

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-061

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

2024 Default Service Solicitations

COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF HEARING

On April 11, 2024, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) filed a letter notifying the Commission of its proposed schedule for the solicitation of default energy service supply requirements for its large and small customer groups for the six-month period from August 1, 2024 to January 31, 2025. Both the initial 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

<https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-061.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

Liberty conducts its default service solicitations pursuant to the process approved by the Commission in Order No. 24,577 (January 13, 2006), as modified by Order No. 24,922 (December 19, 2008), Order No. 25,601 (November 27, 2013), Order No. 25,806 (September 2, 2015), Order No. 26,752 (December 22, 2022), Order No. 26,758 (January 13, 2023), and Order No. 26,984 (March 29, 2024). Pursuant to a Commission directive in Order No. 26,913 (December 15, 2023), Liberty submitted certain modifications to the default service solicitation process for its small customer group, which introduced an ISO-New England direct market procurement feature, and the Commission approved this proposal in Order No. 26,984, issued in Docket No. DE 23-044. Liberty's large customer group consists of its large and medium commercial

customers. Order No. 25,806 at 3. The small customer group consists of residential and small commercial customers. *Id.* at 2–3.

According to that process, Liberty procures power supply for customers who do not take energy service from a competitive supplier by issuing requests for proposals (RFPs) to the competitive energy markets twice a year for its large and small customer groups. *See* Order No. 25,806 at 2–3. For the large customer group, the RFPs solicit 100 percent of power supply requirements for two six-month periods, one beginning February 1, and the other beginning August 1. *See Id.* at 2–3, 6. Liberty solicits power supply for its large customer group in consecutive three-month blocks and then establishes a monthly rate that varies each month. *Id.* at 2–3.

For the small customer group, as established by Order No. 26,984, Liberty's RFP process would be used to procure fixed-price, full-requirements-for-service contracts with wholesale suppliers for 80 percent of its small customer group load requirements. Order No. 26,984 at 2-3. Liberty would procure the remaining 20 percent of small customer group load requirements via a market-based procurement process, whereby Liberty would make direct purchases and settlement in the ISO-New England day-ahead (primarily) and real-time (secondarily) markets. *Id.* at 3. Liberty would still set its small customer group rates with fixed, six-month rates, with the rate reflecting a blended average of the actual requirements-contract prices over the future six-month period, plus an estimate of the costs of market-based supply (*i.e.*, a 'proxy price') derived from NYMEX futures prices for ISO-New England market power supply. *Id.* at 3-4.

Liberty issued its RFPs on May 1, 2024. Liberty will file a petition requesting approval of this solicitation on June 21, 2024, and has requested that the Commission issue a dispositional order by June 28, 2024.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issues: whether Liberty's power supply procurement is consistent with RSA 374-F:3, V(c)-(e) and Orders No. 24,577, 24,922, 25,601, 25,806, 26,752, 26,758, and 26,984; and whether the resulting rates are just and reasonable as required by RSA 374:2, and RSA 378:5 and RSA 378:7. Also, the Commission will assess potential improvements to the proxy-price development methodology for the market-based 20 percent procurement tranche for the small customer group, including additional market-based tranches in future default service energy procurements, and the potential extension of an ISO-New England market-based procurement component to the large customer group in the next default service energy procurement rounds. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting 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 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

chapter 541-A, RSA 374-F:3, V(c)-(e), RSA 374:2, RSA 378:5 and RSA 378:7, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on June 25, 2024, at 9:00 a.m. Three hours shall be allotted for this hearing; and it is

FURTHER ORDERED, that the New Hampshire Department of Energy shall file its petition regarding Liberty's petition, including the reasons for this position, on or before June 11, 2024; 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 Liberty and any other parties on the service list, on or before May 28, 2024. 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 4, 2024; 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 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

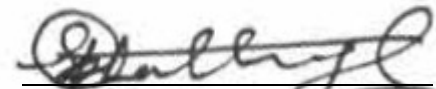
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Liberty shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before May 16, 2024. 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.

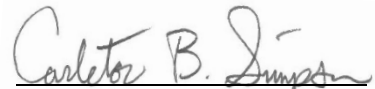
So ordered, this ninth day of May, 2024.



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#: 24-061

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