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October 26, 2023

New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DG 23-076
Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty
Winter 2023-2024 and Summer 2024 Cost of Gas and LDAC Filing

Docket No. DG 23-084
Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty –
Keene Division
Winter 2023-2024 Cost of Gas

To the Commission:

Please treat this letter as the response of the Office of the Consumer Advocate (“OCA”) to the Commission’s request that the parties file a statement of position on or before October 26, 2023, regarding the fixed price option (“FPO”) of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty and its Keene Division.

The OCA recommends Commission approval for Liberty, and its Keene Division, to withdraw its FPO for the following reasons.

First, unlike a traditional buyer and seller relationship where risk allocation is shared by both the buyer and seller, Liberty, and its Keene Division, gets to recover its costs attributed to the FPO, regardless of its customers’ choice, thereby becoming insulated from risk while leaving all the risk to and among ratepayers. Therefore, the OCA views the FPO as inappropriately allocating risk to and among ratepayers.

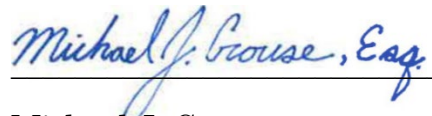
Second, as Commissioner Chattopadhyay addressed in the DG 23-076 hearing, Liberty has accidentally advised its customers of an incorrect rate for the FPO due to a miscalculation it made (citation omitted)¹. Since the FPO is subject to Commission approval, it would not be appropriate for Liberty to offer its customers

¹ Transcript for DG 23-076 has not yet been filed.

an incorrect rate knowing the Commission shall not approve the error. Additionally, given the timing issue for Liberty's request for the winter 2023/2024 rates to become effective November 1, 2023, there is likely not enough time for Liberty to correct the error attributed to the FPO and receive Commission approval timely.

While Liberty's Keene Division does not share the same FPO miscalculation that was discovered in the DG 23-076 hearing, the Office of the Consumer Advocate supports consistent treatment across all of Liberty by recommending Commission approval of Liberty, and its Keene Division, withdrawing its FPO offering.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Crouse, Esq." The signature is written in a cursive style and is positioned above a horizontal line.

Michael J. Crouse
Office of the Consumer Advocate
Staff Attorney

cc: Service List