

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 17-189**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY**

**Petition to Approve Battery Storage Pilot Program**

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**DE 23-039**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY**

**Request for Change in Distribution Rates**

**Order Approving Transfer of Issues and Addressing Intervention Concerns**

**O R D E R N O. 26,849**

**June 15, 2023**

In this order, the Commission accepts Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty)'s filing in Docket No. DE 23-039 as compliant with the directives in Order No. 26,784 (March 15, 2023). Issues related to the ongoing implementation of Liberty's Battery Storage Pilot Program, including ongoing operation of Phase 1 batteries, any proposals to implement a potential Phase 2, and Bring Your Own Device (BYOD) opportunities shall be considered in Liberty's full rate case in Docket No. DE 23-039. To accommodate this transfer of issues, petitions to intervene in Docket No. DE 23-039 by existing parties in Docket No. DE 17-189 shall be deemed timely if filed and served on or before June 21, 2023.

**I. PROCEDURAL HISTORY AND BACKGROUND**

In Order No. 26,784, issued in Docket No. DE 17-189, the Commission directed Liberty to file a proposal for next steps related to its Battery Pilot no later than May 30, 2023. That proposal was to address:

[T]he ongoing operation of the Phase 1 batteries, including simplified reporting metrics; whether BYOD initiatives should be addressed in this docket or other dockets, and if in this docket then under what structure; and whether a second phase of the Battery Pilot will be pursued, and if so, a proposed procedural schedule.

Order No. 26,784 at 7.

On May 5, 2023, Liberty filed a full distribution rate case, a matter docketed as DE 23-039. That filing included the direct testimony of Dmitry Balashov, Senior Director, of Grid Modernization, addressing a proposed plan for the continuation and expansion of the Company's battery storage pilot program and related activities.

On May 26, 2023, in Docket No. 17-189, Liberty made an additional filing (Tab 135) in direct response to Order No. 26,784, in which it requested that Docket No. 17-189 "be closed and issues surrounding the Battery Storage Pilot, including Phase 1 and Phase 2 and the Company's plans for a BYOD program, be reviewed as part of the comprehensive review of the Company's distribution case."

On May 31, 2023, the Commission issued a procedural order in Docket No. 17-189 setting a deadline for responses to Liberty's May 26, 2023 filing. The Department of Energy responded on June 7, 2023 (Tab 137), stating that it "supports Liberty's request to close Docket No. DE 17-189 and transfer remaining issues to Docket No. DE 23-039 to be reviewed as part of Liberty's distribution rate case." The Conservation Law Foundation (CLF) responded on June 9, 2023, objecting to the request to transfer. CLF stated that consolidating a single matter into a general rate docket is prejudicial and imposes an undue burden to intervenors with discrete interests because general rate cases are costly, time-consuming, and labor-intensive to participate in. CLF also requested that, if the Commission grants Liberty's request, that the Commission extend the intervention deadline in the general rate case to allow current intervenors in this docket sufficient time to intervene.

The filings referenced above, 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/2017/17-189.html> and <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-039.html>.

## **II. COMMISSION ANALYSIS**

The Commission has reviewed the filings and arguments presented by the parties to Docket No. DE 17-189. We acknowledge CLF's position that substantive and administrative barriers might be avoided by continuing to investigate Liberty's proposals related to its Battery Storage Pilot Project in a standalone docket. We agree with Liberty and the DOE, however, that countervailing benefits also may be realized by evaluating Liberty's proposals as a part of a rate case where the proposals may be considered in conjunction with overall operating and financial plans and in conjunction with new program offerings.

We therefore approve transfer of these matters to Liberty's rate case in Docket No. DE 23-039. Whereas these matters are transferred, the Commission will consider petitions to intervene in Docket No. DE 23-039 by existing parties in Docket No. DE 17-189 to be timely if filed and served on or before June 21, 2023. Liberty shall have until June 26, 2023 to object to any requests to intervene filed pursuant to this order. As stated in Order No. 26,829, the Commencement of Adjudicative Proceeding in Docket No. DE 23-039, the Commission anticipate a series of hearing sessions to occur in Docket No DE. 23-039. One such hearing session could be devoted to Battery Storage Pilot Project issues and related new program offerings to alleviate the burden of participating in a full rate case on parties with discreet interests. The development of a procedural schedule will be discussed at the scheduled prehearing conference in Docket No. DE 23-039 on June 15, 2023, however a deadline for the parties to Docket

No. DE 23-039 to file a proposed procedural schedule or schedules will not be established until all timely filed intervention requests have been ruled upon.


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

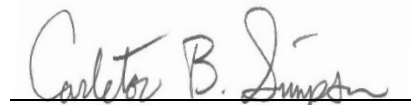
**ORDERED**, that issues surrounding the Battery Storage Pilot Program, including Phase 1 and Phase 2 and the Company's plans for a BYOD program, be reviewed as part of the comprehensive review of the Liberty's fill distribution case in Docket No. DE 23-039; and it is

**FURTHER ORDERED**, that petitions to intervene in Docket No. DE 23-039 by existing parties in Docket No. DE 17-189 to be deemed timely if filed and served on or before June 21, 2023; and it is

**FURTHER ORDERED**, Liberty may object to petitions to intervene in Docket No. DE 23-039 filed by existing parties in Docket No. DE 17-189 on or before June 26, 2023.

By order of the Public Utilities Commission of New Hampshire this fifteenth day of June, 2023.

  
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Daniel C. Goldner  
Chairman

  
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Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket#: 17-189

Printed: 6/15/2023

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