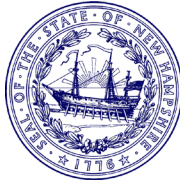


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DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
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October 26, 2023

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

Re: DG 23-084 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities – Keene Division; 2023/2024 Cost of Gas; Letter Regarding Department of Energy’s Position on Fixed Price Option Program

Dear Chairman Goldner:

On October 19, 2023, at 11:00 am the Public Utilities Commission (PUC or Commission) held a hearing in this docket on Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities – Keene Division’s (Liberty-Keene) request to approve the Winter 2023/2024 Cost of Gas. Earlier in the day, the PUC held a hearing in DE No. 23-076 Liberty Utilities (EnergyNorth Natural Gas) Corp.’s (Liberty-EnergyNorth) request to approve the Winter 2023/2024 and Summer 2024 Cost of Gas filing. In the Liberty-EnergyNorth hearing (DG No. 23-076), there was extensive discussion regarding an update to the rates based on a recently discovered Liberty error that would impact the Fixed Price Option (FPO) Program. For both Liberty-Keene and Liberty-EnergyNorth customers, the FPO letters were mailed to customers on October 1, 2023<sup>1</sup>, and customers choosing to enroll in the FPO Program needed to do so by October 26, 2023. DG No. 23-076, Exhibit 6, Bates pg. 16-21; DG 23-084, Exhibit 4, Bates pg. 4.

Given the increase to the FPO Program rate for Liberty-EnergyNorth, the PUC asked Liberty-EnergyNorth to consider whether the FPO Program should remain available or whether the Company should issue a second letter to those customers enrolled in the FPO Program providing notice of the new, higher FPO rate and an opportunity to unenroll from the FPO Program. The Commission also inquired whether the Department of Energy (Department) would be receptive to the Commission opening an investigative docket regarding the FPO Program. Given these issues, the Commission asked the Department to respond in kind regarding the Liberty-Keene FPO program in docket DG 23-084; the Department’s response is as follows.

The Department, including the Director of Consumer Services and the Director of the Gas Division, discussed the FPO issue internally and determined that, since there will

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<sup>1</sup> DG No. 23-076, Exhibit 4, Bates pg. 30; Exhibit 6, Bates pg. 016-021; DG No. 23-084, Exhibit 1, Bates pg. 13.

be no change to the FPO rate for Liberty-Keene's customers, there is no need to reissue the FPO letter or extend the deadline for Keene customers. Further, in the Department's opinion, the Liberty-EnergyNorth FPO program should go forward for the 2022-2023 Winter Period. See Technical Statement of Amanda O. Noonan Re FPO Program (filed Oct. 26, 2023 in DG No. 23-076). Accordingly, there is no reason to cancel the Liberty-Keene FPO program. Additionally, the Department would participate in any investigatory docket the Commission may initiate related to FPO.

As stated at the hearing in docket DG 23-084, the Department is supportive of the Liberty-Keene filing, as initially filed on September 15, 2023. At hearing, the Company explained that the error impacting the Liberty-EnergyNorth rates is not at issue in the Liberty-Keene filing. Therefore, the Department recommends that the Commission approve the cost of gas rates proposed by Liberty-Keene.

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Thank you for your assistance in this matter.

Sincerely,

*/s/ Molly M. Lynch*

Molly M. Lynch, Esq.  
Staff Attorney/Hearings Examiner

cc: Service List (Electronically).

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