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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

April 26, 2022 - 9:02 a.m.

RE: DE 21-138
LIBERTY UTILITIES (GRANITE STATE
ELECTRIC) CORP.
2022 Reliability Enhancement Program
and Vegetation Management Program Plan
(Hearing)

PRESENT: Chairman Daniel Goldner, Presiding
Commissioner Pradip Chattopadhyay

Tracey Russo, Clerk

APPEARANCES: Reptg. Liberty Utilities (GSE) Corp.:
Michael J. Sheehan, Esq.

Reptg. N.H. Dept. of Energy:
Paul B. Dexter, Esq.

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

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I N D E X

WITNESS PANEL: HEATHER M. TEBBETTS
HEATHER GREEN
CHRISTOPHER STEELE

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| 1 | Testimony of Christopher Steele, Heather Green and Heather M. Tebbetts, with attachments | PREMARKED |
| 2 | CONFIDENTIAL Response to NHDOE 1-6, with attachments | PREMARKED |
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1 P R O C E E D I N G S

2 CHAIRMAN GOLDNER: Okay. Good
3 morning, everyone. I'm Chairman Goldner.
4 I'm here with Commissioner Chattopadhyay.
5 We're here in Docket DE 21-138 for a hearing
6 regarding the Liberty Utilities 2022
7 Vegetation Management Program.

8 Let's take appearances, beginning
9 with Liberty.

10 MR. SHEEHAN: Good morning,
11 Commissioners. Mike Sheehan for Liberty
12 Utilities (Granite State Electric) Corp.

13 CHAIRMAN GOLDNER: Thank you.
14 And the New Hampshire Department of
15 Energy.

16 MR. DEXTER: Thank you, Mr.
17 Chairman. Appearing on behalf of the
18 Department of Energy, Paul Dexter. I'm
19 joined today by Jay Dudley and Scott Balise
20 from the Regulatory Support Division.

21 CHAIRMAN GOLDNER: Thank you.

22 For preliminary matters, we're here
23 to resolve a simple issue: The budget for
24 the 2022 Vegetation Management Program, which

1 the Settlement Agreement stipulates is
2 \$2.2 million plus 10 percent, or 220K
3 additional. Recently in DE 22-014, there was
4 discussion of a carry-forward which will be
5 decided in that docket. Is there anything
6 else we need to discuss today?

7 MR. SHEEHAN: No, those are -- we
8 understand those are the issues that are
9 noticed for this hearing, yes.

10 CHAIRMAN GOLDNER: Thank you.

11 Mr. Dexter.

12 MR. DEXTER: I might have phrased
13 it differently, in terms of this being a
14 "budget" hearing. But I think essentially
15 what you said covers it. And I'll get into
16 that in my questioning and in my closing.

17 CHAIRMAN GOLDNER: Okay. Thank
18 you, Mr. Dexter.

19 Exhibits 1 through 8 have been
20 prefiled and premarked for identification.

21 We did receive a late-filed Motion
22 for Confidential Treatment, Attachment DOE
23 1-6.2, Confidential Attachment DOE 1-6.3, and
24 Exhibit 2. I'll note that the pagination

1 appears to be off.

2 Are there any objections to
3 accepting this late-filed motion?

4 MR. SHEEHAN: With respect, the
5 rules require the motion be filed prior to
6 hearing, so I don't believe it's late-filed.
7 That's the standard practice for when you
8 have discovery responses during the course of
9 a docket filing; the motion needs to be filed
10 prior to hearing. I have nothing further to
11 add.

12 CHAIRMAN GOLDNER: Okay. Mr.
13 Dexter.

14 MR. DEXTER: I haven't had a chance
15 to review the motion, but I would expect that
16 it's the typical motion that Attorney Sheehan
17 just described, and I don't expect the
18 Department will have any objection to it.

19 CHAIRMAN GOLDNER: Okay. Very
20 good. Yeah, maybe, Mr. Sheehan, my comment,
21 in the Order of Notice it says everything
22 needs to be filed two days ahead of time. Is
23 there an exception to this?

24 MR. SHEEHAN: The rule that governs

1 the confidential treatment of discovery
2 responses specifically requires that it be
3 filed prior to hearing. The purpose is to
4 put the parties on notice that the -- let me
5 back up.

6 When we respond to discovery
7 requests that have confidential information,
8 rather than litigating confidentiality during
9 the course of the case, we send information
10 to the parties with an assertion that we do
11 assert confidentiality for these reasons, and
12 we will file a motion prior to hearing to
13 confirm that. Typically that happens shortly
14 before a hearing. The vast majority of time
15 it's not contested, and the Commission can
16 roll that issue into its order. Occasionally
17 we file at the outset of a case if our
18 initial filing has confidential information,
19 and sometimes that can be addressed during
20 the course of the hearing. This is how it's
21 been handled according to the 200 Rules.

22 CHAIRMAN GOLDNER: So is there any
23 reason it couldn't have been filed with the
24 original filings I think you filed last

1 Friday? Is there a reason why it was later?

2 MR. SHEEHAN: I was notified by DOE
3 that they wanted to mark Exhibit 2 on Friday,
4 and so the motion covers that piece as well.
5 So I had the weekend to write it.

6 CHAIRMAN GOLDNER: Okay. Thank
7 you, Mr. Sheehan.

8 All right. Is there anything else
9 we need to cover regarding exhibits?

10 MR. DEXTER: Nothing from the
11 Department.

12 CHAIRMAN GOLDNER: Okay. The
13 Commissioners have reviewed the prefiled
14 testimony and other exhibits and have no need
15 of the witnesses summarizing their testimony.
16 After cross-examination by the Department of
17 Energy, we anticipate -- we, the
18 Commissioners, anticipate having a few
19 questions.

20 Are there any other preliminary
21 matters to discuss before we have the witness
22 panel sworn in?

23 MR. SHEEHAN: No, sir.

24 CHAIRMAN GOLDNER: All right.

1 Let's proceed with the witnesses. Ms.
2 Robidas, would you please swear in the panel
3 of witnesses.

4 (WHEREUPON, HEATHER M. TEBBETTS,
5 HEATHER GREEN and CHRISTOPHER STEELE
6 were duly sworn and cautioned by the
7 Court Reporter.)

8 CHAIRMAN GOLDNER: Thank you. And
9 we'll move to direct with -- unless, Mr.
10 Sheehan, you have any clarifications, I guess
11 it would just be the qualification of the
12 witnesses and adoption of their prefiled
13 testimony.

14 MR. SHEEHAN: That's fine. We had
15 planned to at least tee up some of the
16 conversations we had last week, which we had
17 on the VMP reconciliation hearing. We had
18 kind of said here's some things to think
19 about because we're going to come back next
20 week for this hearing. And I have literally
21 two minutes of questions, if you'd like me to
22 do those. Or I'm happy to wait until the
23 Commissioners ask questions and we may get
24 there anyway.

1 CHAIRMAN GOLDNER: Okay. I think
2 it's probably a good two-minute investment,
3 so please proceed.

4 MR. SHEEHAN: First we'll introduce
5 the witnesses and adopt testimony.

6 DIRECT EXAMINATION

7 BY MR. SHEEHAN:

8 Q. Begin with you, Ms. Tebbetts. Please
9 introduce yourself, describe your position
10 with the Company and the role you had in
11 drafting the testimony that's been marked as
12 Exhibit 1.

13 A. (Tebbetts) My name is Heather Tebbetts, and I
14 am the manager of Rates and Regulatory
15 Affairs for Liberty Utilities. I am employed
16 by Liberty Utilities Service Company, and in
17 my role I am responsible for rate-related
18 matters for Granite State Electric.

19 Q. And you participated in the drafting of the
20 testimony that's been marked as Exhibit 1; is
21 that correct?

22 A. (Tebbetts) Yes.

23 Q. Do you have any changes to the portion of
24 your testimony for which you were

1 responsible?

2 A. (Tebbetts) No.

3 Q. And do you adopt that testimony, written
4 testimony, as your sworn testimony this
5 morning?

6 A. (Tebbetts) Yes.

7 Q. Thank you.

8 Ms. Green, same question. Can you
9 please introduce yourself?

10 A. (Green) Heather Green.

11 Q. And your position with the Company is what?

12 A. (Green) Manager of vegetation management.

13 Q. Did you participate with the other people
14 next to you in the drafting of the testimony
15 that we have marked as Exhibit 1?

16 A. (Green) Yes.

17 Q. And do you have any changes or corrections to
18 the testimony that you'd like to bring to the
19 Commission's attention this morning?

20 A. (Green) Bates Page 12, Line 18, it's missing
21 the word "not" as the third word in the line.

22 Q. And just read the sentence so we --

23 A. (Green) "The workforce issue is [not] limited
24 to New Hampshire, New England, or East Coast

1 phenomenon."

2 Q. Thank you. With that correction, do you
3 adopt your written testimony as your sworn
4 testimony here today?

5 A. (Green) I do.

6 Q. And very briefly, is it fair to say that the
7 request in this docket is for the Commission
8 to approve the proposed 2022 budget and the
9 work plan that builds that budget? Is that
10 correct?

11 A. (Green) Yes.

12 Q. We heard last week about the various issues
13 in completing the work in 2021, and it's a
14 significant portion of the testimony here.
15 We are now four months into 2022. Can you
16 just briefly tell us where the Company
17 stands?

18 A. (Green) We have completed 42, approximately
19 42 miles and approximately \$700,000 worth of
20 work.

21 Q. And based on the plan for all of 2022, do you
22 consider that to be on track?

23 A. (Green) Yes.

24 Q. Part of the rest of the work in 2022

1 requires -- is based on new contractors
2 starting work soon; is that fair?

3 A. (Green) That is correct.

4 Q. And are you comfortable that those new
5 contractors will do the work that you expect
6 them to do for the balance of 2022?

7 A. (Green) Yes. Before we put out the bids, we
8 did ask them if they had workforces and time,
9 and they responded they did.

10 Q. And you expect -- and those bids, as I
11 understand it, are coming back this week. Is
12 that correct?

13 A. (Green) Yes.

14 Q. So when you pick a winner, you expect that
15 company, based on your conversations, to have
16 the people to do the work that they're
17 bidding to do.

18 A. (Green) Correct.

19 Q. And as I understand it, there's also a new
20 piece of equipment that will be available to
21 the Company for the first time this summer;
22 is that correct?

23 A. (Green) That is correct. We'll have both
24 mechanized mowers and mechanized pruners on

1 our system for roadside work.

2 Q. That's not something we've had available to
3 us in the past; is that fair?

4 A. (Green) That is correct.

5 Q. Thank you.

6 Mr. Steele, please introduce yourself
7 and describe your position with Liberty.

8 A. (Steele) Good morning. My name is
9 Christopher Steele. I am the senior director
10 of electric operations for Liberty Utilities.

11 Q. And Mr. Steele, you are relatively new to
12 Liberty; is that correct?

13 A. (Steele) That is correct.

14 Q. You started when?

15 A. (Steele) I became employed with Liberty
16 Utilities April 12th, 2021.

17 Q. And prior to working for Liberty, you spent
18 your career in Florida for Tampa Electric; is
19 that correct?

20 A. (Steele) That is correct. I spent over 21
21 years with Tampa Electric Company in various
22 leadership roles throughout the organization
23 in operations.

24 Q. And somehow you managed to get through 20

1 years without ever testifying; is that
2 correct?

3 A. (Steele) That is correct. This is my first
4 time testifying this morning.

5 Q. And Mr. Steele, did you participate in the
6 written testimony with the two Heathers next
7 to you that we've marked as Exhibit 1 this
8 morning?

9 A. (Steele) Yes, I did.

10 Q. And do you have any corrections that you'd
11 like to bring to the Commission's attention
12 to that written testimony?

13 A. (Steele) No, I do not.

14 Q. And do you adopt that written testimony as
15 your sworn testimony today?

16 A. (Steele) Yes, I do.

17 Q. And the one topic that I mentioned to the
18 Chairman that we could spend two minutes on
19 has to do with the discussion that began last
20 week over the Company being on a
21 four-year-cycle versus a five-year-cycle.
22 Were you present in the room last week when
23 that conversation occurred?

24 A. (Steele) Yes, I was.

1 Q. And is it fair to say the Company's currently
2 on a four-year cycle, meaning it intends to
3 trim one fourth of its lines each year?

4 A. (Steele) No, they are not.

5 Q. But we're supposed to be.

6 A. (Steele) We are supposed to be. That is
7 correct.

8 Q. And that was part of the settlement Agreement
9 in the last rate case, was that we would
10 continue a four-year-cycle that had started
11 some years prior.

12 A. (Steele) That is correct.

13 Q. And I think the question came from the Bench,
14 "Has the Company considered moving to a
15 five-year-cycle?" Do you recall that?

16 A. (Steele) Yes, I do.

17 Q. And having a week to think about that
18 further, can you just give us a high-level
19 description of what the Company intends to
20 do -- well, let me break that into pieces.

21 The work plan that's before the
22 Commission today in the 2022 budget calls for
23 a certain number of miles to be worked; is
24 that correct?

1 A. (Steele) That is correct. We are expecting
2 153 miles in 2022.

3 Q. And that is based on the budget that we
4 proposed and the workforce that's available
5 to do that work; is that fair?

6 A. (Steele) That is correct.

7 Q. If you had twice as much money, could you do
8 twice as much work?

9 A. (Steele) No, I could not.

10 Q. And that's because of the workforce issues?

11 A. (Steele) That is correct. We would be unable
12 to obtain the vegetation management crews and
13 allow for provisions. When we think about
14 where we are in the year, already being
15 approximately halfway through the year, it
16 would be impossible to -- it would be very
17 hard to obtain that we could trim double the
18 amount of miles if given additional money.

19 Q. Is it fair to say that the plan for 2022,
20 although we are supposed to be on a
21 four-year-cycle, is consistent with a
22 five-year-cycle?

23 A. (Steele) That is correct. Listening to
24 Ms. Green and hearing about the mechanized

1 trimmer, there is an opportunity for
2 additional efficiencies. There's a potential
3 that Liberty Utilities could trim up to
4 175 miles this year, which would put Liberty
5 Utilities on a five-year-cycle.

6 Q. Would you, as the ultimate person ultimately
7 responsible for the work, vegetation work
8 done by Liberty, prefer to be on a four-year
9 -- a five-year-cycle beginning now?

10 A. (Steele) Yes, I would.

11 Q. I understand that's not a formal request in
12 this petition. But it was a topic discussed
13 last week, and it is something you would like
14 to do.

15 A. (Steele) That is correct. I believe when we
16 think about our customers and what is best
17 for the customers, our system and the
18 efficiencies, that a five-year-cycle makes
19 sense. We would be very open to
20 transitioning to a five-year-cycle now and
21 beginning that work in a separate forum.

22 Q. And regardless of what can happen either in
23 this docket or now, it is the Company's
24 intention to formally request to move to a

1 five-year cycle in the rate case that we
2 expect to file next summer; is that correct?

3 A. (Steele) That is correct.

4 MR. SHEEHAN: Thank you. Those are
5 all the questions I have.

6 CHAIRMAN GOLDNER: Thank you, Mr.
7 Sheehan.

8 Move to cross-examination, and I'll
9 recognize Mr. Dexter.

10 MR. DEXTER: Thank you, Mr.
11 Chairman. I have some prepared questions,
12 but I want to start with some impromptu
13 questions based on the direct that I just
14 heard.

15 CROSS-EXAMINATION

16 BY MR. DEXTER:

17 Q. Ms. Green, you mentioned that there are some,
18 quote, new contractors that will be on the
19 system soon. Can you describe who those
20 contractors are and what they will be doing?

21 A. (Green) There are two circuits in Salem that
22 are approximately 30 miles. So we have put
23 out to bid those two circuits. The
24 contractors, you want the names of the

1 contractors that are bidding?

2 Q. Well, so I guess a couple of questions. It
3 sounds like they're not under contract, but
4 they're responding to bids; is that accurate?

5 A. (Green) Correct.

6 Q. Okay. So is this in addition to the work
7 that was described in Exhibit 1, which is
8 your testimony, which, as I recalled, was
9 going to be done by Asplundh and -- by
10 Asplundh alone, I believe; is that right?

11 A. (Green) I don't know if that was put in the
12 testimony that it was Asplundh alone.

13 Q. Well, let me phrase it this way: When we get
14 into the testimony in Exhibit 1, we'll see
15 that the plan calls for 153 miles of planned
16 cycle trimming; correct?

17 A. (Green) Correct.

18 Q. Okay. Is the RFPs that you described on
19 direct, is that in addition to the 153 miles,
20 or is that part of the 153 miles?

21 A. (Green) That is part of the 153 miles.

22 Q. And if I were to get into Exhibit 2, I
23 believe, which is the contract with
24 Asplundh -- and I don't think this is

1 confidential -- weren't they under contract
2 to do all the work in 2022?

3 A. (Green) They were.

4 Q. So have circumstances changed? Are they
5 not -- is it not the plan for Asplundh to do
6 the work as laid out in Exhibit 2 under
7 contract?

8 A. (Green) Part of that conversation was for
9 them to secure the additional workforce, and
10 they have not been able to do that. So we
11 want to get the work done, so we got -- we
12 are moving forward with getting additional
13 workforce to get that work done.

14 Q. Okay. Thanks. So we'll get into that more
15 as I go through the prepared questions that I
16 had.

17 So I want to get back to the basics, and
18 I want to start on Exhibit 1, Bates 23, which
19 is Appendix 1. And I would like to ask you
20 to confirm that the plan that's presented
21 before the Commission today for approval
22 calls for 153 miles of cycled trimming. Is
23 that right?

24 A. (Green) Yes.

1 Q. And that appears on Line 2, in the column
2 labeled "2022 Proposed Expenses"; correct?

3 A. (Green) Yes.

4 Q. Okay. And the dollar figure that was
5 estimated back in November of 2021 when this
6 exhibit was put together was \$3,069,000
7 correct?

8 A. (Green) Yes.

9 Q. Okay. And that budget -- none of that either
10 planned miles or budget figures need to be
11 updated at this time; correct? Those are
12 still the correct budgeted figures?

13 A. (Green) Correct.

14 Q. Okay. And we've discussed this in last
15 week's hearing, as well as a couple of the
16 technical sessions, so some of this may sound
17 repetitive, but I just want to make sure I
18 get it on the record today.

19 Liberty Utilities is operating under a
20 four-year trim cycle as a result of the rate
21 case settlement established in DE 19-064;
22 correct?

23 A. (Green) Yes.

24 Q. And what four years were covered under that

1 four-year cycle that was set out in that
2 19-064 settlement?

3 A. (Green) 2021 to 2024.

4 Q. So 2021, last year, how many miles -- when
5 that settlement was arrived at, how many
6 miles were planned for 2021?

7 A. (Green) Two hundred thirty-five.

8 Q. And how many were planned for 2022?

9 A. (Green) I don't have that number. Can I give
10 a number that's in the -- 202? The 202 is
11 what's in my mind.

12 Q. Two hundred and two?

13 A. (Green) Yes.

14 Q. Do you know for 2023 and 2024 how many miles
15 are planned?

16 A. (Green) I do not.

17 Q. Does anybody else on the panel?

18 A. (Green) Give me one moment.

19 (Witness reviews document.)

20 A. (Green) I believe 214 and 219.

21 Q. So if I added all those up, I get to 860 or
22 so miles. Does that cover the entire system?

23 A. (Green) It should come to about 874, which
24 are roadside miles. We have approximately

1 917 overhead distribution miles, so the
2 difference there would be supply line or
3 off-road, non-roadside miles.

4 Q. So if I understand, the 874 miles is the
5 roadside trimming, and that's on the
6 four-year cycle; correct?

7 A. (Green) Correct.

8 Q. And in addition to that, there are some
9 overhead distribution lines. Is that what
10 you call "Sub-Transmission" on Exhibit 1,
11 Appendix 1?

12 A. (Green) Yes.

13 Q. And how many miles are those?

14 A. (Green) The difference would be... I had that
15 number in my head earlier. Forty-three.

16 Q. Forty-three. And that's on a four-year cycle
17 also; correct?

18 A. (Green) Yes.

19 Q. Okay. So in this case, rather than the
20 202 miles that was contemplated in the rate
21 case settlement, 153 miles is proposed for
22 the roadside cycle trimming; correct?

23 A. (Green) Yes.

24 Q. And why is less than the 202 miles proposed

1 in this case?

2 A. (Green) To meet the budget constraints and
3 the workforce constraints.

4 Q. So let's talk first about the budget
5 constraints. Would you describe the budget
6 constraints, please.

7 A. (Green) How so?

8 Q. Well, you said that the reason that less
9 than -- that 153 miles was proposed instead
10 of 202 miles as contemplated in the rate case
11 settlement. And when I asked you why, you
12 said it was due to budget constraints. So my
13 question is if you could provide more detail
14 about those budget constraints, please.

15 A. (Tebbetts) So for a little bit of background,
16 in Docket DE 19-064, we had a test year that
17 provided for about \$1.9 million in spending
18 after Consolidated paid their share of the
19 trimming costs, based on a contract we had
20 with them at the time. During that period of
21 the rate case, we found out that, and after
22 settlement negotiations were I believe
23 completed, we found out that Consolidated
24 would no longer be paying a portion of the

1 trimming costs. With that, we still entered
2 into the Settlement Agreement, and it was
3 approved to spend 2.4 or so million dollars a
4 year in trimming costs for vegetation
5 management.

6 So in 2020, when that settlement was
7 approved, we went out to bid to find a
8 contractor who could meet that dollar value
9 and still get the roadside trimming
10 completed. And so we were able to find
11 someone who bid that budget. And so when
12 Ms. Green talks about budget constraints, as
13 we described in our hearing in our vegetation
14 reconciliation plan last week, unfortunately
15 Clearway did not work out as the contractor.
16 And because they didn't work out, we had to
17 pivot and make some decisions on what we were
18 going to do about trimming, and we had to
19 hire some contractors, who did not fit what
20 we had planned on doing with regards to
21 spending. And so when Ms. Green talks about
22 the 2022 plan, we had anticipated Clearway to
23 be part of this process for four full years.
24 Unfortunately, that didn't work out.

1 So looking at the dollars that we
2 anticipated to spend over the period of the
3 four-year cycle, Ms. Green, if you want to
4 further describe, you know, those pieces of
5 it that we had to cut back on, given that the
6 costs associated with hiring Asplundh and
7 other bidders along the way has increased our
8 costs.

9 A. (Green) So the budget constraints go back to
10 our experiences in 2021. And we were -- as
11 Ms. Tebbetts replied, we had found a solution
12 that met the budget requirements with a
13 contractor. Since that contractor is not on
14 property any further, the same work comes in
15 at another million dollars more, and the
16 workforce is also not available. So when --
17 as we adjust and pivot to the next available
18 resource, whether it be the financial
19 resource or the workforce resource, we've
20 adjusted to meet the allocations and the
21 funding that we have. Initially we had a
22 plan to exceed the 2.4 -- 2.2 plus
23 10 percent -- to accomplish more miles than
24 what you can obtain with 2.2. So in working

1 with the restrictions of what it truly costs
2 after the rate case, the bid numbers came in
3 significantly higher, and Clearway was the
4 only one that came in at the bid -- at the
5 budget allocation. And I believe in the
6 testimony it has the percentage of increase
7 the next bidders were.

8 So the cost of doing work is
9 significantly higher than was experienced
10 previously. The loss of Consolidation
11 credits is impacting us in the hundreds of
12 thousands. The cost of doing work, loss of
13 Clearway, I believe that answers the
14 question.

15 Q. Yes, thank you. And then the second thing
16 that you mentioned when I asked why 153 miles
17 was proposed in this case as opposed to the
18 202 miles that was contemplated in the rate
19 case settlement, the second factor you cited
20 was workforce issues I think was what you
21 said. Could you describe those. And if
22 we've gone over this before, maybe you can
23 just summarize what those workforce issues
24 are.

1 A. (Green) The trade industry in general is
2 experiencing lack of recruitments. Arborists
3 or tree workers being one of those trades is
4 no exception. Before the trades were
5 experiencing issues, the whole arborist
6 community had a concern and a high priority
7 drive to work to recruit new people into the
8 industry.

9 So, first of all, there's not a lot of
10 people out there that do the work that we
11 need them to do that are skilled. Secondly,
12 people in the entire world seem to have a
13 concern or lack of ability to fill their
14 workforce needs. We are seeing, I think I
15 heard 10 percent -- and I can't remember the
16 word. But those are 10 percent of positions
17 that are vacant and actively being pursued to
18 be filled in our local contractors' world.
19 So the contractors are having a hard time
20 filling those positions. And those that were
21 on our system left the industry completely or
22 went where they can get more pay. So there
23 is a competition to fill those seats.

24 Q. Okay. Thanks for that summary.

1 So again, I'm still on Appendix 1, which
2 is Exhibit 1, Bates Page 23. And there's a
3 column here labeled, "2022 Fully Funded
4 Expenses," 356 miles at 5.471 miles --
5 \$5.471 million. Do you see that?

6 A. (Green) Yes.

7 Q. Is it fair to say that that level of trimming
8 on Line 2, 356 miles, is not contemplated and
9 is not proposed in this case?

10 A. (Green) That is correct.

11 Q. Is it fair to say that that's more for
12 illustrative purposes, to indicate what it
13 might cost if you were to attempt to do the
14 356 miles?

15 A. (Green) Yes.

16 Q. And I think Mr. Steele touched on this
17 earlier. In fact, it's the Company's
18 position that that's just not achievable,
19 either the miles or the budget, given the
20 current work conditions that you described.
21 Is that fair? I think -- let me just leave
22 it at that.

23 A. (Steele) That is correct.

24 Q. Okay. And I believe the way Attorney Sheehan

1 phrased it was, even if money wasn't an
2 issue, you know, would you be able to do more
3 miles, or something like that. And your
4 answer was "No"; correct?

5 A. (Steele) That is correct.

6 Q. Okay.

7 A. (Steele) We would be unable to secure the
8 resources to do the work.

9 Q. Okay. So does the 153 that's proposed
10 represent a balance of what -- not a balance,
11 but represents what's achievable in 2022?

12 A. (Steele) That is correct.

13 Q. And I think I heard you say that with some
14 efficiencies, that that number may go up to
15 175 miles or so. But that's within a
16 bandwidth, if you will, a reasonable
17 bandwidth of 153 miles?

18 A. (Steele) That's correct. When you heard
19 Ms. Green talk about issues in the workforce,
20 the workforce, as you know, with less folks,
21 they are also determining different ways to
22 accomplish the same work -- i.e., mechanized
23 trimming. And it allows for efficiencies
24 potentially with the same amount of folks

1 trimming. So there's a potential there that
2 we would see those efficiencies and therefore
3 get closer, get a few more miles within a
4 realm of reasonableness.

5 Q. Can you describe briefly what the mechanized
6 trimming and mechanized pruning involves as
7 compared to what you've had available to you
8 in the past?

9 A. (Steele) I'm not an expert on that. If I
10 could turn that to Ms. Green --

11 Q. Sure. The question is to the panel.
12 Absolutely.

13 A. (Green) And the question again was describe
14 the process?

15 Q. Yeah. In other words, in your testimony you
16 mentioned that you now have access to
17 mechanized mowers and pruners for roadside
18 work. If you would, just give a brief
19 description of what that is and how that
20 compares to the way the work's been done in
21 the past years.

22 A. (Green) Previously -- well, typically work is
23 done with a human in a bucket truck raised up
24 to the canopy to do the pruning. With some

1 of this new machinery that's been slowly
2 being introduced into the industry, you can
3 operate a mower head on an arm. Almost like
4 a video game, you operate it from the ground
5 in the bucket of a cab. And because they
6 don't have to elevate themselves and they
7 don't have to reset the truck and the
8 outriggers every couple feet, it can actually
9 drive down the right-of-way, the roadside and
10 off-road and make those cuts. So some of the
11 efficiencies we've seen is one to six miles
12 done in a week by this machine, one crew;
13 whereas that same crew in a bucket, setting
14 up, pruning, going down, setting up, is maybe
15 eight-tenths of a mile in that same week. So
16 we have some efficiencies. What we do lose,
17 and some of the hesitation to use it
18 previously, is some of the quality cuts that
19 we like to see professionally. So we're
20 losing a little bit in quality, but it's
21 reasonable given the situation that we're in.

22 Q. So if I understood that, there's no longer a
23 human up in the bucket. There's a machine --

24 A. (Green) There is a human behind a joystick in

1 the cab. So there's still a human involved,
2 but it has a mechanized arm with a saw.

3 Q. Okay. Thanks for that description.

4 A. (Green) Can I add one more thing?

5 Q. Sure.

6 A. (Green) Additionally, by mowing, there's some
7 machines that can mechanically mow the
8 right-of-way for the flat cutting we
9 described, the brush, the capable brush that
10 goes up. So by putting a machine to do that,
11 we get some efficiencies as well. And that
12 technology has improved as well. We've only
13 used the mechanized mower on the off-road
14 supply line this last year. So putting that
15 on our roadside allows us, once again,
16 efficiencies because a tree worker doesn't
17 have to be bending over with a chainsaw to
18 cut that piece by piece.

19 Q. Okay. Turning back to Appendix 1 again,
20 Exhibit 1, Bates 23. What's not on Appendix
21 1 is a column that would show 202 miles,
22 which as we discussed was contemplated in the
23 settlement, and a breakdown of the costs.
24 Did the Company prepare such an analysis?

1 A. (Green) I did not prepare a full budget for
2 202 miles.

3 Q. Okay. In the testimony on Exhibit 1, Bates
4 Page 19, at Lines 10, 11, 12, 13, in that
5 area, there's a statement about the
6 difference between the budget that's in
7 Appendix 1 of 3,069,000 and the rate case
8 allocation of 2,420,000. That difference of
9 649,000 will, quote, come from earnings
10 and -- well, it says will come from earnings.
11 Can you explain what that means?

12 A. (Steele) Mr. Dexter, I'm going to take that
13 question, if that's okay.

14 Q. Sure. All my questions are to the panel,
15 so --

16 A. (Steele) Okay. My apologies.

17 Q. No, no problem at all.

18 A. (Steele) Rookie mistake.

19 Q. No problem at all.

20 A. (Steele) The word "earnings" in this term --
21 in this context, the team at Liberty, when we
22 looked at the budget, looked to the 2.4
23 million, and we thought about what was
24 important to the operation of the Company.

1 And we knew going into 2022 that 2021, with
2 Clearway leaving us, losing approximately two
3 months in a strong cycle by the time Asplundh
4 could re-mobilize, that we were going to have
5 less miles. And I challenged my entire
6 organization at Granite State to find
7 efficiencies within the business to fund
8 additional tree trimming. So it was within
9 my operations budget that we found
10 efficiencies in the business, but not to
11 sacrifice safety, life, and commercial
12 operation of the company. We were able to
13 find small efficiencies throughout the
14 business to make available approximately
15 600,000 for us to spend on vegetation
16 management as opposed to just typically
17 spending approximately 2.4 million.

18 Q. And I take it from that statement that this
19 will come from earnings, that there was not
20 an attendant request to then come in and
21 increase the allotment in rates to make up
22 for that 649,000; right?

23 A. (Steele) That is correct.

24 Q. In other words, there's no rate request in

1 this docket.

2 A. (Steele) No, there's not.

3 Q. Okay. Okay. Now, last week there was a rate
4 request, in the sense that there was \$549,000
5 that was unspent in 2021, and the Company
6 asked for authority to defer that money for
7 future veg management expenditures, a request
8 that in fact the Department of Energy
9 recommended as a good idea. Do you recall
10 that?

11 A. (Tebbetts) Yes.

12 Q. And what is the Company's proposal -- let me
13 rephrase that because there's no proposal.
14 We established that.

15 What is the Company's plans for the
16 \$549,000 that you requested to be deferred?

17 A. (Steele) The Company's plans are to spend
18 approximately \$3 million to trim 153 miles,
19 with the potential to spend -- with the
20 potential to trim up to 175. That's our
21 plan. That's what we've worked out. It's
22 coincidental -- and I think that's
23 important -- that the number we put in the
24 budget is the same number when you kind of do

1 the math, that that's what customer -- that's
2 what we had already collected. That was
3 unknown at the time.

4 A. (Tebbetts) So as of the date of this filing,
5 which was November 15, 2021, we had not
6 completed our 2021 year for vegetation
7 management. And so we did not anticipate at
8 the time we would have collected the
9 \$2.42 million and have \$549,000 left over
10 from that collection to be then put towards
11 2022.

12 Q. Okay. So there's -- again, I'm trying to
13 nail down these miles, as we've tried to do
14 over the last couple weeks. And there's a
15 couple more miles figures in the testimony I
16 want to ask you about because I don't
17 understand where they come from.

18 So if I go to Bates Page 19 at Line 9,
19 there's a statement that says -- well, it
20 starts, actually, on Line 7 or Line 6. It
21 says for calendar year 2022, Liberty
22 identifies a cost of \$5.4 million, and it
23 references Appendix 1, to continue with the
24 four-year cycle and catch up on 2020 and 2021

1 deferred miles, for a total of 376 miles --
2 I'm sorry, 276 miles. I would have expected
3 that Line 9 to say for a total of 356 miles,
4 as shown on Appendix 1. Am I missing
5 something, or should that be 356 miles?

6 A. (Green) One moment.

7 (Witness reviews document.)

8 A. (Tebbetts) So I actually think that number
9 should say 203. The way the sentence should
10 read is -- what we're explaining here is
11 we're trying to catch up on those deferred
12 miles from previous years. So that should
13 say 203 miles, not 276. That number should
14 match Line 1 -- that number should match Line
15 1 in the column, "Calendar Year 2022 Proposed
16 Expenses," on Bates 23. So what we're
17 summing is the total deferred miles, not the
18 total miles to be trimmed.

19 Q. Okay. And so where does the 203 total of
20 deferred miles come from? When did -- over
21 what period of time, if you could break that
22 down by year I guess is what I'm asking.

23 A. (Green) The way that was calculated is this
24 proposal of 153, when we identified those

1 circuits that would be worked, and we
2 identified all of the circuits that hadn't
3 been worked to that date but intended to be
4 worked to that date, when you add the mileage
5 of those circuits that did not meet the
6 schedule, that's where you get the 203.

7 Q. And do you know over what period of time that
8 203 total of deferred miles accrued?

9 A. (Green) So each circuit, the only -- the 13L3
10 probably is the oldest one and had some
11 difficulty with Clearway, so that half of
12 that deferred forward.

13 Q. From what time frame?

14 A. (Green) 2020, which should have been done,
15 completed by March of 2021. That's in Salem.

16 (Witness reviews document.)

17 A. (Green) The remainder consists of many from
18 2021 and also from 2022.

19 Q. So this can't have included work deferred
20 from 2022 because this document was put
21 together in 2021; correct?

22 A. (Green) No, it is work that should have been
23 done in 2022, was not in the plan. So that
24 is also included.

1 Q. Okay. So this includes both actual and
2 projected deferred work from 2020, 2021 and
3 2022, for a total of 203 total miles of
4 deferral; is that correct?

5 A. (Green) Yes.

6 Q. All right. Now, I think we've established in
7 2021, 234 miles were planned; correct -- or
8 235 miles were planned you said today.

9 A. (Green) Yes.

10 Q. And 90 miles were accomplished; correct? We
11 covered that last week.

12 A. (Green) I think it was 84 we're thinking.

13 Q. Eighty-four miles was?

14 (Witness reviews document.)

15 A. (Green) Yes.

16 Q. So then I get a number of miles deferred from
17 2021 of 151 miles. That's 203 minus 84.
18 Does that sound right?

19 A. (Green) Say that one more time, please?

20 Q. Is it correct that 151 miles of work was
21 deferred from 2021? That's 235 minus 84.

22 (Witness reviews document.)

23 A. (Green) Yes.

24 Q. Okay. All right. So one more quick question

1 on the miles from the testimony.

2 Now looking down -- again, I'm back on
3 Bates 19, and I'm on Line 12 and 13. And
4 there's a sentence that says, "This will
5 allow the Company to complete 162 miles of
6 trimming in 2022." I would have expected
7 that number to say this will allow the
8 Company to complete 153 miles of trimming in
9 2022 so that it matches Appendix 1. Could
10 you explain why those two numbers aren't the
11 same?

12 A. (Green) Clerical error. It should be 152 --
13 53.

14 Q. So the testimony should be corrected to say
15 "153 miles." So there was no intended
16 difference there.

17 A. (Green) Yes.

18 Q. Okay. Excellent. Thanks.

19 Now, again, and I'm not trying to
20 embarrass anybody. I'm just trying to figure
21 out what's going on, 'cause there's a lot of
22 miles in here, and I think the deferred miles
23 is very important.

24 So on Bates Page 11, on Lines 17, 18 and

1 19, it says in 2021 the Company deferred an
2 additional 74 miles to 2022 as a result of
3 the contract issues and subsequent workforce
4 issues in 2021. I think based on the prior
5 discussion that number is low and that it
6 should 151 miles, based on what you just
7 answered. Is that correct or, again, is
8 there something I'm not seeing?

9 A. (Tebbetts) So at the time, as we described
10 earlier, when this was filed, we had
11 anticipated -- I think we described this last
12 week at our hearing. We still had
13 anticipated other companies coming on
14 property and that they were going to complete
15 those extra miles. It subsequently happened
16 that they did not come on property to
17 complete the miles. So at the time, this was
18 correct. But now we can see it's no longer
19 the case.

20 Q. So you would agree, then, as we established
21 earlier, the actual number of miles deferred
22 in 2021 was more like 150 miles and not 74,
23 as projected at the time.

24 A. (Tebbetts) That's correct.

1 Q. Okay. All right. Thank you for clearing
2 that up.

3 So moving from the miles to the actual
4 cost categories on Exhibit 1, Appendix 1,
5 which is Bates 23. On Line 4 there is an
6 amount for work planners for vegetation
7 management. And again I'm taking some
8 information from the case last week, which
9 was the 2021 reconciliation. The number
10 that's proposed on Line 4 is 350,000 --
11 351,000. That's very close to the actual
12 number from 2021, which was 360,000. Would
13 you agree?

14 A. (Green) Yes.

15 Q. Now, I believe what I took from last week's
16 hearing was that, for the \$360,000 that was
17 spent on work planning in 2021, a lot of that
18 would apply to 2022 because the actual
19 trimmed miles in 2021 were so much lower than
20 what was planned. Do I recall that
21 correctly?

22 A. (Green) State the question one more time?

23 Q. Sure. Last week, I believe I recall the
24 panel, a slightly different panel, testifying

1 that a lot of the work planner work that was
2 done in 2021 would apply to work that would
3 be accomplished in 2022. Is that right?

4 A. (Green) The work planning work does not align
5 directly with the performance of work. So
6 it's done ahead of time. So, yes, some of
7 the work was for 2021, some of the work was
8 for 2022, and some of the work is for 2023.

9 Q. Okay. So I would have expected that this
10 number 350,750 would be lower because of what
11 was done in 2021. But you're saying that's
12 not the case.

13 A. (Green) Correct.

14 Q. So, concerning the Asplundh workforce, in
15 your testimony on Exhibit 1, Bates 12, you
16 have reviewed the number of crews that
17 Asplundh has made available to Liberty
18 Utilities over the past several years. And
19 that appears in the paragraph in the middle
20 of the page, starting at Line 8. And it
21 says, does it not, that in 2018, Liberty had
22 access to 10 Asplundh crews? Doesn't
23 actually say Asplundh. But is that correct,
24 10 Asplundh crews?

1 A. (Green) Yes.

2 Q. And it skips 2019, but it says in 2020 you
3 had seven or eight crews; is that right?

4 A. (Green) Yes.

5 Q. And that in 2021 you had -- well, the way
6 it's phrased is you had difficulty keeping
7 six crews on the property. So I gather that
8 means six or fewer, depending what was going
9 on at the time; is that correct?

10 A. (Green) Yes.

11 Q. In 2022, can you explain what's going on in
12 the field right now, in terms of number of
13 crews either from Asplundh or from the other
14 resources that you are currently in the
15 bidding process for?

16 A. (Green) We have increased by a crew. And one
17 of the crews is transitioning over to the
18 training on the mechanized pruner, which is
19 equivalent to three crews, potentially.

20 Q. I'm sorry. I didn't follow that, so I'm
21 going to ask you to restate it or break it
22 down.

23 When you said "add an additional crew,
24 could you just give me the absolute numbers,

1 'cause I don't know what the starting point
2 is.

3 A. (Green) Oh. We have seven crews.

4 Q. Seven crews?

5 A. (Green) Six doing the maintenance work and
6 one performing hourly work.

7 Q. Well, I guess I want sort of an
8 apples-to-apples as to what's laid out on
9 Bates Page 12, just to get an idea of where
10 you stand.

11 A. (Green) Seven.

12 Q. Seven? Okay. Well, that sounds encouraging.

13 A. (Green) It is.

14 Q. Okay. Good. And that includes the
15 mechanized crews that you were talking about;
16 correct?

17 A. (Green) Yeah, one of those seven crews who
18 used to run a bucket will now run the
19 mechanized equipment.

20 Q. And you expect that to come from Asplundh and
21 other contractors to be secured in the near
22 future; is that right?

23 A. (Green) Correct.

24 Q. Okay. And we've covered this I think in tech

1 sessions, and maybe last week, but I just
2 want to get it on the record in this case.

3 On Bates Page 13, you reference the PUC
4 rules establishing the corridor, PUC Rule
5 307.10. Would you agree that that rule went
6 into effect in 2014?

7 A. (Green) Yes, as I understand.

8 Q. Okay. So in the data request, we had asked
9 the Company to provide the reliability
10 statistics that had been provided in past
11 similar dockets. And the Company did that,
12 and they have been marked as Exhibit 6 and 7
13 in this proceeding.

14 So I would like you to go to Exhibit 6,
15 if you would, which was the response to DOE
16 1-8. And there are some SAIDI and SAIFI
17 figures here for 2019, 2020 and 2021. Would
18 you please provide an interpretation of those
19 figures, as it indicates reliability. In
20 other words, what do these figures show us?

21 A. (Steele) These figures, particularly when you
22 look at them, SAIDI is your system average
23 indices [sic] duration index, and SAIFI is
24 your system average indices [sic] frequency

1 index. SAIDI is the expected duration that a
2 customer is out. SAIFI is the number of
3 events or how many times. So if you were to
4 look at these numbers, it says that
5 tree-related outages for Liberty Utilities in
6 2021 was 77 -- 72.52 minutes. It's not the
7 total amount of SAIDI minutes, but that is
8 the SAIDI associated with tree-related
9 outages. The SAIFI, the frequency, is .4.
10 So each customer sees approximately a half of
11 an outage, that frequency.

12 Q. Okay. Thank you. And then going to
13 Exhibit 7, which is the Company's response to
14 data request DOE 1-9, it's a four-page
15 exhibit. I'd like to go through the third
16 page of the exhibit where there's a chart.
17 And could you interpret this chart for us,
18 and then I'll ask you to comment on how this
19 compares to the previous exhibit. But I
20 guess I'll start first with could you
21 interpret this chart for us.

22 A. (Steele) Yes, I can. What this chart shows,
23 and unfortunately mine is not in color, but
24 what it shows is the last -- since 2017 all

1 the way to 2021, Liberty Utilities
2 reliability indices based on, and there are
3 four different categories. SAIDI and SAIFI,
4 those are our metrics that we report
5 quarterly to the PUC. And what you're seeing
6 is a total number, SAIDI total. So, for
7 example, talking 2021, that solid line shows
8 114.46, and the dashed line shows -- the
9 solid line shows .69.

10 Now, in relation to the question you
11 just asked us, that SAIDI number of 72.52 is
12 a portion of the total of 114.46, as is the
13 SAIFI number of .4 is a portion of the .69.

14 Q. Okay. And are these numbers that are shown
15 across the years the values -- I'm on
16 Exhibit 7, Page 3, the chart with the bars.
17 Are those individual years, or are those
18 running five-year averages?

19 A. (Steele) Those are individual performance
20 metrics year over year.

21 Q. Okay. And if I understood what you said
22 about frequency and duration, it looks like
23 in 2021, the solid line, which is SAIFI,
24 which is frequency, that number was lower

1 than the value in 2020; correct?

2 A. (Steele) That is correct.

3 Q. And the SAIFI line -- I'm sorry. The SAIDI
4 line, which is duration, that number in 2021
5 was higher than 2022; correct?

6 A. (Steele) That is correct.

7 Q. And in both instances the goal is for these
8 numbers to go down; in other words, shorter
9 duration and fewer frequency as the goal is
10 better; correct?

11 A. (Steele) Yes.

12 Q. Okay. And so in this case we have one index
13 going, I'll say in the wrong direction, and
14 one index going in the right direction. Can
15 you explain why that happened, if you know,
16 if it's possible to just -- or maybe it's too
17 small a sample size or something.

18 A. (Steele) When you look at this and when you
19 look at the correlation, Liberty Utilities
20 has been investing in system-hardening
21 activities through its capital activities --
22 i.e., tree wire, Hendrix cable,
23 performance -- items that improve system
24 performance. So if a tree limb were to

1 quickly touch a bare conductor, that would
2 cause a potential outage for a customer;
3 however, with the tree wire, that will not
4 cause an outage to a customer. What you're
5 seeing in the SAIFI number is a result of
6 that continued capital investment year over
7 year, where our frequency of smaller outages
8 is getting better. What you're also seeing
9 is that when a tree falls, that duration is
10 much longer. So that's what you're seeing in
11 the SAIDI numbers. We had quite a few tree
12 failures in 2021, quite a few winter storms,
13 and that's the result of what you're seeing
14 in the SAIDI performance number.

15 Q. Right. Now, in the previous exhibit we were
16 looking at, the smaller chart, and that was
17 Exhibit 7, it indicates that -- so this is
18 just tree-related data; correct?

19 A. (Steele) That is correct.

20 Q. And the tree-related data for 2021, in terms
21 of duration, is actually lower, which is
22 better than 2020; correct?

23 A. (Steele) That is correct.

24 Q. So how does that comply or compare to the

1 answer you just gave about the overall
2 statistics?

3 A. (Steele) So, great question. The way that I
4 would answer that is what you've had is
5 larger, more mature trees falling, taking --
6 even though it may be less, taking a longer
7 duration to resolve the outage for the
8 customers.

9 Q. So, again, I'm back on Exhibit 6 --

10 A. (Steele) It also means that you had higher
11 equipment failure outages. So while SAIFI is
12 down, we did have other equipment outages
13 that would drive that 114 up from the
14 previous year.

15 Q. Oh, back on Exhibit 8 --

16 A. (Steele) That is correct.

17 Q. All right. Do you have a sense -- the chart
18 on Exhibit 8 only goes back five years. Do
19 you have a sense of how that chart compares
20 to what happened, you know, a decade or so
21 ago when this, what I'll call REP-VMP program
22 was implemented?

23 A. (Steele) No, I do not.

24 Q. Okay. So I'm jumping around a bit, but I'm

1 now back on Exhibit 1. And I want to go to
2 Appendix 2. And I want to look at the
3 section where we talk about the individual
4 circuits that are planned for trimming. And
5 if I go towards the bottom of the page, I see
6 the 153 miles that's planned in total
7 actually written here as 152.93 miles. And
8 if I look up above that, on Line 15, I see
9 Vilas Bridge No. 12, 55 miles. The Vilas
10 Bridge No. 12 is in the Charlestown/Bellows
11 Falls/Walpole area; is that correct?

12 A. (Tebbetts) I'm sorry. What Bates page are
13 you on?

14 Q. So I'm sorry. I'm on Bates Page 24 of
15 Exhibit 1.

16 A. (Tebbetts) Thank you.

17 A. (Green) Repeat the question, please?

18 Q. Yes. The Vilas Bridge No. 12, the 55 miles
19 of overhead distribution, are those circuit
20 miles?

21 A. (Green) Yes.

22 Q. Okay. Are those in the Walpole/Charlestown
23 area?

24 A. (Green) Yes.

1 Q. Okay. And in the Company's least cost
2 integrated resource plan docket, there was
3 discussion of reliability issues in that
4 area.

5 My question is: Is the 55 miles of
6 planned trimming intended or expected to
7 improve that reliability situation?

8 A. (Green) It will assist in the immediate time
9 frame with some of the reliability issues.

10 Q. I'm sorry. You said it would assist in an
11 immediate time frame? Is that what you said?
12 I just couldn't hear you.

13 A. (Green) Yes, it will assist in the immediate
14 time frame. The small dead oak limbs that
15 fall, for example, those will be addressed,
16 but then new dead oak limbs will form over
17 the next couple years, as an example.

18 Q. Okay.

19 A. (Steele) In addition to that, if I can chime
20 in here real quick.

21 Q. Sure.

22 A. (Steele) Liberty Utilities has a requirement
23 that is due on May 2nd for the LCIRP, and we
24 have a comprehensive strategy to address the

1 Vilas Bridge area that addresses the
2 consistent reliability problems that are in
3 that area. It is approximately 55 miles of
4 circuit, long winding roads, long single
5 phases, small amounts of customers out there.
6 We have taken the opportunity to take a step
7 back and look at the reliability issues
8 comprehensively, and that is coming in our
9 LCIRP filing. I believe it's due May 2nd.

10 Q. Okay. But this trimming will be part of
11 that. Is that correct or not?

12 A. (Green) No, this is just our routine work.

13 Q. Okay. All right. That completes the
14 Department's questions. Thank you.

15 CHAIRMAN GOLDNER: Thank you, Mr.
16 Dexter. We'll move to Commissioner
17 questions, beginning with Commissioner
18 Chattopadhyay.

19 INTERROGATORIES BY COMMISSIONERS:

20 BY COMMISSIONER CHATTOPADHYAY:

21 Q. Good morning. So before I go to questions
22 that I'd already planned, I was going to
23 ask -- I'm just going to go over some
24 questions that are impromptu based on what

1 was discussed.

2 So the first one -- just going to make
3 sure I'm closer to the mic. There was some
4 discussion about Asplundh, you know, did not
5 secure or wasn't able to secure additional
6 workforce, recall at the beginning today.

7 When that happens and then you go for
8 somebody else, is -- are you saving money by
9 not engaging Asplundh? That money will be
10 used for the other provider?

11 A. (Green) That money would be allocated to the
12 other provider.

13 Q. Do you have an estimate of what that amount
14 is?

15 A. (Green) I do not.

16 Q. Even a ballpark?

17 A. (Green) Oh, so what Asplundh's price was?

18 Q. No. I'm just saying because they don't have
19 the workforce, so they aren't able to do what
20 they're meant to do, so what happens? Like
21 if you had already earmarked some dollar
22 amounts and you're not going to be using it,
23 I want to get a sense of what that amount is.

24 A. (Green) An approximate 690,000.

1 Q. Okay. I was listening carefully, and I would
2 say that you had gone through, like, the
3 number of miles that were previously planned
4 for 2021 was 235 miles; then you had for
5 2022, 202 miles; you had for 2023, 214 miles;
6 and for 2024, 219 miles. These numbers are
7 all based on a four-year trimming cycle
8 approach; right?

9 A. (Green) Yes.

10 Q. Do you have a sense of what the number would
11 be if it was five-year cycle trimming?

12 A. (Green) Approximately 175 a year.

13 Q. Okay. So that's the average.

14 A. (Green) Correct.

15 Q. Let's go to, I think it was Bates Page 23,
16 Exhibit 1. You may have already discussed
17 it, but it wasn't very clear to me.

18 Can you explain how you arrive at the
19 number 356 planned miles? Can you go through
20 that calculation?

21 A. (Green) Maybe the easiest way is if you look
22 at all the work that was planned in 2021 and
23 2022 on that original plan and you subtract
24 the work that had been completed or proposed,

1 that's how we came to 356.

2 Q. Would you agree that the plan had 235 miles
3 for 2021 and 202 miles for 2022? I think you
4 already indicated that. So if I add them,
5 that's going to be 437 miles, subject to
6 check.

7 A. (Green) Okay.

8 Q. Right? And then you had mentioned -- so I'm
9 just going to do it, multiply here... 437.

10 And then you had mentioned in 2021 you
11 ended up successfully trimming 84 miles; is
12 that correct?

13 A. (Green) Yes.

14 Q. And you're planning to do 153.

15 A. (Green) Yes.

16 Q. So the total would be 237; correct?

17 A. (Green) One moment.

18 Q. Eighty-four plus 153, the total has to be
19 237.

20 A. (Green) Okay. I was doing reverse math.
21 Sorry.

22 Q. Okay. So the difference between 437 and 237
23 is 200 miles.

24 A. Yes.

1 Q. So when you say deferred miles, 203, I'm a
2 little confused about it.

3 A. (Green) I believe this is just rounding that
4 happens in the math.

5 Q. Okay. I'm going to ask you to go back to
6 Bates Page 19 that DOE was walking you
7 through, and let's go back to Lines 6 through
8 9. And bear with me. I'll do the same here.

9 I really -- when I'm reading that
10 sentence which starts at Line 6, for calendar
11 year 2022, to me when that sentence ends in
12 Line 9, I don't think it's 203 miles, because
13 the way you've written it is deferred miles
14 for a total of this. And then I'm trying to
15 compare that with the expense that is shown
16 in the first line, or the second -- in Line
17 7. That is more about, if you go to Bates
18 Page 23, it's the total that -- the expense
19 is 5.471,624 million. So I would interpret
20 in Bates Page 19, the number 276 miles should
21 be... 356 miles. And I'm just -- it's a
22 matter of interpretation. I think the way
23 the sentence reads, it's a little bit
24 confusing, okay.

1 A. (Tebbetts) If I may comment? The sentence is
2 poorly written, I would agree. The intent of
3 this was to make note that we had to catch up
4 on deferred miles. And as such, it should
5 read 203. And I would agree it's poorly
6 written. But that was the intent.

7 Q. Okay. Can you give me a sense of like, I
8 think what I heard was about the mechanized
9 equipment, the Company has purchased it;
10 right? Is that correct?

11 A. (Green) No, the tree contractor has
12 purchased --

13 Q. The tree contractor. Okay. So I just wanted
14 to make sure.

15 So you wouldn't know how much that
16 costs.

17 A. (Green) I do not.

18 Q. No. Okay. So I'm going to go to the
19 questions that I had from before. So I will
20 go -- oops, just a moment. I'll go back to
21 the Settlement Agreement that was approved in
22 Docket 19-064. And I'm going to read the
23 section on VMP, just part of it. And the
24 sentence -- one of the sentence I'm going to

1 read first is this: "The base rate increase
2 agreed to in this agreement includes an
3 increase in the VMP spending to 2.2 million"
4 -- I'm using my words there rather than going
5 with all the zeros -- "for 2020, which shall
6 continue until changed in a future base rate
7 case."

8 The way I'm reading it, it means that
9 the base spending is going to be \$2.2 million
10 until, every year until you reach the --
11 until you go to the next rate case. Will you
12 confirm that that is a proper read of it?

13 A. (Tebbetts) Yes.

14 Q. Okay. And then the next sentence says, The
15 Company shall not recover any VMP expenses
16 that exceed 10 percent of that amount, or in
17 excess of \$2.42 million through the annual
18 reconciliation filing or otherwise.

19 And my interpretation is that if there
20 is any spending that goes beyond
21 \$2.2 million, up to \$2.42 million, those are
22 to be considered in the reconciliation
23 filing. Is that a good read of that?

24 A. (Tebbetts) Let me understand what you're

1 saying. So you are suggesting that anything
2 over \$2,420,000 shall not be recovered, and
3 that up to that amount shall be recovered
4 through our reconciliation filing. I believe
5 I captured that correctly.

6 Q. Correct.

7 A. (Tebbetts) Okay. Thank you.

8 Q. So it's part of the reconciliation filing.
9 Okay. So that's what I was stressing, and
10 you just repeated that.

11 A. (Tebbetts) Yes.

12 Q. Okay. I know this docket is largely about
13 the budget, but I'm going to go back to an
14 issue that's sort of bothering me a bit,
15 which is the fact that Consolidated, you
16 know, they're no longer paying anything.

17 Can you provide some sense of what
18 avenues is the Company pursuing to make sure
19 that a company that owns the poles 50 percent
20 can do something about it? And I know that
21 Attorney Sheehan is looking at me and he's
22 going to say these witnesses are not expert
23 on it. So he's going to probably chime in.
24 I'll let him do that.

1 A. (Tebbetts) I do want to add one thing before
2 Mr. Sheehan chimes in, and it is that pole
3 attachers and the rules surrounding them are
4 part of the PUC 1300 Rules. I do believe
5 they're open at this time. And I do believe
6 that the Company is discussing whether or not
7 this should be included, tree trimming, with
8 regards to this issue of joint ownership
9 within that, because that is, I would
10 suggest, the appropriate vehicle to allow all
11 of the utilities to be on the same playing
12 field when we have an attacher or a joint
13 owner of poles, to address these sort of
14 issues.

15 Contracts, while -- I'll just mention.
16 We had some issues with the contract. Mr.
17 Sheehan can discuss further what's going on
18 with that. But rulemaking provides an
19 opportunity for everybody to make these
20 changes and hopefully find some common ground
21 with all the utilities and the attachers to
22 allow us to vet these problems, and this
23 would be one of them. And Mr. Sheehan can
24 finish on that with the contract.

1 MR. SHEEHAN: I'm not sure what
2 else your question is, Commissioner.

3 COMMISSIONER CHATTOPADHYAY: No, I
4 mean, she has already covered quite a bit.
5 If you don't think you can add anything,
6 that's fine, yeah.

7 Q. My final question to Mr. Steele. How did you
8 manage to not provide testimony over the last
9 20 years? I'm just kidding. Thank you.

10 A. (Steele) Lucky, I guess.

11 BY CHAIRMAN GOLDNER:

12 Q. So my question is about intent. So the
13 Company states, as Mr. Dexter went through, a
14 plan to spend \$3,069,639 in the -- you know,
15 for vegetation management. Is it the
16 Company's intent to spend that amount of
17 money regardless of the outcome of any other,
18 you know, pending cases?

19 A. (Steele) I'll take that one. The Company has
20 intended to spend \$3 million on tree
21 trimming. We believe it's the right thing to
22 do for our customers. We believe it's the
23 right thing to do for vegetation management.
24 And we believe that the safety of our system

1 and the safety of our customers and the
2 safety of our line workers is imperative to
3 do this work.

4 Q. Okay. Thank you. So just to make sure I
5 understand, if in Docket 22-014 100K or 200K
6 or zero is allowed, the Company would still
7 take -- would still take whatever the delta
8 is. If it's zero, it'll be 649K from
9 earnings.

10 A. (Steele) That is correct. We have developed
11 a plan to trim 153 miles this year at a cost
12 of \$3 million.

13 Q. Okay. Thank you. And I just want to go back
14 to a prior answer from Ms. Green. I didn't
15 quite understand the mathematics on the
16 increase in output from the mechanized
17 trimmers. You used some .8 and 1, and I
18 couldn't quite sort out what the increase is.
19 Is it 25 percent increase in output? Is that
20 correct? One divided by --

21 [Court Reporter interrupts.]

22 Q. I'll rephrase. I was just looking for the
23 approximate increase in output.

24 A. (Green) It's minimum expected 20 percent

1 increased output.

2 Q. Okay, 20 percent. And this, by the way, is
3 perfect for Generation Xers, right. You've
4 got the joystick, right. That's awesome.
5 That's going to be a good recruiting tool.

6 Is there a range -- so a minimum of
7 20 percent. If everything lands jelly side
8 up, maybe 40 percent, 50 percent, 30 percent?

9 A. (Green) Much higher.

10 Q. Like double?

11 A. (Green) I heard someone say the machine can
12 do 1 to 6 miles compared to .8 miles.

13 Q. Okay. Thank you. That was the number you
14 were referring to earlier that I didn't quite
15 catch.

16 A. (Green) It does depend on the conditions that
17 they're working and the terrain and the
18 sensitivities. But in the best case
19 scenario, six miles a week.

20 Q. And this sounds like, from the answer to
21 Commissioner Chattopadhyay's question, that
22 the capital investment is being made by the
23 contractors.

24 A. (Green) Correct.

1 Q. And you don't have any -- I don't want to put
2 words in your mouth. But I think what you
3 said was you didn't have an idea of the
4 capital investment that's being made. It
5 was -- you know, Liberty doesn't know how
6 much the use of this equipment costs versus
7 the conventional equipment?

8 A. (Green) Correct.

9 Q. Is this a capital investment that Liberty has
10 considered making?

11 A. (Green) No.

12 Q. Okay. Because it seems like if you can
13 increase your output by between, you know, 20
14 and like 600 percent or whatever that is,
15 right, 6 divided by .8, whatever that is,
16 that this would be an area of focus for the
17 Company, in terms of working with
18 contractors, capital requests, this kind of
19 thing.

20 A. (Green) So what I know is that the machine is
21 a very expensive machine, and the maintenance
22 is expensive. And it doesn't work
23 everywhere, for sure. And it needs clean-up
24 of a bucket or -- there are certain

1 situations where it doesn't work. So it's
2 not a replacement at all for a bucket
3 operator in a bucket. But it is a tool in
4 our tool belt to economize where possible,
5 especially in our more rural areas.

6 Chris, did you have a comment?

7 A. (Steele) The one thing I was going to say to
8 this is Ms. Green was able to secure a
9 meeting with the senior leadership at
10 Asplundh. And we described and we've talked
11 a lot about it through our hearings over the
12 last few weeks about the contractual
13 obligations of Asplundh and their obligations
14 and the liquidated damages associated. And
15 we expressed to Asplundh concerns around
16 their productivity, or the lack of
17 productivity. Initially we were No. 19 in
18 line to receive a mechanized trimmer.
19 Nineteen. We will receive it on property in
20 two weeks. So they were able to accelerate
21 the improvement because we do know how much
22 vegetation management is important to the
23 organization. And we expressed to them our
24 opportunity to continue to trim trees in

1 the -- I'm not a hardy Granite Stater -- the
2 most trees per capital, I believe. Is that
3 right? Maybe.

4 Q. We might be second to Oregon. I don't know.
5 But it's a tie.

6 A. (Steele) But to go from 19th to first is a
7 big deal. And that shows Asplundh's
8 commitment to meeting their contractual
9 obligations.

10 Q. Okay. In the Liberty vision, this is
11 something that sounds like you're very
12 focused on learning more about. Clearly when
13 you're ramping up something new, you have a
14 lot of learning to do. Would it be your
15 vision that of the, you know, seven or nine
16 units, that eventually a third of them or a
17 quarter of them or half of them are
18 mechanized? What do you see in terms of
19 moving forward?

20 A. (Green) As you said, it's a learning curve.
21 Right now, so we're starting with one. But
22 both Chris and I have had conversations, and
23 Asplundh and I have had conversations about
24 what that looks like in the future. And

1 there are systems that have three or four on
2 their system. I don't know what that looks
3 like yet for us because I need to see that
4 the terrain is going to work -- what
5 percentage of our terrain will work with this
6 tool. So until I see that, I can't comment
7 to what the future brings. Just having one
8 right now is a blessing and really helping.
9 So I'm focusing on that blessing at this
10 time. But if it turns out that there is
11 opportunity to reproduce that or repeat that,
12 we would definitely look to have that
13 conversation.

14 And earlier I did mention it is a
15 quality versus quantity kind of thing. And
16 before, when I had high-quality workers doing
17 the work, this machine was not an option
18 because I wanted every cut to be perfect.
19 But now with this machine, I'm lowering my
20 standards on quality. But I'm okay with it
21 because I need to get the work done. So time
22 shift. That was probably too much to say.

23 Q. No, no, that was actually very helpful. And
24 maybe this is in the filing and I didn't

1 understand it or didn't see it. But the bid
2 that you got from Asplundh for the mechanized
3 unit, how much more expensive was that than
4 the standard unit?

5 A. (Steele) We do not currently have commercial
6 terms and conditions with Asplundh for the
7 mechanized unit. They are bringing the
8 mechanized unit on. We do have to sit down
9 with them and go through commercial terms,
10 what it would cost. We actually had that
11 discussion last week because there are
12 significant efficiencies potentially lowering
13 that cost per dollar. However, if the
14 machine costs more incrementally, there could
15 be a small variance. But I think what I can
16 glean from that is Asplundh's commitment to
17 getting the miles done and then us coming to
18 commercial terms beyond that.

19 Q. Okay. Thank you. I'm still thinking.
20 You've given me a lot to think about.

21 Okay. Let me move to a different topic.
22 There was the Clearway --

23 CHAIRMAN GOLDNER: If you don't
24 mind, Mr. Sheehan, I'll call it "a debacle."

1 MR. SHEEHAN: I concur.

2 CHAIRMAN GOLDNER: Thank you.

3 BY CHAIRMAN GOLDNER:

4 Q. Was there any ratepayer expense associated
5 with the Clearway situation? And what I mean
6 by that is, if they cleared X miles and they
7 were supposed to clear Y miles and they
8 charged, you know, Z, where they were
9 supposed to charge A, did you -- you know,
10 what happened there? Was there some
11 ratepayer expense that was unexpected?

12 A. (Tebbetts) So the invoices related to
13 Clearway that we received for the work that
14 they did perform were removed from the
15 filing. And so they are not part of the
16 cost-recovery piece that we filed in the
17 vegetation management reconciliation.
18 They've been put aside.

19 Q. Okay. Yes.

20 A. (Green) Earlier on their time on the system,
21 they did provide invoices that were paid for
22 work that was done as well. So there's a
23 very small amount that was paid for work that
24 was done, and then the additional we held

1 back once they left the property.

2 Q. Okay. Thank you.

3 CHAIRMAN GOLDNER: Okay. That's
4 all I have.

5 Commissioner Chattopadhyay, any
6 additional questions?

7 COMMISSIONER CHATTOPADHYAY: No.

8 CHAIRMAN GOLDNER: Thank you.

9 So we'll move to redirect from Mr.
10 Sheehan.

11 MR. SHEEHAN: Sure. If I can have
12 a minute to go through the notes, I think I
13 have just one or two.

14 REDIRECT EXAMINATION

15 BY MR. SHEEHAN:

16 Q. First, Ms. Green. The Clearway contract
17 terms for dollars and miles, if met, would
18 have satisfied the four-year-cycle
19 requirement; is that fair?

20 A. (Green) Yes.

21 Q. I think you covered this pretty extensively.
22 This new mechanized equipment is relatively
23 new to the industry. It's new to us. So as
24 you say, we will take advantage of it as you

1 think it's appropriate and the contractors
2 can make it available; is that fair?

3 A. (Green) That is correct.

4 Q. And Liberty does not do any of the tree work
5 in-house. It's all contracted.

6 A. (Green) Yes.

7 Q. That's just the business model that Liberty
8 has followed forever, as far as you know.

9 A. (Green) Yes.

10 Q. So the investment of this new equipment would
11 come to us through whatever rate Asplundh is
12 going to charge for this machine.

13 A. (Green) Yes.

14 Q. And as Mr. Steele was saying, we haven't
15 finalized dollars with Asplundh for the new
16 machine. But the expectation is that if it
17 costs more per day, we may get more miles per
18 day, and we still intend to live within the
19 proposed \$3 million budget.

20 A. (Green) Yes.

21 Q. The SAIDI/SAIFI conversation, should it also,
22 when we look at these three or four specific
23 years, be conditioned on the fact that those
24 numbers are highly weather-dependent? If you

1 have storms, if you don't have storms, that
2 can also have a significant impact?

3 A. (Steele) That is correct.

4 Q. And the best way to look at SAIDI/SAIFI is
5 over the longer terms, looking for trends?

6 A. (Steele) That is correct.

7 Q. I think you said this clearly, Ms. Green. To
8 the extent Asplundh is not going to be able
9 to do the whole miles planned and we are now
10 contacting other contractors to do that work,
11 the money that Asplundh would have been --
12 would have charged to do that work is not
13 being paid to Asplundh because they're not
14 doing the work.

15 A. (Green) Correct.

16 Q. And that money is now "freed up," for lack of
17 a better word, for these other contractors.

18 A. (Green) Correct.

19 Q. And at the end of the day, Asplundh will get
20 paid for the work it does, and these other
21 contractors will get paid for the work they
22 do.

23 A. (Green) Yes.

24 Q. Is it fair to say that the conversation

1 between Liberty and Asplundh has been open
2 and productive on what we have available,
3 what we expect to do, and, guys, we're not
4 going to get to this, this and this. Those
5 are good conversations.

6 A. (Green) Yes.

7 Q. And that goes back to the Asplundh contract,
8 where although there may be, quote,
9 requirements, mileage requirements in the
10 exhibit, there's also an express e-mail from
11 Asplundh saying, basically, we'll do what we
12 can. And you understand that.

13 A. (Green) Yes.

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

15 Thank you.

16 CHAIRMAN GOLDNER: Thank you, Mr.
17 Sheehan.

18 The witnesses are released. This
19 means, Mr. Steele, you can stay where you're
20 seated, but we won't ask you any more
21 questions. Thank you.

22 So Mr. Dexter, you may have a
23 comment on the striking of I.D.s. I don't
24 have any experience with this exhibit. But I

1 think we could strike I.D.s in Exhibits 1
2 through 8. Would you suggest that it be
3 provisional, or would you -- are you okay to
4 strike I.D. in Exhibits 1 through 8?

5 MR. DEXTER: Mr. Chairman, are you
6 asking that it be provisional because I
7 haven't had a chance to weigh in on the
8 motion?

9 CHAIRMAN GOLDNER: Yes.

10 MR. DEXTER: Oh, and 1 through 8 is
11 all the exhibits, as I look at the list. No,
12 I don't have any problem with you striking
13 I.D. I don't expect to have any objection to
14 the motion for confidentiality.

15 CHAIRMAN GOLDNER: Okay. Thank
16 you.

17 So we will strike I.D. in Exhibits
18 1 through 8. There are no record requests.
19 And we can move to closings, beginning with
20 Mr. Dexter.

21 MR. DEXTER: Thank you, Mr.
22 Chairman. I started the hearing with
23 quibbling a bit with your description of the
24 case, and I wanted to get back to that,

1 because when you read the caption, it
2 included the word "budget" in there, and
3 that's what gave me some pause.

4 In a sense, this docket was really
5 unnecessary because the VMP plan for 2022 was
6 established in the 19-064 rate case. And the
7 budget was in fact established -- well, the
8 rate allocation was established in the 19-064
9 rate case. That settlement which
10 Commissioner Chattopadhyay read from, and
11 which I encourage the Commissioners to review
12 in this docket and the other docket, provided
13 that the Company would continue to make all
14 the filings that it made concerning veg
15 management under the prior settlement, which
16 went back to the 2016 rate case. And that's
17 how this case came before you today.

18 The Company dutifully, on
19 November 15th of 2021, provided a filing that
20 they've been making for many years. In the
21 past, that filing was information that
22 prompted a meeting with the Staff of the PUC
23 at the time, and sometimes the consumer
24 advocate. And it was informational to guide

1 the Company and to inform the PUC as to what
2 was going on in veg management within the
3 parameters that were set in the prior rate
4 case. So in this year, that filing that was
5 made November 15th ended up with a docket
6 number on it, and that's why we're here
7 today. It's got Docket 21-138. I think if
8 you go back, you won't find an equivalent
9 order to look at to see how this was handled
10 in the past because it never resulted in an
11 order. So that brings up the question:
12 What's actually before the Commission in this
13 case? And we discussed this a bit at the
14 prehearing about three or four weeks ago.

15 We believe that it's appropriate
16 that the Company made their November 15th
17 filing. We think it's appropriate that the
18 Company keep the Commission and the
19 Department of Energy informed as to what's
20 going on in veg management. And we think it
21 was particularly important in this case,
22 because of the circumstances that the
23 Company's described in detail that have
24 happened either at the time the settlement

1 was being developed or since the settlement
2 was being developed, some fairly significant
3 changes in the VMP arena, none of which bode
4 well for the ratepayers of Liberty because
5 they essentially involve loss of
6 reimbursement payments from Consolidated and
7 significantly increased costs of veg
8 management from the contractors.

9 So what the Department believes is
10 at issue in this case is what is the Company
11 going to do in 2022 for veg management and
12 what are they going to spend on it. And I
13 believe the answer we got from the Company
14 today is that they plan to do 156 miles of
15 cycle trimming at a cost of \$3.1 million.
16 And the Department supports that plan as
17 filed because the Company has indicated that
18 that is the right number when one looks at
19 what's achievable in the field, given the
20 circumstances that they've described in
21 detail. Of course, the Department of Energy
22 would have preferred that this plan showed
23 202 miles at a cost of 2.2 million, with a
24 10 percent bandwidth, as was contemplated in

1 the settlement from 19-064. That's not the
2 reality. So we believe this is an
3 appropriate plan.

4 The Department of Energy strongly
5 believes that this is not a ratemaking
6 docket, and that if the Commission decides
7 to, quote, unquote, approve that plan and
8 approve that, quote, unquote, budget, that
9 that not be used by Liberty Utilities as a
10 preapproval of any sort of rates, rate
11 increases to cover that. The Company has
12 indicated a number of times that in its next
13 rate case they plan to make a comprehensive
14 VMP proposal that I believe will include a
15 rate request for recovery of deferred or
16 backlogged work from the old rate case
17 four-year-cycle period. And while the
18 Department of Energy understands that it's up
19 to Liberty to opt to make a compelling case
20 for recovering the cost of that backlog in
21 that rate case, it's important to the
22 Department of Energy that the PUC not
23 prejudge that by anything that they do in
24 this case.

1 I will point out that we have
2 another full year to go before the next rate
3 case is decided. My understanding is, from
4 what Liberty has said in tech sessions, and I
5 believe on the stand as well, is that they
6 contemplate an electric rate case being filed
7 in 2023, which under the 12-month suspension
8 period provided for in the statutes wouldn't
9 wrap up in 2024. So at the time, we will not
10 only have 2022's experience, but we'll have
11 2023's experience. And the plan back from
12 19-064 was to trim 214 miles in 2023 at a
13 cost of 2.2 million plus 10 percent. Based
14 on everything we've heard in this case and
15 what we heard last week, it doesn't seem
16 likely that that's going to happen. It may
17 be that the 214 miles is feasible, but
18 everything we've heard would indicate that
19 that's not going to be feasible under a
20 \$2.2 million budget plus 10 percent. So what
21 I'm saying, I guess in short, is the
22 shortfall will grow and the backlog may grow.

23 Now, we've heard today about some
24 promising new technology which hopefully help

1 address that backlog. But apparently the
2 cost of that technology is still unknown, and
3 that's to be worked out between the Company
4 and the contractors in the coming weeks.

5 So all of this is by way of a
6 caution as to what we at the Department of
7 Energy suggest the Department not do in this
8 case, which is not to signal any sort of
9 preapproval or prejudge the proposal that we
10 understand Liberty will be making in its next
11 rate case.

12 Having said all that, I'll just
13 repeat by saying the 156 miles proposed at
14 the cost of \$3.1 million seems a reasonable
15 course of action for Liberty to take in 2022.
16 Thank you. That completes my statement.

17 CHAIRMAN GOLDNER: Thank you, Mr.
18 Dexter.

19 Move to Liberty and Mr. Sheehan.

20 MR. SHEEHAN: Thank you. Picking
21 up where Mr. Dexter left off, absent any
22 other action from the Commission between now
23 and the rate case, it is correct that we will
24 likely propose a five-year trim cycle in that

1 rate case. I don't know numbers. No one on
2 the stand knows what the actual numbers will
3 be. But we can assume it's going to be in
4 the neighborhood of \$3 million a year for
5 that program. And that will be the proposal,
6 something like that, that we'll ask the
7 Commission to approve going forward. We are
8 not asking for a rate change here. We've
9 said that several times. It's not noticed,
10 et cetera.

11 As to the so-called "backlog," so
12 we get to the rate case and we propose that
13 five-year plan going forward and we have
14 X-amount of work that wasn't done under the
15 four-year-cycle as you've heard and it will
16 cost Y dollars to do that. I hear the
17 Department of Energy saying don't issue any
18 rulings on whether that's recoverable or not
19 now. And I agree with that. That's not what
20 we're here to talk about. I will say,
21 though, that that backlog, what you will be
22 asked to look at is the reasonableness of our
23 actions when faced with the various problems
24 that created that backlog. And it will be a

1 classic prudence review: Did we act
2 prudently in entering into an agreement with
3 Clearway under the circumstances? Their bid
4 matched the five-year plan. They had done
5 work for us satisfactorily, good work for us
6 prior, et cetera, et cetera. Did we act
7 prudently when they fell short by hiring the
8 replacement crews, et cetera? We will pursue
9 Clearway. Whatever dollars comes out of that
10 will come back to customers. We'll offset
11 some of that backlog. Timing is an issue.
12 But that's certainly our intent. Time will
13 tell whether there are dollars there to be
14 had and whether or not we can obtain them.
15 But we are off and running on that process.

16 But Mr. Dexter was correct, that
17 this docket followed a different course in
18 the past, and partly because the old
19 Settlement Agreement required us to file the
20 plan with Commission Staff. But they don't
21 exist, and we didn't know if filing with DOE
22 Staff would comply with the Settlement. So
23 we opted to file it here. It has the added
24 benefit, as Mr. Dexter said, to get you folks

1 up to speed on what's going on. So when the
2 rate case rolls around, if there's no other
3 action by the Commission, you'll have the
4 background that you've been provided through
5 this proceeding.

6 But the ask in this docket is to
7 get a nod from the Commission that the plan
8 and the budget that we have proposed is
9 reasonable, and without prejudging what is
10 the right course from 2024 forward. But
11 we're not asking for that.

12 So we do ask that the Commission
13 issue an order approving the plan as filed,
14 with the budget as filed. And should the
15 Commission be interested in visiting --
16 revisiting the five-year cycle issue between
17 now and the rate case, we'd be happy to
18 accommodate, whether that's a follow-up in
19 this docket. The Company may consider a
20 separate filing to address that issue before
21 the rate case. We'll be interested to know,
22 you know -- I think that may help things.
23 Again, not a rate change, but a nod to that
24 being the right course to go sooner rather

1 than later, rather than having these
2 conversations about why we can't quite get to
3 the 230 miles.

4 With that, I'll stop. And I
5 appreciate your time and your questions this
6 morning.

7 CHAIRMAN GOLDNER: Okay. Well,
8 I'll thank everyone, and we'll take the
9 matter under advisement and issue an order.
10 We are adjourned. Thank you.

11 (Hearing concluded at 10:49 a.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

(ORIGINAL CERTIFICATION FILED WITH
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Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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