



**STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

Docket No. DE 14-\_\_\_\_\_

Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities  
Calendar Year Stub 2013 Reliability Enhancement Plan and  
Vegetation Management Plan  
Report and Reconciliation Filing

**DIRECT TESTIMONY**

**OF**

**DAVID B. SIMEK**

March 31, 2014

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## **SCHEDULES**

- Schedule DBS-1: REP/VMP Revenue Requirement
- Schedule DBS-2: REP/VMP Rate Design
- Schedule DBS-3: Reconciliation of Recovery of FY 2012 Incremental O&M Expense  
Below Base O&M Expense and FY 2013 Incremental O&M Expense  
Below Base O&M Expense
- Schedule DBS-4: Typical Bill Impacts
- Schedule DBS-5: Revised Tariff Pages

1 **I. INTRODUCTION**

2 **Q. Please state your name and business addresses.**

3 A. My name is David B. Simek. My business address is 11 Northeastern Boulevard, Salem,  
4 NH 03079.

5

6 **Q. Please state your position?**

7 A. I am a Utility Analyst for Liberty Energy Utilities (New Hampshire) Corp. (“Liberty  
8 Energy NH”) which is the sole shareholder of Liberty Utilities (Granite State Electric)  
9 Corp. (“Granite State” or the “Company”) and provides services to Granite State. I am  
10 responsible for providing rate-related services for the Company.

11

12 **Q. Please briefly describe your educational background and training.**

13 A. I graduated from Ferris State University in 1993 with a Bachelor of Science in Finance. I  
14 received a Master’s of Science in Finance from Walsh College in 2000. I also received a  
15 Master of Business Administration from Walsh College in 2001. In 2006, I earned a  
16 Graduate Certificate in Power Systems Management from Worcester Polytechnic  
17 Institute.

18

19 **Q. What is your professional background?**

20 A. In August of 2013, I joined Liberty Energy NH as a Utility Analyst. Prior to my  
21 employment at Liberty Energy NH, I was employed by NSTAR Electric & Gas

1 (“NSTAR”) as a Senior Analyst in Energy Supply from 2008 to 2012. Prior to my  
2 position in Energy Supply at NSTAR, I was a Senior Financial Analyst within the  
3 NSTAR Investment Planning group from 2004 to 2008.  
4

5 **Q. Have you previously testified or participated in proceedings before the**  
6 **Commission?**

7 A. Yes. I recently provided written and oral testimony before the Commission in Dockets  
8 DE 13-327 and DE 14-013.  
9

10 **II. PURPOSE OF TESTIMONY**

11 **Q. On whose behalf are you sponsoring this testimony?**

12 A. I am sponsoring this testimony on behalf of Granite State.  
13

14 **Q. What is the purpose of your testimony?**

15 A. This testimony supports Granite State’s request for Commission approval to recover the  
16 incremental operating and maintenance (“O&M”) and capital investment allowance  
17 expense associated with the Reliability Enhancement Program (“REP”) and Vegetation  
18 Management Program (“VMP”) and implemented during calendar year stub 2013 (“CYS  
19 2013”). The details of the Company’s REP/VMP activities are described further in the  
20 Company’s CYS 2013 REP and VMP Report (“CYS 2013 REP/VMP Report”) included  
21 in this filing.

1  
2 Specifically, the Company seeks Commission approval for a refund to customers  
3 \$251,285 commencing June 1, 2014 based on the following four components. First, the  
4 Company seeks to refund customers \$275,840 through the REP/VMP Adjustment Factor  
5 (plus interest), which is the amount of incremental O&M expense incurred in CYS 2013  
6 below the base pro-rated O&M amount of \$1,020,000, after reimbursements of \$311,701  
7 from FairPoint Communications (“FairPoint”), as discussed later in my testimony.  
8 Second, the Company seeks to refund \$5,767 to customers through the REP/VMP  
9 Adjustment Factor (plus interest), which is the final over collection balance related to the  
10 REP/VMP Adjustment Factor which was in effect July 1, 2012 through June 30, 2013.  
11 Third, the Company seeks to recover a REP Capital Investment Allowance of \$38,716,  
12 which is the difference in the cumulative revenue requirement for the program since  
13 inception including the \$416,755 of capital investment for CYS 2013. Finally, the  
14 Company seeks to refund the carrying charge to customers on the interest-bearing items  
15 above which is \$8,394.

16

17 **Q. Are there any schedules accompanying your testimony?**

18 A. Yes, there are. Attached to my testimony are the following schedules:

19	Schedule DBS-1	REP/VMP Revenue Requirement
20	Schedule DBS-2	REP/VMP Rate Design
21	Schedule DBS-3	Reconciliation of Recovery of FY 2012 Incremental O&M
22		Expense Below Base O&M Expense and FY 2013

1 Incremental O&M Expense Below Base O&M Expense

2 Schedule DBS-4 Typical Bill Impacts

3 Schedule DBS-5 Revised Tariff Pages

4

5 **III. SCHEDULE SUMMARY**

6 **Q. Would you please summarize Schedule DBS-1 to your testimony?**

7 A. Yes. Schedule DBS-1 provides the data supporting the REP/VMP Adjustment, REP  
8 Capital Investment Allowance, and net increase in annual distribution rates proposed in  
9 this reconciliation filing. In particular, Schedule DBS-1, Page 1 provides a summary of  
10 estimated rate adjustments for the Incremental VMP/REP O&M spend and REP capital  
11 investment allowance. The amounts in columns (a) through (f) represent actual data for  
12 the fiscal years 2008 through 2013. Column (g) is actual data for the CYS 2013 and the  
13 basis for the rate adjustment on June 1, 2014 and shows the Company's net change of  
14 recovery from the prior year.

15

16 In summary, for CYS 2013, the Company is proposing a net decrease to its annual  
17 distribution rates of \$199,204 commencing June 1, 2014. This decrease in rates is  
18 composed of the following: (i) (\$185,044), as shown on Page 1, Column (g), Line 9; (ii)  
19 less a refund of \$5,767, as shown on Schedule DBS-2, Page 3, Line 2; and (iii) less  
20 interest of \$8,394, as shown on Schedule DBS-2, Page 3, Line 4. This resulting amount  
21 is the proposed rate adjustment effective for usage on and after June 1, 2014 associated

1 with the REP Capital Investment Allowance and the REP/VMP Adjustment Provision.

2 **IV. INCREMENTAL REP/VMP O&M EXPENSE**

3 **Q. Is the Company's request to recover/refund the incremental REP/VMP O&M**  
4 **expense incurred during CYS 2013 consistent with the Secretarial Letter issued on**  
5 **April 3, 2013 in Docket No. DE 13-039?**

6 A. Yes. On January 30, 2013, the Company requested Commission approval of its proposed  
7 REP/VMP for CYS 2013. The Commission, via Secretarial Letter, authorized a base  
8 O&M expense amount of \$1,360,000 (pro-rated for CYS 2013 to \$1,020,000), and  
9 required that actual expenses incurred by the Company in implementing the O&M  
10 components of the REP/VMP Plan would be reconciled to the base O&M amount of  
11 \$1,020,000 and subject to the REP/VMP Adjustment Provision in the Company's tariff.  
12 This reconciliation is in column (f) on Schedule DBS-1, Page 2.

13  
14 For CYS 2013, the Company's total O&M budget of \$1,238,200, as shown on Page 2,  
15 Line 3, reflects \$67,000 for REP-related O&M and \$1,171,200 for VMP-related O&M.  
16 As indicated in the CYS 2013 REP/VMP Report and shown on Schedule DBS-1, Page 2,  
17 Line 1, the Company actually incurred \$1,055,861 in REP/VMP O&M expenses during  
18 CYS 2013. This is \$35,861 greater than the base rate recovery amount of \$1,020,000  
19 reflected in rates. Offsetting the CYS 2013 spending is \$311,701 in reimbursements  
20 from FairPoint related to its share of vegetation management expenses initially incurred  
21 by the Company and then billed to FairPoint, which are being passed back to customers

1 on Schedule DBS-1, Page 2, Line 11. The Company is therefore seeking recovery of the  
2 total O&M spending, net of FairPoint reimbursements, or \$744,160, as shown on  
3 Schedule DBS-1, Page 2, Line 15. This incremental O&M expense is below the base  
4 recovery amount of \$1,020,000 reflected in rates, resulting in a net O&M credit for  
5 CYS 2013 of \$275,840 on Schedule DBS-1, Page 2, Line 13, which the Company  
6 proposes to refund to customers.

7  
8 **V. REP CAPITAL INVESTMENT ALLOWANCE**

9 **Q. Is the calculation of the CYS 2013 REP Capital Investment Allowance included in**  
10 **the Company's proposal consistent with prior filings?**

11 A. Yes, it is. The Company is proposing to recover the net incremental revenue requirement  
12 of \$38,716, which is the difference in the cumulative revenue requirement for program  
13 inception including the \$416,755 of capital investment for CYS 2013.

14  
15 **Q. Did the Company update or change any component(s) of the revenue requirement**  
16 **calculation?**

17 A. Yes. The Company updated the composite depreciation rate and the property tax rate to  
18 reflect the actual data for calendar year 2013 ("CY 2013"). These new rates are included  
19 in the calculations shown in column (g) on Schedule DBS-1, page 3, Lines 4 and 51,  
20 respectively. The Company has also updated the pre-tax rate of return to reflect the  
21 imputed capital structure authorized in the Rate Case Settlement Agreement Order No.

1 25,638 in Docket DE 13-063. The new rate is in column (g) on Schedule DBS-1, page 3,  
2 Line 48. The Company has also updated the adjustment related to the capital repairs tax  
3 deduction and bonus depreciation in the tax depreciation calculations and supporting  
4 pages.

5  
6 **Q. How has the Company determined the capital investment amount included in the**  
7 **REP Capital Investment Allowance revenue requirement calculation contained on**  
8 **Schedule DBS-1.**

9 A. As indicated in the CYS 2013 REP/VMP Report, the Company invested \$416,755 in  
10 REP capital investments in CYS 2013. Therefore, the Company is basing the revenue  
11 requirement calculation on the \$416,755 of actual capital investment for CYS 2013.

12  
13 **Q. Please explain the revenue requirement calculation contained on Page 3 of Schedule**  
14 **DBS-1.**

15 A. Lines 1 through 44 calculate the rate base upon which the Company's return allowance is  
16 calculated. As shown on Line 1 in column (g), the CYS 2013 REP program spend is  
17 \$416,755, as previously discussed, resulting in the cumulative amount of \$4,297,988, as  
18 shown on Line 2 of that same column. Lines 4 through 38 calculate the deferred tax  
19 reserve based on the cumulative depreciation expense timing difference between book  
20 and tax depreciation expense for federal and state income taxes. The cumulative  
21 book/tax timing difference for federal tax is \$2,308,906 as shown on Line 32 and for state

1 tax is \$1,241,561 as shown on Line 35. The cumulative deferred tax reserve for each tax  
2 jurisdiction equals the cumulative book/tax timing difference times the effective  
3 jurisdictional tax rate. The total deferred tax reserve is \$913,650 as shown on Line 38.  
4 The composite book depreciation rate is 3.72% based on actual data for CY 2013.

5  
6 **Q. Please describe the calculation of tax depreciation expense that underlies the**  
7 **calculation the deferred tax reserve described above.**

8 A. Tax depreciation expense for federal and state taxes for each year is comprised of three  
9 components: (1) a capital repairs tax deduction; (2) bonus depreciation for federal tax  
10 only; and (3) accelerated depreciation based on the Internal Revenue Service's ("IRS")  
11 Modified Accelerated Cost-Recovery System ("MACRS") rates for 20-year utility  
12 property. In addition, a correction to the FY 2012 one-time true-up related to an update  
13 of the inclusion of the capital repairs tax deduction and bonus depreciation for fiscal  
14 years 2008 through 2011 and the inclusion of an FY 2013 one-time true-up to capture  
15 these same effects for fiscal year 2012 were also made.

16  
17 The calculation of the components of tax depreciation expense described above for each year is  
18 shown on Pages 4 and 10 of Schedule DBS-1.

19  
20 The capital repairs deduction component of tax depreciation is shown on Lines 1  
21 through 4 of Pages 4 through 10. During 2009, the IRS issued guidance under Internal

1 Revenue Code (“IRC”) Section 162 related to certain expenditures that could be deemed  
2 to be repair and maintenance expenses, and thus eligible for immediate tax deduction for  
3 income tax purposes, but were capitalized by the Company for book purposes. This tax  
4 deduction has the effect of increasing deferred taxes and lowering the revenue  
5 requirement that customers will pay under the REP. The percentage of REP capital  
6 expenditures that could be classified as repair expense varies by year. For example,  
7 thirty-one percent (31%) of REP capital work performed during FY 2013 was eligible for  
8 the capital repairs deduction, as shown on Line 3 of Page 9 and zero percent (0.0%) of  
9 REP capital work performed during CYS 2013 was eligible for the capital repairs  
10 deduction, as shown on Line 3 of Page 10.

11  
12 Bonus depreciation for federal tax purposes is then calculated on the REP capital  
13 additions, net of additions subject to the capital repairs deduction. During 2008,  
14 Congress passed the Economic Stimulus Act of 2008 which established a 50 percent  
15 bonus depreciation deduction for certain eligible plant additions. Congress has passed  
16 further laws that have extended and changed the bonus depreciation rate at different  
17 periods of time. The bonus depreciation deduction rate is 100 percent for capital  
18 additions eligible for bonus depreciation for the period April 1, 2011 to December 31,  
19 2011, while that rate is 50 percent for capital additions during CY 2012 and CY 2013.  
20 The calculation of bonus depreciation expense is shown in the like named section of  
21 Pages 4 through 10.

1  
2 For federal tax purposes, any capital additions not subject to the capital repairs deduction  
3 or bonus depreciation are then subject to 20 Year MACRS depreciation rates as shown in  
4 the Remaining Tax Depreciation (Federal) section of Pages 4 through 10. For state tax  
5 purposes, any capital additions not subject to the capital repairs deduction are then  
6 subject to 20 Year MACRS depreciation rates as shown in the Remaining Tax  
7 Depreciation (State) section of Pages 4 through 10. Total tax depreciation for federal and  
8 state taxes is shown on the last two lines of Pages 4 through 10. In addition, on Pages 8  
9 and 9, Lines 42 through 45, is the FY 2012 and FY 2013 Safe Harbor True Up for federal  
10 and state tax depreciation.

11  
12 **Q. What are the FY 2012 and FY 2013 Safe Harbor True Ups and how were they**  
13 **determined?**

14 A. During 2011, the IRS issued Rev. Proc. 2011-43, which provided a safe harbor method of  
15 accounting that taxpayers may use to determine whether expenditures to maintain,  
16 replace, or improve electric transmission and distribution property must be capitalized  
17 under IRC Section 263(a) or deducted as a repair expense under IRC Section 162. Rev.  
18 Proc. 2011-43 in effect clarified the 2009 guidance on the capital repairs deduction,  
19 among other things, and provided a prescribed accounting method for taxpayers to  
20 determine the deduction in a manner that the IRS would not challenge in a subsequent  
21 audit.

1  
2 The FY 2012 Safe Harbor True Up adjustments for federal and state taxes shown on  
3 Lines 42 through 45 of Page 8 represents the comparison of tax depreciation including  
4 capital repairs deductions actually taken on REP capital investment during FY 2008  
5 through FY 2011 as compared to tax depreciation including capital repairs deductions for  
6 those years at the updated FY 2012-13 rate of 31%, as calculated on Page 11 of Schedule  
7 DBS-1. The FY 2013 Safe Harbor True Up adjustments on Lines 42 through 45 of  
8 Page 9 were calculated in like fashion. The Safe Harbor True Up adjustments are applied  
9 to the previously determined federal and state tax depreciation to derive the net FY 2012  
10 and FY 2013 tax depreciation, which is carried forward to Lines 10 and 11 (Federal), and  
11 Lines 21 and 22 (State), columns (e) and (f) on Page 3 of Schedule DBS-1.

12

13 **Q. Please describe the remainder of the revenue requirement calculation on Page 3 of**  
14 **Schedule DBS-1.**

15 A. The Company's year-end net rate base of \$2,726,183, upon which the Company's return  
16 allowance is calculated, is shown on Line 44 and consists of the cumulative REP capital  
17 investment through CYS 2013, or \$4,297,988, less accumulated book depreciation of  
18 \$658,155 and accumulated deferred tax reserves of \$913,650, as shown on Lines 41  
19 through 43, respectively.

20  
21 The return on the REP capital investment for each rate adjustment is based on the prior

1 year-end rate base times the Company's currently approved pre-tax weighted average  
2 cost of capital as shown on Lines 69 through 73 of Page 3 of Schedule DBS-1, or 11.51  
3 percent. The resulting return equals the fiscal year-end rate base of \$2,726,183 times the  
4 pre-tax return rate of 11.51 percent, or \$313,755, as shown on Line 49. Annual  
5 depreciation expense of \$119,933 and property taxes of \$149,961, on Lines 50 and 51,  
6 respectively, are added to the return amount to arrive at the total revenue requirement of  
7 \$583,649 on Line 52. The property tax amount is based on the actual ratio of municipal  
8 tax expense to net plant in service for CY 2013 applied to the year-end net plant in  
9 service, or the sum of Lines 41 and 42.

10  
11 **Q. What is the amount of the incremental revenue requirement for CYS 2013 REP**  
12 **capital investment?**

13 A. The incremental CYS 2013 revenue requirement amount of \$38,716 is equal to the  
14 cumulative revenue requirement less the previous year's cumulative revenue requirement  
15 and shown on Line 58 in column (h).

16  
17 **VI. RATE DESIGN AND RECONCILIATION**

18 **Q. Is the procedure for adjusting distribution rates for the REP Capital Investment**  
19 **Allowance and REP/VMP Adjustment Provision consistent with previous filings?**

20 A. Yes. The rate design in Schedule DBS-2 of my testimony is consistent prior procedures  
21 used to adjust base distribution rates associated with the REP Capital Investment

1 Allowance in the Company's prior REP/VMP reconciliation filings.

2

3 **Q. Please describe the procedure for adjusting distribution rates for the REP Capital**  
4 **Investment Allowance.**

5 A. The procedure for adjusting distribution rates is in Schedule DBS-2. Page 1 of Schedule  
6 DBS-2, the Company simply divides the capital investment allowance related to the REP  
7 on Line 1 by the forecasted annual distribution revenue for the twelve month period  
8 ended May 31, 2015 on Line 2 to calculate the percentage increase on Line 3 which is  
9 then applied to each of the Company's base distribution charge components. The  
10 calculation of the forecasted annual distribution revenue is on Page 2 of Schedule DBS-2.

11

12 **Q. Please describe the procedure for calculating the REP/VMP O&M Adjustment**  
13 **Factor.**

14 A. The procedure for calculating the REP/VMP O&M Adjustment Factor is also in Schedule  
15 DBS-2. As presented on Page 3 of Schedule DBS-2, the Company first adds the  
16 incremental O&M expense above Base O&M expense for CY 2013 of (\$275,840) and  
17 the final balance of (\$5,767) related to the REP/VMP Adjustment Factor which was  
18 designed to recover FY 2012 Incremental O&M expense. Next, the Company simply  
19 divides this sum, including interest, on Line 5, by the Company's estimated kWh  
20 deliveries for the twelve month period ended May 31, 2015 on Line 6 to calculate the  
21 adjustment factor of (\$0.00030) on Line 7 which is then applied to all kWh's billed to

1 customers. The calculation of interest is on Page 4 of Schedule DBS-2. The calculation  
2 of the new base distribution rates is on Page 5 of Schedule DBS-2.

3  
4 **Q. Has the Company included a reconciliation of the REP/VMP O&M Adjustment**  
5 **Factor which was in effect July 1, 2012 through June 30, 2013?**

6 A. Yes. This reconciliation is only associated with the recovery (or refund) of approved  
7 incremental O&M expense. This reconciliation is on Page 1 of Schedule DBS-3. Of the  
8 \$339,699 of FY 2012 incremental O&M expense below base O&M expense to be  
9 refunded through the REP/VMP Adjustment Factor, \$342,452 was refunded through June  
10 2013, resulting in an under refund. The Company is proposing to refund the balance of  
11 \$5,767 through the REP/VMP Adjustment Factor proposed effective June 1, 2014.

12  
13 **Q. Has the Company included a reconciliation of the existing REP/VMP O&M**  
14 **Adjustment Factor for the prior year?**

15 A. Yes. This reconciliation is only associated with the recovery (or refund) of approved  
16 incremental O&M expense. This reconciliation is on Page 2 of Schedule DBS-3. Of the  
17 \$100,074 of FY 2013 O&M expense below base O&M expense to be refunded through  
18 the currently effective REP/VMP Adjustment Credit Factor, \$70,758 has been refunded  
19 through February 2014. Any remaining balance after the end of the recovery period,  
20 positive or negative, will be reflected as an adjustment in the calculation of a future  
21 proposed REP/VMP Adjustment Factor.

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**VII. EFFECTIVE DATE, BILL IMPACT, AND TARIFF PAGES**

**Q. How and when is the Company proposing that these rate changes be implemented?**

A. The Company is proposing that these distribution rate changes be made effective for service rendered on and after June 1, 2014.

**Q. Has the Company determined the impact of these rate changes on customer bills?**

A. Yes. These bill impacts are included as Schedule DBS-4. Schedule DBS-4, Page 1, shows that for a typical residential 500 kilowatt-hour Energy Service customer, the bill impact of the rates proposed for June 1, 2014, as compared to rates in effect today, is a bill decrease of \$0.57, or 0.7 percent, from \$83.85 to \$83.28. In addition, a bill comparison for an Energy Service residential customer with an average kilowatt-hour usage of 679, which is the average monthly usage over the 12 months ending February 2014, has also been included on Page 1 of Schedule DBS-4. For an Energy Service residential customer using 679 kWh, the total bill impact of the rates proposed in this filing, as compared to rates in effect today, is a bill decrease of \$0.95, or 0.8 percent, from \$114.89 to \$113.94. For other customers, decreases range from 0.1 percent to 0.8 percent.

**Q. Has the Company prepared revised tariff pages reflecting the proposed rates?**

A. Yes. The revised tariff pages are set forth in Schedule DBS-5.

1

2 **VIII. CONCLUSION**

3 **Q. Does this conclude your testimony?**

4 **A. Yes, it does.**

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