

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-009

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY
AND WOODSVILLE WATER AND LIGHT DEPARTMENT**

Joint Petition to Alter Franchise Areas in the Town of Bath

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On February 28, 2022, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) and Woodsville Water and Light Department (Woodsville) (together, the Joint Petitioners) filed a joint petition to modify their respective franchise areas in Bath, New Hampshire regarding property located at 781 Monroe Road in Bath (the Property). In support of their petition, they filed Exhibits A and B showing the location of the Property and the proposed change to the franchise map. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at www.puc.nh.gov/regulatory/Docketbk/2022/22-009.html.

I. BACKGROUND AND PROCEDURAL HISTORY

Woodsville is a municipal corporation, which provides electric service to an area that includes parts of Bath, New Hampshire. Liberty is a public utility, which also provides electric service to parts of Bath. In their petition, the Joint Petitioners stated that Mary Ann and Stephen Rood (the Customers) are building a new home at 781 Monroe Road in Bath, within Woodsville's franchise area and about one quarter mile from Woodsville's electric facilities. Exhibit A to the petition shows that the Property is located next to Liberty's existing franchise area. According to the Joint Petitioners, the Customers requested that Woodsville provide electric service to the Property, but Woodsville declined.

The Joint Petitioners represented that Liberty has agreed to provide electric service to the Property, which is approximately one quarter mile from Liberty's closest facilities. They maintained that the Customers agreed to contribute the required amount toward Liberty's cost of extending electric service, in accordance with Liberty's tariff for new service connections, so that there would be no burden on existing Liberty customers. The Joint Petitioners stated that they agree to modify their respective franchise boundaries to permit Liberty to provide electric service to the Customers. They contended that, without this modification, the Customers would be unable to obtain electric service to the Property.

On April 12, 2022, the New Hampshire Department of Energy (DOE) filed an appearance in this proceeding. The DOE stated that it anticipates filing an analysis of the Joint Petitioners' request.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issues: whether Liberty can furnish reasonably safe and adequate, and in all other respects, just and reasonable electric service and facilities to the Property, as required by RSA 374:1; whether Liberty should be allowed to expand its franchise under RSA 374:22 to include the Property; and whether modification of Liberty's and Woodsville's franchise boundaries, to transfer the portion of Woodsville's service territory containing the Property to Liberty's franchise area, would be for the public good under RSA 374:26. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the

Commission's Clerk's Office no later than fifteen (15) days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:1, RSA 374:22, RSA 374:26, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on June 23, 2022, at 1:30 p.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, the Joint Petitioners shall make appropriate personnel available for the parties to hold a technical session to review the filing; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is,

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to the Joint Petitioners and any other parties on the service list, on or before May 31, 2022. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before June 10, 2022; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that Liberty file documents in support of its representation that it will assume responsibility for extending electric service to the Property on or before May 24, 2022, including details of the proposed service extension required and financial details supporting the extension; and it is

FURTHER ORDERED, that the NHDOE file its analysis of the Joint Petitioners' filing on or before June 7, 2022; and it is


FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests


to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is


FURTHER ORDERED, that, pursuant to N.H. Admin. R., Puc 203.12, the Joint Petitioners shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on their websites no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before May 10, 2022. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this twenty-eighth day of April, 2022.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket#: 22-009

Printed: 4/28/2022

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