

STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION
Docket No. DG 23-067
Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty
Request for Change in Distribution Rates

Response of the Office of the Consumer Advocate

NOW COMES the Office of the Consumer Advocate, a party to this docket, and submits the following response to the brief of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty pursuant to the briefing schedule ordered by the Commission on January 10, 2024 (tab 50). The foremost question that the Commission must answer is what effective date, for the purposes of temporary to permanent rate reconciliation, is appropriate. This question can be resolved immediately with November 1, 2023, as the appropriate date as evidenced by the transcript of the October 27, 2023, hearing at which *all* parties assented to this date. Tr. 10/27/23 (tab 41) at 10-14.

Despite this, counsel for Liberty urges the Commission to choose October 1, 2023, contrary to the position of *every* party, including Liberty, at hearing on October 27, 2023. *Id.* Liberty’s counsel stated on that occasion: “The Company’s witnesses are prepared to support this request [an agreement among the parties as to a revenue increase to be included in temporary rates] in a few minutes and are requesting rates effective November 1.” *Id.* at 10. Therefore, for Liberty to claim (as it does on page 8 of its initial brief) that the parties engaged in settlement

discussions to reach agreement on a temporary rate for effect October 1, 2023, is inconsistent with the position *all* the parties took at hearing. Further, the Department's position statement (tab 17) outlines the terms of the settlement where no rate effective date is included. Therefore, there is no record that the Commission can rely upon that would support Liberty's assertion, especially considering that Puc 203.20(a) makes discussion of settlement negotiations impermissible. Thus, Liberty should not now be allowed to argue for October 1, 2023, as the rate effective date when it stated otherwise at hearing.

Considering the arguments raised, and the record discussed, the Commission should decline to change the rate effective date from November 1, 2023, to October 1, 2023, and issue an order to that effect clarifying the estimated \$500,000 at stake is not subject to reconciliation as contemplated in RSA 378:29.

WHEREFORE, the OCA respectfully requests that this honorable Commission:

- A. Decline to change the effective date to October 1, 2023, from November 1, 2023,
- B. Issue an order clarifying that the October 2023 revenues estimated at \$500,000 is not recoverable, and
- C. Grant such further relief as shall be necessary and proper in the circumstances.

Dated: January 30, 2024



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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Commission's service list for this docket.



Michael J. Crouse