

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 25-055

**LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. d/b/a LIBERTY
2026-2027 Local Distribution Adjustment Charge**

COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF HEARING

On August 21, 2025, Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty (Liberty) filed a petition requesting that the Commission approve its proposed Local Distribution Adjustment Charge (LDAC) rates for the period from February 1, 2026 through January 31, 2027. In support of its petition, Liberty filed the direct testimonies of the following Liberty Utilities Service Corp. (LUSC) employees: Robert Garcia and Adam R.M. Yusuf, both with LUSC Rates and Regulatory Affairs (Joint Testimony); and Luke W. Sanborn, LUSC's Environment Manager; and related attachments. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at www.puc.nh.gov/VirtualFileRoom/Docket.aspx?DocketNumber=DG%2025-055.

I. BACKGROUND AND PROCEDURAL HISTORY

The LADC is a rate used to recover several different charges: the Energy Efficiency Charge; the Environmental Surcharge; the Revenue Decoupling Adjustment Factor; the Property Tax Adjustment Mechanism; the Rate Case Expenses and Recoupment Surcharge; and the Gas Assistance Program Surcharge. *Liberty Utils.*, Order No. 27,099 at 2 (January 31, 2025) (issued in Docket No. DG 24-098). Other than the Energy Efficiency Charge, which the Commission reviews annually in a separate docket, the remaining component charges are reconciling charges based on forecasted activity. Petition (Pet.), ¶s 4-5.

The Commission reviews Liberty's proposed adjustments to each of the component charges, other than the Energy Efficiency Charge, in determining whether to approve Liberty's proposed LDAC rate for residential customers and its proposed LDAC rate for commercial and industrial (C&I) customers. Order No. 27,099 at 1-3. The current LDAC rates, approved in Docket No. DG 24-098, are \$0.1692 per therm for residential customers and \$0.0857 per therm for C&I customers. *Id.* at 1. In Order No. 27,099, the Commission identified a potential discrepancy in Liberty's calculation of its Environmental Surcharge. *Id.* at 4-5. Although the Commission nonetheless approved Liberty's proposed LDAC rates in that docket, it stated that "in the next LDAC proceeding, Liberty's filings should note that it has reviewed this issue and explain whether the schedule accurately represents the amortized amount for 2023-2024." *Id.* at 5.

In Docket No. DG 23-067, Liberty's pending rate case, the parties entered into a settlement agreement (Settlement Agreement) that would add two charges to be recovered through LDAC rates. Settlement Agreement, Sections 6.1 and 6.2. The first charge, the Regulatory Reconciliation Adjustment, would recover "(1) any over or under collection of the Commission assessment level included in base distribution rates; (2) DOE [New Hampshire Department of Energy] and OCA [Office of the Consumer Advocate] consultant expenses; and (3) other consultant costs incurred at the direction of the Commission." Pet., ¶12 (citing Settlement Agreement, Section 6.1); *see also* Joint Testimony at Bates page 19. The purpose of the second charge, the Lost Revenue Factor, is to recover October 2023 lost revenues totaling \$387,917 arising from delaying the effective date of Liberty's temporary rates from October 1, 2023 to November 1, 2023. Joint Testimony at Bates page 18; Settlement Agreement, Section 6.2. On August 26, 2025, the Commission issued a procedural order stating that it

had approved the Settlement Agreement in its entirety and would be issuing an order containing the Commission's reasoning in September 2025.

In its petition filed in the above-captioned docket, Liberty requested approval of its proposed residential LDAC rate of \$0.1463 per therm, which would result in a decrease of \$0.0229 per therm or approximately 13.53 percent.¹ Pet., ¶15; Joint Testimony at Bates page 8. In addition, it requested approval of its proposed C&I LDAC rate of \$0.0901 per therm, which would result in an increase of \$0.0044 per therm or 5.13 percent. *Id.*; Joint Testimony at Bates page 8.² Liberty did not appear to address, in either its petition or supporting testimony, the potential discrepancy regarding its prior Environmental Surcharge that the Commission identified in Order No. 27,099. However, Liberty stated that it will be filing an update on November 20, 2025. *Id.*, ¶5.

Liberty's cover letter accompanying its petition contained a proposed procedural schedule to which the DOE and the OCA have assented. The Commission approves the proposed procedural schedule, in part, with modifications noted in bold, so that the current procedural schedule is as follows:

<u>Activity/Event</u>	<u>Deadline</u>
Discovery Set 1 to Liberty	September 11, 2025
Liberty Set 1 Responses	September 25, 2025
Technical Session	October 15, 2025, 9 am to 2 pm
Discovery Set 2	October 30, 2025
Liberty Set 2 Responses	November 13, 2025
Status Conference, if requested by the parties	November 2025
Deadline for Updated LDAC Filing (to include actual Oct. data)	November 20, 2025
Technical Session	December 1, 2025, 9 am to 2 pm
Discovery Set 3, if needed	December 10, 2025
Liberty Set 3 Responses	December 17, 2025

¹ These LDAC figures differ from those found in the Joint Testimony at Bates page 10.

² *Id.*

Activity/Event	Deadline
DOE/OCA/Intervenor Testimony/Technical Statement	December 22, 2025
Liberty Rebuttal, if necessary	January 8, 2026
Technical Session, if needed	January 9, 2026, 2 – 4 pm

When submitting its updated LDAC filing, Liberty shall address the potential discrepancy regarding its prior Environmental Surcharge that the Commission identified in Order No. 27,099 (January 31, 2025).

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issues: whether Liberty correctly forecasted and factored the appropriate elements into its proposed LDAC rates; and whether Liberty's proposed LDAC rates were properly calculated and are just and reasonable, as required by RSA 374:2, RSA 378:5, and RSA 378:7. 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 374:2, RSA 378:5, and RSA 378:7, and the Commission's procedural rules; and it is

FURTHER ORDERED, that Liberty's proposed procedural schedule, as modified, is APPROVED in part; and it is

FURTHER ORDERED, that Liberty's updated LDAC filing shall address the potential discrepancy regarding its prior Environmental Surcharge that the Commission identified in Order No. 27,099 (January 31, 2025); 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 January 22, 2026, at 9:00 am. One day shall be allotted for this hearing; and it is

FURTHER ORDERED, that the DOE is requested to file its position regarding Liberty's petition, including the reasons for this position, on or before December 22, 2025; 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 RSA 541-A:32, Puc 204.08, and Puc 203.06, 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 December 8, 2025. 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 Puc 204.08; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before December 18, 2025; and it is

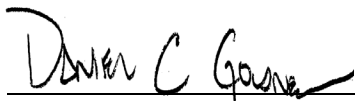
FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission in accordance with the Commission's administrative rules. Parties may elect to submit any filing in electronic form 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

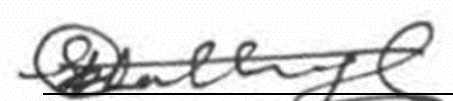
FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or www.puc.nh.gov/about-us/contact-us. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to Puc 204.04, 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 September 16, 2025. 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 September, 2025.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Mark W. Dell'Orfano
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#: 25-055

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