



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING AND EVIDENTIARY HEARING AND REQUEST FOR COMMENTS

D.P.U. 22-31

May 26, 2022

Petition of Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty for Approval of Revisions to Money Pool Agreement.

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On March 22, 2022, Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty (“Liberty” or “Company”), filed a petition for authorization to make revisions to the Liberty Utilities Money Pool Agreement (“Money Pool Agreement”) with other regulated subsidiaries of Liberty’s parent company, Liberty Utilities, Co. pursuant to G.L. c. 164, § 17A and the Department of Public Utilities’ (“Department”) order in Petition of Liberty Utilities, D.P.U. 17-144 (2018). The Department has docketed this matter as D.P.U. 22-31.

D.P.U. 17-144 established Liberty’s Money Pool Agreement, subject to certain conditions. Liberty’s Money Pool Agreement is a cash management program used by Liberty affiliates to either borrow funds from or lend funds to one another when they have a surplus or shortage of cash or aggregate. The Money Pool Agreement also allows Liberty affiliates to invest their short-term cash surpluses. The Money Pool Agreement may provide Liberty’s affiliates with access to money at lower interest rates than financial institutions offer or allow them to earn a better return on their cash surpluses, both of which can lower service rates for customers. In this filing, Liberty requests authorization to add three additional regulated utilities as participating members in the Money Pool Agreement: (a) Liberty Utilities (New York Water) Corp. (“Liberty Water NY”); (b) the to-be-acquired Kentucky Power Company (“Kentucky Power”); and (c) the to-be-acquired AEP Kentucky Transmission Company, Inc. (“Kentucky Transco”). If this petition is approved, these additional members will be eligible to borrow surplus funds from Liberty and other affiliates. On April 5, 2022, the Attorney General of the Commonwealth (“Attorney General”) filed a notice of intervention pursuant to G.L. c. 12, § 11E.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct a virtual public hearing to receive comments on the Company’s filing. During the hearing, any member of the public may provide comments. The Department will hold a procedural conference after the hearing. During the procedural conference, the Department, Liberty, the Attorney General, and any party granted the right to intervene in the proceeding may discuss procedural matters, including the schedule for the evidentiary phase of the proceeding. The Department will conduct the hearing using Zoom videoconferencing on **June 7, 2022**. Attendees can join by entering the link,

<https://us06web.zoom.us/j/81382368784?pwd=MTRYNXVZUWFUZDA4UDFUQUYzTWNIcz09>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearings, attendees can dial in at 646-558-8656 (not toll free) and then enter the Meeting ID 813 8236 8784

Alternatively, any person who desires to provide written comment on this matter may submit written comments no later than the close of business (5:00 p.m.) **June 7, 2022**. Written comments from the public may be sent by email to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov), [katherine.e.stock@mass.gov](mailto:katherine.e.stock@mass.gov), and the Company's attorney, Kevin Penders, at [kpenders@keeganwerlin.com](mailto:kpenders@keeganwerlin.com). To the extent that a person or entity wishes to submit written comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

At this time, all filings will be submitted only in electronic format in recognition of the difficulty that parties and the Department may have in filing and receiving original copies. Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)). However, until further notice, parties must retain the original paper version, and the Department will later determine when the paper version must be filed with the Department Secretary.

All written comments or documents must be submitted to the Department in pdf format by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [katherine.e.stock@mass.gov](mailto:katherine.e.stock@mass.gov). In addition, one copy of all written comments should be emailed to the Company's attorney Kevin Penders at [kpenders@keeganwerlin.com](mailto:kpenders@keeganwerlin.com). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 22-31); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website as soon as practicable at <http://www.mass.gov/dpu>. The email must also include the name, title, and telephone number of the person to contact in the event of questions about the filing. The electronic file should identify the documents and not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20MB**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or participate in the proceeding no later than the close of business on **June 7, 2022**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. A petition to intervene must explain why this proceeding will have a specific and substantial effect on a person or group such that they should be allowed to submit discovery to Liberty, ask cross-examination questions of Liberty and file a legal brief to the Department concerning this matter. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

The Company's filing and all subsequent related documents, pleadings and/or filings submitted to the Department and/or issued by the Department will be available on the Department's website as soon as is practicable at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. A paper copy of the filing will not be available for public viewing at the Company's offices or the Department. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities contact Department's ADA coordinator at [DPUADACoordinator@state.ma.us](mailto:DPUADACoordinator@state.ma.us).

Any person desiring further information regarding the Company's filing or a paper copy of the filing should contact Kevin Penders, Esq. at [kpenders@keeganwerlin.com](mailto:kpenders@keeganwerlin.com). For further information regarding this notice, please contact Katherine Stock, Hearing Officer, Department of Public Utilities, at [katherine.e.stock@mass.gov](mailto:katherine.e.stock@mass.gov).

