

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 13-186**

**ENERGYNORTH NATURAL GAS, INC.  
d/b/a LIBERTY UTILITIES**

**Verified Petition for Correction of Tariff**

**Order Approving Petition**

**ORDER NO. 25,552**

**July 25, 2013**

On June 27, 2013, EnergyNorth Natural Gas, Inc. d/b/a Liberty Utilities (Liberty or Company), a public utility distributing natural gas in 28 cities and towns in southern and central New Hampshire and the City of Berlin in northern New Hampshire, filed a petition, pursuant to N.H. Code Admin. Rules CHAPTER Puc 1600, to amend the provisions of its current tariff. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-186.html>.

Liberty sought to correct a clerical error within the language of Section 10.6.1 of its N.H.P.U.C. No. 7 – Gas tariff, in which past approved language was inadvertently omitted. In 2008, the Company's then-current tariff, N.H.P.U.C. No. 5 – Gas, stated as follows within Section 10.6.1, with the language that is the subject of the instant petition underlined for emphasis:

Peak Season: For receipts less than the [Adjusted Target Volume] but greater than or equal to 95% of the ATV, the Supplier shall be charged 1.1 times the Daily Index for the difference. For receipts less than 95% of the ATV, the Supplier shall be charged 1.1 times the Daily Index for the first 5% difference, and the Supplier shall be charged two (2) times the Daily Index for the remaining difference. For receipts greater than the ATV, the Supplier shall be charged 0.8 times the Daily Index for the difference.

Liberty, within its petition, stated that the language underlined above was inadvertently omitted by the Company from its N.H.P.U.C. No. 6 – Gas tariff prepared in 2009, with the clerical error repeated in the preparation of the Company’s current N.H.P.U.C. No. 7 – Gas tariff, which was filed with the Commission on July 3, 2012.

Under Section 10.6 of Liberty’s tariff, of which Section 10.6.1 is a part, gas suppliers using Liberty’s distribution system are obligated to nominate and deliver an Adjusted Target Volume (ATV), as determined in Section 10.3.2 of the Company’s tariff, to the designated receipt points on every gas day for each aggregation pool. According to Liberty, the purpose of Section 10.6 is to create disincentives for suppliers to nominate or deliver anything other than the ATV. Suppliers that do not comply with these requirements are assessed a charge. The language inadvertently omitted from Section 10.6.1- “and the Supplier shall be charged two (2) times the Daily Index for the remaining difference”- reflects the charge for the under-nomination or under-delivery of gas. In its petition, Liberty stated that the inadvertently omitted language is critical in order to maintain proper incentives for suppliers to supply the correct amount of gas, which ultimately affects the Company’s ability to balance its distribution system. Liberty also stated that a restoration of this language would not result in any harm to its customers, as this charge is assessed against suppliers only. Liberty indicated, at the conclusion of its petition, the assent of the Office of the Consumer Advocate and Staff to the relief sought.

On July 23, 2013, Staff filed a letter re-affirming its support for Liberty’s petition, which had been developed through informal inquiries and a technical session, and stating Staff’s view that the omitted language was critical to Liberty’s efforts in maintaining balancing in its distribution system. Staff concluded that the Commission’s approval of the Company’s petition

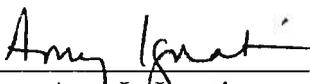
that the omitted language was critical to Liberty’s efforts in maintaining balancing in its distribution system. Staff concluded that the Commission’s approval of the Company’s petition would be in the public interest. *See* Letter of Stephen P. Frink, Assistant Director, Gas & Water Division, to Executive Director Debra Howland, July 23, 2013.

Having reviewed Liberty’s petition and Staff’s recommendation, we concur that our granting of the relief sought by the Company in its instant petition would be in the public interest. The omitted language in Section 10.6.1 of Liberty’s N.H.P.U.C. No. 7 – Gas would serve an important purpose in the Company’s efforts to balance gas supply on its distribution system, and the restoration of this language would have no adverse impact on the Company’s retail customers. Therefore, we approve Liberty’s petition.

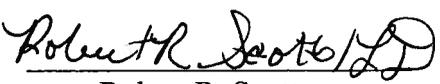
**Based upon the foregoing, it is hereby**

**ORDERED**, that Liberty’s petition for the correction of its tariff provision in Section 10.6.1, of N.H.P.U.C. No. 7 – Gas, is APPROVED.

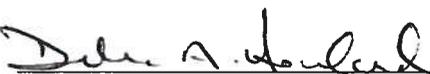
By order of the Public Utilities Commission of New Hampshire this twenty-fifth day of July, 2013.

  
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 Amy L. Ignatius  
 Chairman

  
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 Michael D. Harrington  
 Commissioner

  
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 Robert R. Scott  
 Commissioner

Attested by:

  
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 Debra A. Howland  
 Executive Director

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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**Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.**

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**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.