

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 21-036

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

**Petition for Approval of a Renewable Natural Gas Supply and Transportation
Agreement**

Order Granting Motion to Suspend

ORDER NO. 26,574

February 1, 2022

I. PROCEDURAL HISTORY AND BACKGROUND

On March 4, 2021, Liberty Utilities (EnergyNorth Natural Gas) d/b/a Liberty (Liberty or the Company) filed a petition for approval of, among other things, a 17-year renewable natural gas (RNG) supply and transportation agreement with RUDARPA, North Country, LLC, for the purchase of pipeline quality RNG produced from a Bethlehem, NH landfill.

On August 6, 2021, the Commission approved an assented-to procedural schedule, culminating in hearings on February 16 and 17, 2022. On November 12, 2021, the Commission rescheduled the hearing on February 16 to February 18, 2022.

On December 15, 2021, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty) filed a Motion to Suspend the Procedural Schedule (Motion).

On December 20, 2021, the Conservation Law Foundation (CLF) filed an Objection to the Motion.

On December 27, 2021, the Department of Energy (Energy) filed a response to Liberty's Motion. On January 4, 2022, Energy filed an additional response noting that the legislation referenced by Liberty had been publicly posted on the website of the New Hampshire General Court.

The Motion and related docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-036.html>.

II. PARTY POSITIONS

a. Liberty

Liberty requested the Commission suspend the approved procedural schedule, with direction to the Company to make a filing to re-activate the docket following the legislative session. In support of its Motion, Liberty stated that the pending legislation would aid in resolving outstanding controversies between the parties, would guide the Commission in its evaluation of the public interest standard, and would be more administratively efficient than withdrawal of the matter and refiling, regardless of whether or not the legislation passes. Liberty's Motion indicated that the Conservation Law Foundation and the Office of the Consumer Advocate objected to the relief it sought, and that the Department of Energy declined to state a position.

b. Conservation Law Foundation

CLF requested that the Commission not suspend the procedural schedule, and instead require Liberty to withdraw its petition if it required consideration of the proposed legislation. In support of its position, CLF argued that precedent does not exist for granting a suspension due to pending legislation, and that it would establish a bad precedent that could wreak havoc on Commission proceedings if potential legislation were found to be an adequate justification to delay Commission proceedings.

c. Office of Consumer Advocate

Liberty's Motion indicated the Office of Consumer Advocate objected; however no objection was filed.

d. New Hampshire Department of Energy

Energy did not object to the relief sought by Liberty. In support of its position, Energy stated that suspension would be administratively efficient, arguing that it would be administratively inefficient if either this matter was to be adjudicated and for the standard of review to change, or for the docket to be withdrawn and wholly re-litigated if the legislation does not pass. Energy stated that precedent does exist for granting a stay based on a legislative proposal, cutting to *Public Service Company of New Hampshire*, Order No. 25,755 (January 15, 2015).

III. COMMISSION ANALYSIS

Although a request for suspension of a procedural schedule for want of legislative action is neither normal nor to be encouraged for the various reasons pointed out by CLF, we note, as Energy does, that it is not unprecedented. In this instance, weight is given to certain factors, including that: 1) that this docket is not mandated by law or Commission directive, and that the petitioner is the party seeking the suspension; 2) the pending legislation relates to the State's statutory energy policy; 3) ratepayers will not be burdened with higher rates as a result of delay; and 4) that Liberty and Energy agree that suspension may avoid duplicative work whether or not the proposed legislation is ultimately enacted.

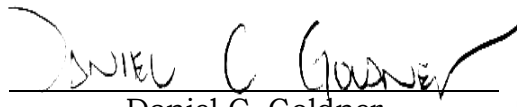
We therefore grant Liberty's Motion to suspend the procedural schedule. In its Motion, Liberty requested the Commission give direction to make a filing to re-activate the docket following the legislative session. We direct Liberty to make an appropriate filing to re-activate this proceeding within five business days of final action on the bill, or in any event no later than August 1, 2022.

Based upon the foregoing, it is hereby

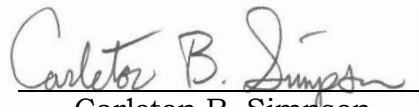
ORDERED, that Liberty's Motion to Suspend the Procedural Schedule is GRANTED; and it is

FURTHER ORDERED, that Liberty shall make a filing to re-activate this docket as discussed herein above.

By order of the Public Utilities Commission of New Hampshire this first day of February, 2022.



Daniel C. Goldner
Chairman



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket# : 21-036

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