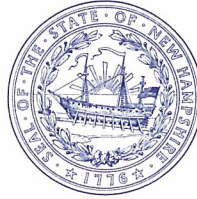


THE STATE OF NEW HAMPSHIRE

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EXECUTIVE DIRECTOR  
AND SECRETARY  
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December 15, 2011

Re: DW 10-091 Pennichuck Water Works, 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. 25,278 (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 indicated that PWW did not object to the deletion.

In its August 12, 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 15 and 16, 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.

Sincerely,

A handwritten signature in cursive script that reads "Debra A. Howland".

Debra A. Howland  
Executive Director