
3 done it with Northern Utilities where it was
4 just through rate cases. So we didn't --
5 there was a lot less. We didn't have a
6 hearing every year. There's a lot less
7 administrative by both the Company and
8 ourselves. And they just -- we didn't pick
9 the rate. We let them pick the rate. They
10 just committed to a certain date. That is
11 one way, and it was successful. But prior to
12 that, they did have an accelerated
13 replacement program similar to a CIBS, I
14 guess, without all the reporting for 10
15 years, and then that stopped. And so it's
16 been done both ways.

17 Q. And are you comfortable with Liberty going
18 forward using the regular rate case forum to
19 recover --

20 A. I'm not opposed --

21 (Court Reporter interrupts.)

22 CHAIRMAN HONIGBERG: I think the
23 problem is getting the end of the question.

24 BY MS. FABRIZIO:

1 Q. Are you comfortable with Liberty going
2 forward using the regular rate case forum to
3 recover its cost for replacing the remaining
4 cast iron/bare steel pipes in its system?

5 A. Yeah, I'm not necessarily opposed to that way
6 of recovering. Again, I'm back to the focus
7 should be on the replacement itself, and then
8 the recovery should be secondary aspect of
9 it, not the primary. We quickly jumped to
10 that being the primary discussion every time,
11 and I believe it should be the secondary, as
12 to come to an agreement when you want to
13 expect something out of the ground, when
14 it'll be totally done, and then we can figure
15 out the most appropriate way to do the rates.

16 Q. Thank you.

17 CHAIRMAN HONIGBERG: All right. I
18 think, Mr. Knepper, you can probably return
19 to your seat.

20 There are no other witnesses;
21 correct?

22 [No verbal response]

23 CHAIRMAN HONIGBERG: Any other
24 business before we do the wrap-up portion?

1 [No verbal response]

2 CHAIRMAN HONIGBERG: All right.
3 Without objection, we'll strike I.D. on
4 Exhibits 1 through 4. And if there's nothing
5 else, we'll let the parties sum up.

6 Mr. Buckley, why don't you start us
7 off.

8 CLOSING STATEMENTS BY PARTIES

9 MR. BUCKLEY: Thank you, Mr.
10 Chairman.

11 The OCA is generally supportive of the
12 Company's filing, subject to the caveat that
13 we agree with Staff on several of their
14 recommendations concerning recovery of excess
15 carryover costs, continued auditing of the
16 program on an annual basis, and further
17 examination of the existing CIBS program this
18 fall to determine how that mechanism may
19 continue to provide the best use of ratepayer
20 dollars into the future.

21 We are sympathetic to Liberty's
22 recommendation regarding marketing to CIBS
23 customers as presented in their testimony, if
24 for no other reason that it's not every day

1 that something, or more specifically, Liberty
2 Utilities, comes to the Commission and asks
3 us to spend less money expanding their
4 customer base and associated rate base. The
5 fact that this is occurring here indicates to
6 the OCA that this request deserves deference
7 to the business judgment of the local
8 distribution company itself. However, we do
9 think that the compromised approach suggested
10 just a few moments ago by the Chairman could
11 be a useful compromise on the question of
12 targeted marketing. Thank you.

13 CHAIRMAN HONIGBERG: Ms. Fabrizio.

14 MS. FABRIZIO: Thank you. Staff
15 requests approval of the Company's petition
16 for recovery of 2018 cast iron/bare steel
17 replacement program costs in this docket,
18 based on the Company's revised petition
19 filings, as well as based on the corrections
20 noted in today's hearings. Thank you.

21 CHAIRMAN HONIGBERG: Mr. Sheehan,
22 before you start, I just want to say I think
23 you've heard sympathy toward how much it
24 costs to market to the customers along the

1 CIBS routes. But I think there's a
2 discomfort, and you heard it from Mr.
3 Knepper, and I think we feel it, that
4 there's -- it's not an apt comparison to
5 compare those expenses with expenses in new
6 territory. That's not a persuasive way to
7 look at that. You may have a good case here
8 that this is just too expensive when you
9 think about other things you could be doing
10 with that money. But I want you to think
11 about that as you are summing up and see if
12 you have any thoughts on those topics.
13 Clearly you've been thinking about it and you
14 heard the question, so I wanted to make sure
15 you address it in your closing.

16 MR. SHEEHAN: Sure. I'll address
17 it right off. The reason we raised it so
18 specifically here is that the people most
19 involved in the marketing just don't see it
20 as a useful effort. They spend a lot of
21 time -- it's mostly one woman, Emily, who
22 spends a lot of time doing the research, and
23 the results are as you see. CIBS projects
24 are very -- each are unique. I mean, you

1 know Concord. Up in the neighborhood where
2 I've lived the last couple years, that's a
3 very different neighborhood than the south
4 end, which is a very different neighborhood
5 from a low-income neighborhood in Nashua. So
6 these marketing efforts, again, was a great
7 idea to push to see what would come of it.
8 We're just not seeing it. And I think it is
9 a fair comparison to other projects, in the
10 sense that if we have a thousand dollars to
11 spend on marketing and we can get one CIBS
12 customer or 15 non-CIBS customers, it seems
13 wiser to spend the thousand dollars
14 elsewhere. There isn't an unlimited pool of
15 marketing dollars. That being said, we're
16 not proposing here to abandon marketing to
17 CIBS customers. They get the regular
18 mailings. These door hangers aren't the week
19 before we start. They're long before we
20 start. I'm not sure when, but months, at a
21 minimum.

22 The 100-foot line extension policy
23 we have now allowing it to be free is easier.
24 Customers don't have to replace their heating

1 system. They just have to hook up a gas
2 range or hot water heater to become a
3 customer. So all these things help. The
4 amount of work that goes into the marketing,
5 the tracking, everything that we do as part
6 of this spreadsheet all costs money. It's
7 all time spent that isn't spent elsewhere.

8 So it really is, as Mr. Buckley
9 said, a unique situation where we're coming
10 here and saying let us spend less money on a
11 project because we don't think it's working
12 very well. It's really hard to compare them
13 year to year because they're so different.
14 There's no "Aha, we're now getting lots of
15 customers we weren't getting before." So
16 that's why we raise it and are discussing it.
17 In the grand scheme of things, this is not a
18 huge issue, obviously, but we found it was
19 worthy of this discussion, as it has been the
20 last couple years.

21 I do want to repeat again, the
22 letter we got from Staff last week asking to
23 have this deep dive is fine with us.

24 Obviously, our inclination is to keep the

1 program going roughly as it is. There are a
2 lot of good things that flow out of the
3 incentive. I think Mr. Kreis has a great
4 expression for utilities motivated by
5 whatever his phrase is, "Show me the cheese,"
6 or something like that. You know, we have a
7 company that, a parent that invests money,
8 and those investment dollars have lots of
9 takers. And an incentive to keep investing
10 those dollars aggressively in CIBS is a real
11 incentive because of the yearly recovery. As
12 Mr. Knepper said, maybe a lot of our pipe is
13 subject to the rule that requires prompt
14 replacement. And this is a good way to get
15 it done, to make sure it gets done with crews
16 that we have.

17 Then the concept of suspending for
18 a year or so raises many risks for us. We
19 may lose the crews we have. We don't hire
20 them for a summer, they go elsewhere. It is
21 very difficult to keep the contractors we
22 have. There's a lot of competition. As we
23 just heard, in Boston there are thousands of
24 leaks, and a lot of our contractors would

1 pick up and go down there if they had work
2 down there that they could do for a different
3 utility. We are competing hard for these
4 contractors, and if we lose them, we may lose
5 them for good. So there's a lot of moving
6 pieces here that I guess generally militate
7 towards a very slow, careful decision of how
8 we change this.

9 So I think that's really our
10 message here today, is we will certainly
11 talk. There's always improvements. A lot of
12 what you see here are improvements suggested
13 by Mr. Knepper and Staff over the years. And
14 we appreciate those, and we will continue the
15 conversation we have.

16 There has been no real challenge to
17 the request here that we're making for the
18 last year's program. We ask that you approve
19 it. We did raise the carryover costs just to
20 show the numbers out there. We made the
21 request. Mr. Knepper has the right not to
22 approve -- recommend it under the settlement
23 agreement, and we respect that. So, thank
24 you.

1 CHAIRMAN HONIGBERG: Thank you, Mr.
2 Sheehan. Thank you for your thoughts on
3 that. And thank your witnesses for the
4 thought they put into this as well.

5 All right. We will take the matter
6 under advisement and issue an order as
7 quickly as we can. And we are adjourned.

8 (Hearing concluded at 4:33 p.m.)
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