

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DG 20-105**

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY**

**Request for Change in Rates**

**Procedural Order Re: January 19, 2023 Tariff Filing**

On July 27, 2022, the Commission issued Order No. 26,654, a Supplemental Order approving a \$4 million step adjustment to Liberty's revenue requirement, as well as recoupment of revenues back to the effective date of the step adjustment under the settlement agreement on permanent rates in this matter. The specific recoupment proposal, including rate calculations designed to recoup \$4 million over one year, was filed on June 1, 2022 (Tab 123), after the hearing in this matter, and therefore was not sworn to by Liberty's witness. An opportunity to review the recoupment proposal was afforded to the parties, and the Department of Energy affirmed its support of Liberty's recoupment plan in a letter filed July 1, 2022. The Commission's ordering clauses in Order No. 26,654 specifically approved the recoupment proposal and rate change request as filed June 1, 2022 and directed Liberty to file compliance tariff pages within 20 days. Order No. 26,654 at 4.

On August 16, 2022, Liberty filed the following compliance tariff pages: 1st rev pg i, iii, 27th rev pg 1, 1st rev pg 2, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 75, 77, 79, 81, 83, 85, 25th rev pg 3, 24th rev pg 4, 1st rev pg 33, 34, 2nd rev pg 42, 73, 3rd rev pg 43, 14th rev pg 87, 89, 15th rev pg 88, 6th rev pg 101.

On September 15, 2022, the Commission's tariff administrator issued a non-compliance letter, identifying that three rates approved by the Commission were not correctly reflected in the compliance tariff: 1) Tariff pages 65 and 89 (Rate class G-44): All

over 100 therms per 30-day rate approved 0.4509, compliance tariff 0.4510; 2) Tariff page 69 (Rate class G-46): Winter Period: All therms per 30-day month approved 0.3659, compliance tariff 0.3658; and 3) Tariff pages 79 and 89 (Rate class G-55): Customer Charge Per Meter approved 80.64, compliance tariff 80.70. The non-compliance letter concluded “[p]lease refile the revised tariff pages per Puc 1603.03; Method of Filing.”

On January 19, 2023, Liberty filed the following compliance tariff pages: 14th rev pg 87, 15th rev pg 88, 14th rev pg 89. Liberty’s filing was accompanied by a cover letter and several attachments. Liberty’s cover letter states that the three rates that the Commission’s September 15, 2022 letter identified do differ from the underlying schedules (Tab 123 Attachments, dated June 1, 2022), but were nonetheless correct because the underlying schedules contained a mathematical error. Liberty also proposed other revisions to pages 87 and 89 (Fourteenth revised) and page 88 (Fifteen revised).

A compliance tariff filing should not include changes to existing tariff pages that are not already approved in an underlying proceeding. The compliance tariff filing and review process should only update headers, footers, rates, terms, and conditions to their final form as approved by the Commission. In its January 19, 2023 compliance filing, Liberty endeavored to both explain why it updated certain rates after a Commission order approved specific rates, and, apparently, request approval of further changes to dates and rates within its existing tariff. Such changes, whether *de minimis* or ministerial in nature or not, should be the subject of explicit requests for tariff modifications, not contained in compliance filings. Therefore, Liberty’s January 19, 2023 compliance tariff filing is not compliant. Liberty is directed to file either a motion or separate petition requesting approval of its proposed tariff changes within ten business days, properly supported by supporting documentation, and requesting modification of any applicable underlying



## Service List - Docket Related

Docket#: 20-105

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