

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

**DW 10-091
DW 11-018**

**Pennichuck Water Works, Inc.
Distribution Rate Case**

**NEW HAMPSHIRE OFFICE OF THE CONSUMER ADVOCATE'S
MOTION TO AMEND, ALTER OR CLARIFY ORDER NO. 25,278**

NOW COMES the New Hampshire Office of the Consumer Advocate (“OCA”) and respectfully requests that the New Hampshire Public Utilities Commission (“Commission”) amend, alter or clarify Order No. 25,278 (October 21, 2011) (“Order”), which approved, *inter alia*, recovery by Pennichuck Water Works, Inc. (PWW) of certain rate case expenses. In support of its request for relief, the OCA states the following facts and law:

1. RSA 365:28 authorizes the Commission to “alter, amend ... or otherwise modify any order made by it.”
2. The Order includes language in one sentence, which, in lieu of seeking reconsideration, the OCA requests the Commission delete. The Company does not object to this request.
3. Specifically, on page 18 of the Order, the fourth sentence in the first full paragraph states: “The Company’s submission to Staff and OCA did not violate the Commission’s rules and was consistent with the Settlement Agreement approved in this case and with past practice.” The OCA disputes a portion of this legal ruling. In particular, the OCA takes issue with the words “did not violate the Commission’s rules.” In lieu of seeking reconsideration of this legal ruling, however, the OCA respectfully requests the Commission to delete the words “did not violate the Commission’s rules and” from this sentence.

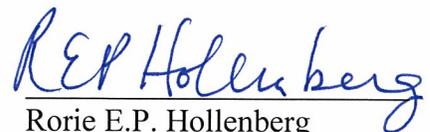
4. Puc 203.02 requires copies of filings in adjudicative proceedings to be filed with the Executive Director and provided to the entire service list. It is not contested that 1) these are adjudicative proceedings and that the Commission's decision on rate case expenses occurred within the context of these proceedings; 2) that the Company's calculation of rate case expenses was filed within the context of this adjudicative proceeding; 4) that the Company only provided its rate case proposal to the Staff at the PUC and the OCA; and 5) that the Company did not seek a waiver of any PUC rules.
5. It is also not contested that the manner in which the Company provided its rate case proposal was consistent with the terms of the settlement agreement in this proceeding as well as with past practice at the Commission.
6. Consequently, the OCA respectfully requests that the Commission delete the words "did not violate the Commission's rules and" from the fourth sentence in the first full paragraph on page 18 of the Order. This amendment or alteration of the Order will leave intact the remainder of the Commission's legal ruling that, "The Company's submission to Staff and OCA was consistent with the Settlement Agreement approved in this case and with past practice."
7. The amendment or alteration requested is consistent with the Company's position on this issue in its August 19 Response (to the OCA's Response to the Company's Rate Case Expense filing with Staff). Therein, the Company's contended that its Rate Case Expense submission was consistent with the approved Settlement Agreement and consistent with past practices of the Commission. Company's August 19 Response at pp. 2-4.

8. The Company does not object to the amendment or alteration of the Order requested by the OCA.
9. The OCA notified Staff on Monday, November 14, 2011, of its intention to request this amendment to or alteration of the Order, providing at that time a draft of a similar motion that the OCA drafted to file in the PAC rate case (DW 10-090). Although the OCA asked for Staff's position on the relief requested, the Staff has not responded to the OCA.
10. The OCA provided a copy of this motion to counsel for the Anheuser-Busch (A-B). A-B takes no position.

WHEREFORE, the OCA respectfully requests that the Commission grant the following relief:

- A. Delete the words "did not violate the Commission's rules and" from the fourth sentence in the first full paragraph on page 18 of Order No. 25,278; and
- B. Grant such other and further relief as it may determine to be consistent with the public interest.

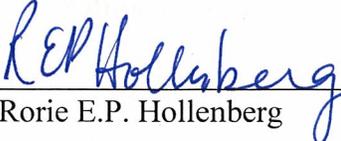
Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was forwarded this 17th day of November 2011 to the service list by electronic mail.



Rorie E.P. Hollenberg