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DEPARTMENT OF ENERGY
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December 27, 2022

Daniel C. Goldner, Chairman
Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301-2429

Re: DG 22-057 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a
Liberty-Keene Division, Winter 2022-2023 Cost of Gas, *DOE concerns re trigger
filing to be effective January 1, 2023*

Dear Chairman Goldner:

The Department of Energy (DOE) is writing to memorialize concerns with the trigger filing Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty-Keene Division (“Liberty-Keene” or “the Company”) made on December 22, 2022, for rates to be effective January 1, 2023.

Specifically, in the Company’s December 22, 2022 trigger filing, Liberty noted that it “corrected” the under/over collection Liberty previously used as the basis for its cost of gas (COG) October 7, 2022 updated filing. Liberty-Keene asserts that it “found” the October 7 under/over collection was incorrect. *See* Liberty December 22, 2022 cover letter. Liberty-Keene states that instead of an under collection of \$195,375, Liberty now finds an under collection of \$51,375 to be correct. The Company has not explained the basis of its “correction.” Moreover, DOE notes that Liberty-Keene’s “corrected” under collection appears to have been applied to the rates it proposes to put in place effective January 1, 2023.

In order to “adjust” rates, the Commission must review and approve the change and the DOE asserts it similarly should have the opportunity to review and comment on any “correction.” Accordingly, the DOE now reserves the right to investigate Liberty’s “corrected” under collection, as described above, in the next Liberty-Keene Winter COG docket.

DOE also notes that the Company’s proposed rates and tariff pages, filed for effect on January 1, 2023, include the increase in LDAC rates that the Company has proposed in Docket No. DE 22-081, also to be effective January 1, 2023. However, the Company has not referenced the Commission’s *nisi* order supporting that proposed LDAC increase in the proposed tariff pages filed in this COG docket. *See* October 20, 2022 Transcript at 142, lines 3-8 (Chairman directing that order changing the LDAC be filed in COG dockets). In the opinion of the DOE, the increase in LDAC rates shown in the tariff pages filed December 22, 2022 in this docket, Docket No. DG 22-057, should be supported by a reference to “Order No. 26,745 (December 14, 2022) (*NiSi*),” in the tariff pages’ footers. The original COG order, Order No. 26,716 (Oct 31, 2022) -- the only order appearing in the footers -- does not permit the change in LDAC rates that is shown.

Consistent with the Commission's *Temporary Changes in Filing Requirements* (March 17, 2020), this letter is being filed solely in electronic form.

Sincerely,

/s/ Mary E. Schwarzer

Mary E. Schwarzer
Staff Attorney/Hearings Examiner

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