



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

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

D.P.U. 23-139

March 5, 2024

Petition of Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty for authorization and approval: (1) to issue long-term debt in an amount not to exceed \$165 million pursuant to G.L. c. 164, § 14; and (2) for an exemption from the competitive solicitation and advertising requirements of G.L. c. 164, § 15.

On November 17, 2023, Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty (“Liberty” or “Company”) filed a petition with the Department of Public Utilities (“Department”), pursuant to G.L. c. 164, § 14, requesting authorization and approval: (1) to issue long-term debt in an amount not to exceed \$165,000,000; and (2) for an exemption from the competitive solicitation and advertising requirements of G.L. c. 164, § 15. The Department docketed this matter as D.P.U. 23-139.

Liberty provides natural gas distribution service to approximately 60,000 customers in Blackstone, Bellingham, Fall River, North Attleboro, Plainville, Swansea, Somerset, Westport, and parts of Wrentham, Massachusetts. The Company proposes to issue the debt through December 31, 2026, up to an aggregate principal amount of \$165,000,000, with maturity dates not to exceed thirty (30) years from the date of issuance and an interest rate not to exceed eight (8) percent.

The Company states that approximately \$150 million of the net proceeds of the debt issuance will be used for: (1) payment of capital expenditures incurred by the Company for extensions, additions, and improvements to the Company’s plant and properties or for the payment of obligations of the Company incurred for such purposes; (2) repayment or refinancing of existing long-term debt including intercompany loans or notes; (3) repayment of short-term debt balances; and/or (4) for general working capital purposes. The Company states that remaining net proceeds of the debt issuance (*i.e.*, \$14,199,302 ) will be issued to meet the requirements of three outstanding intercompany notes issued December 20, 2013, pursuant to Article 1.6.1 of the Settlement Agreement approved by the Department in Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty, D.P.U. 15-75 (2016).

The Department will conduct a virtual public hearing to receive comments on the Company’s filing. The public hearing will be immediately followed by a procedural conference. The Department will conduct the hearing using Zoom videoconferencing on **Wednesday, March 27, 2024**, beginning at **2:00 p.m.** Attendees can join by entering the link,

<https://us06web.zoom.us/j/83783377215>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearings, attendees can dial in at 646-931-3860 (**not toll free**) and then enter the **Meeting ID# 837 8337 7215**. If you anticipate providing comments via Zoom during the public hearing, please send an email by **Monday, March 25, 2024**, to [jennifer.cargill@mass.gov](mailto:jennifer.cargill@mass.gov) with your name, email address, and mailing address. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, March 25, 2024**, at 617-305-3732 with your name, telephone number, and mailing address.

Any person interested in commenting on this matter also may submit written comments no later than the close of business (5:00 p.m.) on **Thursday, March 28, 2024**. The Department strongly encourages public comments to be submitted by email as specified below. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. **Monday, March 25, 2024**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department 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.

All comments and petitions to intervene should be submitted to the Department in **.pdf format** by email attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [jennifer.cargill@mass.gov](mailto:jennifer.cargill@mass.gov). The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 23-139); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. In addition, one copy of all written comments and petitions to intervene should be emailed to the Company's attorney, Kevin Penders, Esq. at [kpenders@keeganwerlin.com](mailto:kpenders@keeganwerlin.com).

The filing and all documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "23-139") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. Please note that in the interest of transparency any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [Gabriella.Knight@mass.gov](mailto:Gabriella.Knight@mass.gov). For further information regarding the Company's filing, please contact the Company's attorney, identified above. For further information regarding this Notice,

please contact Jennifer Cargill, Hearing Officer, Department of Public Utilities, at [jennifer.cargill@mass.gov](mailto:jennifer.cargill@mass.gov).