

Exhibit No.: _____
Issue(s): Weather Normalization Adjustment Rider
Witness/Type of Exhibit: Mantle/Surrebuttal
Sponsoring Party: Public Counsel
Case No.: GR-2024-0106

SURREBUTTAL TESTIMONY

OF

LENA M. MANTLE

Submitted on Behalf of the Office of the Public Counsel

**LIBERTY UTILITIES (MIDSTATES NATURAL GAS) CORP.
D/B/A LIBERTY UTILITIES'**

CASE NO. GR-2024-0106

September 19, 2024

SURREBUTTAL TESTIMONY

OF

LENA M. MANTLE

LIBERTY UTILITIES (MIDSTATES NATURAL GAS) CORP.

d/b/a LIBERTY

CASE NO. GR-2024-0106

1 **Q. Please state your name.**

2 A. My name is Lena M. Mantle.

3 **Q. Are you the same Lena M. Mantle that provided direct testimony in this**
4 **case?**

5 A. Yes, I am.

6 **Q. What witness are you responding to in this surrebuttal testimony?**

7 A. I am responding to the rebuttal testimony of Liberty Utilities (Midstates Natural
8 Gas) Corporation d/b/a Liberty (“Liberty”) witness Meagan Grafton regarding
9 Liberty’s weather normalization adjustment rider (“WNAR”) mechanism.

10 **Q. Would you summarize your direct testimony in this case?**

11 A. My direct testimony discussed Liberty’s failure to provide evidence to support
12 changes to its WNAR. None of Liberty’s witnesses explained in direct testimony
13 the changes found on its proposed tariff sheets that Liberty is asking the
14 Commission to approve or why the changes are necessary. In my direct testimony
15 I also note that the statute enabling a WNAR requires the Commission to have
16 rules regarding the application process for a WNAR prior to the Commission
17 issuing an order for a WNAR.

18 For these reasons, I recommended that the Commission discontinue
19 Liberty’s WNAR.

1 **Q. Which of the tariff sheets Liberty is proposing the Commission approve in**
2 **this case include modifications to its WNAR?**

3 A. Proposed tariff sheets 3rd Revised Sheet 67 and 2nd Revised Sheet 67.1 tariff
4 sheets describe Liberty’s WNAR and contain modifications to the currently
5 effective 2nd Revised Sheet 67 and 1st Revised Sheet 67.1. I have attached the
6 redline/strikeout version of these two proposed tariff sheets¹ to this testimony as
7 Schedule LMM-S-1.

8 **Q. Are these changes modifications to Liberty’s WNAR?**

9 A. Yes. Black’s Law Dictionary defines “modify” as “[t]o alter; to change in
10 incidental or subordinate features.”² Even a cursory review of the proposed
11 WNAR tariff sheets shows that Liberty is proposing changes, *i.e.* modifications,
12 to its WNAR.

13 **Q. Did any Liberty witness provide an explanation of the modifications to**
14 **Liberty’s WNAR tariff sheets in response to your direct testimony?**

15 A. No. Ms. Grafton provides a simple description of Liberty’s WNAR, how it
16 functions, and a list of other Missouri investor-owned gas utilities that have
17 WNARs. However, Ms. Grafton did not provide a description of Liberty’s
18 proposed changes or explain why the proposed changes are necessary or
19 appropriate. It seems that Ms. Grafton believes that it is sufficient for Liberty to
20 merely propose these modifications to its WNAR without any explanation.

21 **Q. What was her explanation of why Liberty did not provide support for its**
22 **proposed modifications to its WNAR?**

23 A. According to Ms. Grafton, she found nothing in the enabling statute, section
24 386.266.3 RSMo., requiring Liberty to request a continuation of the WNAR and,

¹ Tariff filing JG-2024-0111, <https://www.efis.psc.mo.gov/Document/Display/770809>, pages 62 – 65.

² <https://thelawdictionary.org/?s=modify>

1 according to Ms. Grafton, the WNAR tariff sheets³ do not state or imply that the
2 Company is required to request permission to continue or modify the WNAR.⁴

3 **Q. Is there any language in section 386.266.3 RSMo. that requires Liberty to**
4 **request a continuation of its WNAR?**

5 A. There is nothing in section 386.266.3 RSMo that requires Liberty to request a
6 continuation. However, as I stated in my direct testimony, section 386.266.5
7 RSMo states:

8 The commission shall have the power to approve, modify, or reject
9 adjustment mechanisms submitted under subsections 1 to 4 of this
10 section only after providing the opportunity for a full hearing in a
11 general rate proceeding, including a general rate proceeding
12 initiated by complaint. The commission may approve such rate
13 schedules after considering all relevant factors which may affect
14 the costs or overall rates and charges of the corporation, provided
15 that it finds that the adjustment mechanism set forth in the
16 schedules[.]

17 (Emphasis added)

18 In addition, section 386.266.6 states:

19 Once such an adjustment mechanism is approved by the
20 commission under this section, it shall remain in effect until such
21 time as the commission authorizes the modification, extension, or
22 discontinuance of the mechanism in a general rate case or
23 complaint proceeding.

24 It is clear from these sections that modifications and rejections are to be
25 approved by the Commission. The proposed tariff sheets are a
26 modification of Liberty's WNAR. In this case Liberty is required to get
27 approval of all modifications from the Commission.

³ Please note: Ms. Grafton uses the term "WNAR tariff." There is no WNAR tariff. Rather the WNAR is explained on two tariff sheets found in the Liberty's tariff P.S.C Mo. No. 2.

⁴ Page 3.

1 **Q. Is there language in the current WNAR tariff sheets that requires the**
2 **Commission to approve a modification of Liberty's WNAR?**

3 A. The applicability section on tariff sheet 67 as provided in Ms. Grafton's rebuttal
4 testimony⁵ requires the Commission approve modifications by order.

5 **Q. Why should Liberty have provided descriptions and explanations of the**
6 **changes that it is requesting the Commission approve in this case?**

7 A. The Company has the burden of proof for all changes it proposes regardless of
8 whether it considers it a change or a modification.⁶ Liberty failed to provide
9 evidence supporting the changes it is proposing for its WNAR tariff sheet.
10 Therefore, Liberty did not meet its burden of proof and its proposed tariff sheets
11 P.S.C MO. No. 2, 3rd revised SHEET No. 67 and 2nd Revised SHEET No. 67.1
12 should not be approved.

13 **Q. Why are you requesting the Commission discontinue the WNAR rather than**
14 **just making no changes to the current WNAR?**

15 A. The coefficients in the current tariff sheets are from Liberty's last rate case. Staff
16 and Liberty have proposed to update the weather normalization in this case. It
17 would be improper to use the coefficients from Liberty's last rate case weather
18 normalization.

19 **Q. Could the coefficients just be changed to update these tariff sheets?**

20 A. No. There are other changes to the tariff sheets that the parties may disagree on
21 or that may need to be updated. None of these changes have been vetted in this
22 case by either Liberty or Staff.

⁵ Page 3.

⁶ Section 386.430 RSMo.

1 **Q. If the WNAR is discontinued, should these tariff sheets be removed from**
2 **Liberty's tariff?**

3 A. No. The Commission should order that the current tariff sheets be modified to
4 describe the wind down of the current WNAR. As allowed by the current tariff
5 sheets, the rider is collected over 12 months. Therefore, the winding down of the
6 current WNAR will continue after the effective date of new rates in this case.

7 **Q. Is there other tariff sheet changes Liberty is proposing that are not explained**
8 **in Liberty's filing?**

9 A. I could not find any, at this time, but there could be. However, no tariff sheet
10 changes should be approved without Liberty meeting its burden of proof to show
11 that the proposed change is appropriate.

12 **Q. Does this conclude your surrebuttal testimony?**

13 A. Yes, it does.

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

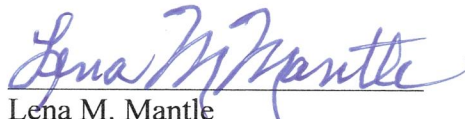
In the Matter of the Request of Liberty Utilities)
(Midstates Natural Gas) Corp. d/b/a Liberty to)
Implement a General Rate Increase for Natural) Case No. GR-2024-0106
Gas Service in the Missouri Service Areas of the)
Company)

AFFIDAVIT OF LENA M. MANTLE

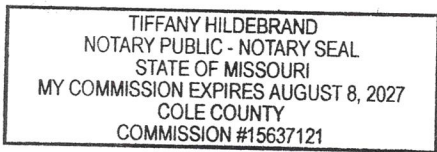
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Lena M. Mantle, of lawful age and being first duly sworn, deposes and states:

1. My name is Lena M Mantle. I am a Senior Analyst for the Office of the Public Counsel.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.


Lena M. Mantle
Senior Analyst

Subscribed and sworn to me this 17th day of September 2024.



My Commission expires August 8, 2027.


Tiffany Hildebrand
Notary Public