

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 22-045

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY

Winter 2022/2023 Cost of Gas and Summer 2023 Cost of Gas

**Order *Nisi* on Modifying Order Nos. 26,715 and 26,737 Extending Local
Distribution Adjustment Charge Rates Until January 31, 2024**

ORDER NO. 26,873

August 14, 2023

In this order *nisi*, the Commission extends the effective dates of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty's (Liberty) Local Distribution Adjustment Charge (LDAC) rate components¹ approved in the above-captioned matter by Order Nos. 26,715 (October 31, 2022) and 26,737 (November 30, 2022) from October 31, 2023 to January 31, 2024. This order is issued in conjunction with Order No. 26,872 in Docket No. DG 23-027, in which the Commission approves a framework that changes the effective date of adjustments to most components of the Local Distribution Adjustment Charge from November 1 to February 1 of each calendar year.

Docket filings and orders, other than information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-045.html>.

¹ This extension applies to the Revenue Decoupling Adjustment Factor, Property Tax Adjustment Mechanism, Environmental Surcharges, rate case expenses and recoupment, and Gas Assistance Program costs, and any Commission approved changes currently effective to those components under the LDAC.

I. BACKGROUND

“The Commission ... has historically set the LDAC within the context of COG proceedings.” Order No. 26,715 at 5. The parties in the above captioned matter were directed “to propose two tracks for the adjudication of COG/LDAC charges for future years by December 31, 2022. *Id.* (citing No. 26,663 (August 4, 2022)).

The directive for the parties to propose two tracks for the adjudication of COG/LDAC charges resulted in Liberty’s March 10, 2023 petition requesting changes to the procedures for its COG and LDAC rate adjustments, which the Commission assigned Docket No. DG 23-027. In that matter, the Commission issued Order No. 26,872, adopting a framework consisting of a default schedule and guidelines where LDAC adjustments are initiated on or about August 20 each year and COG adjustments are initiated on or about September 1 each year. Adjusted COG rates become effective November 1 of the year of filing, while adjusted LDAC rates become effective February 1 of the following year.

II. COMMISSION ANALYSIS

The Commission has the authority “after notice and hearing, to alter, amend, suspend, annul, set aside, or otherwise modify” its prior orders under RSA 365:28. The authority granted under this provision is to be “liberally construed.” *Appeal of the Office of the Consumer Advocate*, 134 N.H. 651, 657 (1991); *Meserve v. State*, 119 N.H. 149, 152 (1979).

We exercise our authority to modify prior orders under RSA 365:28 to extend the LDAC rates approved by Order Nos. 26,715 and 26,737 through January 31, 2024. Absent this order, these rates would not be authorized to be collected after October 31, 2023. Certain components of the LDAC, such as the energy efficiency

charge, are already subject to a different update schedule. LDAC rate components are reconciling, therefore the extension of currently effective rates beyond the approved rate's anticipated term will not result in unjust enrichment to Liberty or its customers because any over- or under-collection will be reconciled based on actual revenues. We extend the LDAC rates in order to accommodate the transition to the new framework approved in Order No. 26,872. Because Order No. 26,715 was issued following hearing, this order is issued on a *nisi* basis to ensure that interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, that Liberty's Local Distribution Adjustment Charge rates approved by Order Nos. 26,715 (October 31, 2022) and 26,737 (November 30, 2022) shall remain effective through January 31, 2024; and it is

FURTHER ORDERED, that Liberty shall cause a copy of this order to be posted on its website, such publication to be no later than August 17, 2023 and to be documented by affidavit filed with this office on or before August 25, 2023; and it is

FURTHER ORDERED, that the Clerk shall post a copy of this order on the Commission's website no later than two business days after the date of issue; and it is


FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 1, 2023 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 8, 2023; and it is

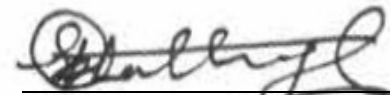
FURTHER ORDERED, that this order shall be effective on September 8, 2023, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Liberty shall file annotated tariff pages as required by N.H. Code Admin. R., Puc 1603 conforming to this order within fifteen (15) days of the effective date of this order, or September 25, 2023.

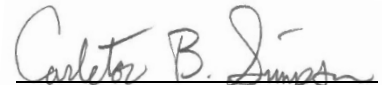
By order of the Public Utilities Commission of New Hampshire this fourteenth day of August, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-045

Printed: 8/14/2023

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