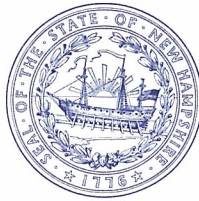


THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

December 15, 2011

Re: DW 10-090 Pittsfield Aqueduct Company, Inc.
Permanent Rate Proceeding

To the Parties:

On November 17, 2011, the Office of Consumer Advocate (OCA) filed a motion pursuant to RSA 365:28 to amend, alter or clarify Order No. 25,279 (October 21, 2011) (Order) in this docket. The OCA, "in lieu of seeking reconsideration," asks that the Commission delete the finding that the manner in which Pennichuck Water Works (PWW) submitted its rate case expense request did not violate Commission rules. The OCA also points out two typographical errors on pages 2 and 5 of the Order. The OCA indicated that PWW did not object to the deletion or the two proposed corrections.

In its August 9, 2011 response to PWW's rate case expense request, the OCA, among other relief, requested that the Commission disallow the recovery of interest on the expenses approved for recovery because PWW failed to abide by Commission rules. In the body of the response at pages 10 and 11, the OCA set forth its argument that PWW failed to comply with Commission rules. In its November 17, 2011 motion, the OCA states that it disputes the Commission's "legal ruling" that PWW's submission of its rate case expense request to Staff and the OCA did not violate Commission rules.

The statutory vehicle for a party to a proceeding to dispute a finding in a Commission order is to apply for rehearing pursuant to RSA 541:3, within 30 days of the order, specifying all grounds for rehearing. However, the OCA elected not to apply for rehearing. The statute that the OCA chose to rely on, RSA 365:28, grants the Commission discretion to alter an order at any time, so long as such action satisfies the requirements of due process and is legally correct. Inasmuch as the OCA did not preserve its rights for rehearing and appeal, and the Commission finds no reason to alter Order No. 25,728, the Commission has determined that it will take no action on the OCA's request. Finally, because the two typographical errors were part of the procedural history and are not necessary to support the Commission's findings and analysis, no changes will be made to Order No. 25,279.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director