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DOCKET NO. 45083

IN RE: LIBERTY UTILITIES (PEACH STATE NATURAL GAS) CORPORATION 2023-2024 GAS SUPPLY PLAN

PROCEDURAL AND SCHEDULING ORDER

Background

The Georgia Public Service Commission ("Commission") hereby issues this Procedural and Scheduling Order for the purpose of identifying the issues, establishing discovery procedures, including expedited response times, and establishing a hearing schedule concerning the 2023 – 2024 Liberty Utilities (Peach State Natural Gas) Corp. ("Liberty" or the "Utility") Gas Supply Plan. If the Company and the Staff are unable to mutually agree upon discovery procedures, the Commission will provide for such procedures. The Commission has jurisdiction pursuant to the O.C.G.A § 46-2-26.5 ("the Code").

Applicable Statutes

Pursuant to O.C.G.A. § 46-2-26.5 Liberty shall file a Gas Supply Plan and Adjustment Factor on or before August 1 for the ensuing twelve (12) months of the recovery year beginning October 1, 2023. In addition, the Code requires the Commission to conduct a public hearing on the gas utility's gas supply plan and adjustment factor, no less than ten (10) days after the filing by the gas utilities. By ninety (90) days after the Utility's filing, the Commission must issue an Order that either approves the filed Gas Supply Plan or adopts a different gas supply plan. Otherwise, the Utility's Gas Supply Plan becomes effective. This Commission has authority, under the Code, to amend the Utility's Gas Supply Plan for the remainder of the recovery year, after affording due notice and opportunity for hearing to the affected gas utility and the intervenors in the proceeding. Similarly, if the Commission does not either approve the adjustment factor proposed by the Utility, or adopts a different adjustment factor deemed more appropriate by the Commission, then the adjustment factor filed by the Utility becomes effective.

Discovery

This proceeding also shall be deemed "complex litigation" as that phrase is used in O.C.G.A. § 9-11-33(a). Discovery procedures shall apply accordingly. The Commission authorizes the Staff to issue discovery pursuant to O.C.G.A. § 46-2-57(a). The Staff may conduct depositions and use any other methods of formal and informal discovery in this docket. The use of any informal discovery methods shall not augment or abridge existing discovery rights and responsibilities. Given the short statutory deadline, Liberty and Staff have agreed that data request responses will be expedited and returned within 15 days for the period of June 1, 2023 to September 28, 2023 after issuance to the Company.

Notice

Pursuant to the Commission's Utility Rule 515-2-1-.04, Liberty is directed to give notice of this proceeding in this docket.

Issues Involved

The issues, at a minimum, that shall be addressed include, but are not limited to, the following:

(a) Is the information that Liberty is providing whole and complete information regarding adjustment factors it is proposing during the recovery year? Does the information provided satisfy the Minimum Filing Requirements pursuant to Commission Rule 515-7-2-.04?
(b) Does the Design Day Forecast provided by Liberty comply with the Stipulation approved in 2022-2023 Gas Supply Plan year and did Liberty provide sufficient documentation and data to support such forecast?
(c) Does Liberty have a sufficient array of assets to provide its firm customers with natural gas on a design day and throughout the recovery year?
(d) Does Liberty provide an appropriate methodology to calculate its adjustment factors for the recovery year?
(e) Has Liberty taken the necessary steps regarding the accumulated over-recoveries or under-recoveries to have as close to a zero imbalance as possible?

The following is established as the schedule for this docket:

PART I. HEARING SCHEDULE AND FILING DATES

June 1, 2023

Per the approved Stipulation in Docket 44392, the Company shall file its Design Day Forecast for the 2023-2024 Plan Year along with documentation on its demand forecasting methodology with the office of the Executive Secretary using the Alternative E-filing using Microsoft Word® format for text documents and Excel® for spreadsheets. All Excel® spreadsheets provided shall have its formulas live and intact. In addition, 2 (two) physical copies of filing including any Trade Secret data should be filed by 4 p.m.

June 30, 2023

Liberty shall file its gas supply plan filing with the office of the Executive Secretary using the Alternative E-filing using Microsoft Word® format for text documents and Excel® for spreadsheets. All Excel® spreadsheets provided shall have its formulas live and intact. In addition, seven physical copies of filing including any Trade Secret data should be filed by 4 p.m.

August 28, 2023

Staff and Intervenors may pre-file with the office of the Executive Secretary using the Alternative E-filing their direct testimony using Microsoft Word® format for text documents and Excel® for spreadsheets. Excel®. All Excel® spreadsheets provided shall have its formulas live and intact. Seven physical copies of the filing including any Trade Secret data should be filed by 4 p.m.

September 8, 2023

Liberty may file, by 4:00 p.m., an electronic version of its rebuttal testimony in response to Staff and intervener testimony in accordance with alterative filing directions that are effective as of the date of this required filing.

September 19, 2023

Following its Administrative Session on September 19th, which will commence at 9:30 a.m., the Commission will hear any outstanding motions from the parties. After these preliminary matters, the Commission will conduct hearings on the direct testimonies of Liberty, intervenors, and Staff, and then rebuttal testimony of Liberty. The hearing shall commence following the Administrative Session on Tuesday, September 19, 2023, at the Georgia Public Service Commission, Room 110, 244 Washington Street S.W., Atlanta, Georgia 30334-5701.

September 25, 2023

All parties may file briefs and any proposed orders in one simultaneous round using the Alternative E-filing using Microsoft Word® format for text documents and Excel® for spreadsheets. All Excel® spreadsheets provided shall have its formulas live and intact.

September 28, 2023, Special Administrative Session following Energy Committee

The Commission shall consider and decide the issues involved in this matter at a Special Administrative Session immediately following the regularly scheduled Energy Committee, at the Georgia Public Service Commission, Room 110, 244 Washington Street S.W., Atlanta, Georgia 30334-5701.

Procedures

The following are procedures to which any party to this hearing should adhere with respect to this Docket:

Intervention

Applications to intervene and Commission approval thereof are covered by O.C.G.A. § 46-2-59 and Commission Rule 515-2-1-.06. Each applicant shall use the Alternative E-filing for its application to intervene to the Commission addressed to:

Ms. Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

In addition, each applicant shall submit a copy of its application to Liberty[1] and all other parties who have applied to intervene with a Certificate of Service to the Commission. To obtain a list of other intervenor applicants, contact Ms. Diana Cain, Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, GA 30334 (Telephone at 404-656-0945).

Intervention Period

Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

Application Requirements

In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interest are similar to that of the applicant along with an explanation of why the identified intervening parties or intervening party applicants will not adequately represent the applicant's interest; and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party.

Late Applications for Intervention

Any application for leave to intervene filed late must state the reason why such application was not submitted within thirty (30) days of the first published notice. Objections to late intervention applications must be filed in conformance with the requirements of O.C.G.A. § 46-2-59(d).

[1] The gas utility applicant is a party of record who must be served with a copy of any application to intervene. Failure to serve this party, or any other party, tolls a fifteen (15) day limit for objections to intervention until the defect (i.e., service on parties of record) is corrected.

Rulings on Intervention Applications

The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

Filing and Service

A party or intervenors' filing must be submitted to the Georgia Public Service Commission using the Alternative E-filing a using Microsoft Word® format for text documents and Excel® for spreadsheets. Excel® spreadsheets provided shall have its formulas live and intact. Furthermore, copies of all pleadings, filings, correspondences, and any other documents related to and submitted in the course of this docketed matter should be served upon the following individuals in their capacities as indicated below, and all other intervenors recognized by the Commission in this docket, including the attorney of record:

Ginny Davis, Attorney
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334

Mark D. Caudill, Attorney for
Liberty Utilities (Peach State Natural Gas) Corp.
3290 Commons Gate Bend
Berkeley Lake, GA 30092

Each party and intervenor has the responsibility to serve copies of any documents filed with the Commission upon each intervener and intervener applicant. Furthermore, in the case of documents filed prior to the deadline for intervention established above, electronic copies shall also be served upon each party indicated in the Certificate of Service accompanying this Order.

Testimony of Witnesses

(a) Summations of direct testimony will take no longer than fifteen (15) minutes or, at the discretion of the Commission, no longer than thirty (30) minutes.

(b) Summations should be limited to testimony and exhibits in the pre-filed testimony.

(c) Demonstrative handouts intended to be used during summations of the pre-filed testimony or in opening or closing statements, if applicable, must be pre-filed at least five (5) days prior to the hearing and must be limited to the scope of the testimony and exhibits in the pre-filed testimony.

(d) Except for good cause shown, corrections to testimony must be pre-filed at least five (5) days prior to the hearing.

(e) In the absence of a valid objection made and sustained to pre-filed testimony, the pre-filed testimony and exhibits, with corrections, will be admitted into the record as if orally given prior to the witness' summation, subject to a motion to strike after admission or other

relevant objection.

(f) Where the testimony of a panel of witnesses is presented, cross-examination may either be addressed to the panel, in which case any member of the panel may answer, or cross-examination may be addressed to an individual panel member, in which case that panel member shall give the answer; provided, however, that any other panel member shall be allowed to supplement the answer given.

(g) Only upon the authorization of the Commission shall any witnesses who have filed separate testimony be permitted to sit as a panel. The number of persons sitting on any panel shall not exceed four (4) persons, unless specifically authorized by the Commission.

(h) Absent good cause, motions to strike any portion of pre-filed testimony must be filed at least two (2) days prior to the hearing.

(i) Except for good cause shown, all exhibits to be used in the hearing must be pre-filed at least five (5) days prior to the hearing.

Hearing Exhibits

For the record in all hearings, it shall be the responsibility of the parties sponsoring any hearing exhibits to ensure the court reporter, all parties of record and the individual Commissioners receive copies of all hearing exhibits at the time of their introduction at the hearing.

* * * * *

WHEREFORE, IT IS ORDERED, that the Commission hereby adopts the procedures, schedule, and statements regarding the issues set forth within the Procedural and Scheduling Order.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 4th day of April 2023.

Sallie Tanner
Executive Secretary

4-6-23
Date

Tricia Pridemore
Chairman

4.6.23
Date