

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DW 17-114**

**Joint Petition for Approval of the Acquisition of Aquarion Water Company  
of New Hampshire, Inc. by Eversource Energy**

**JOINT PETITIONERS’  
OBJECTION  
TO  
MOTION FOR REHEARING  
OF  
REPRESENTATIVE RENNY CUSHING  
AND  
REPRESENTATIVE MINDI MESSMER**

Pursuant to Rule Puc §203.07(f), Aquarion Water Company of New Hampshire, Inc. (“Aquarion-NH”) and Eversource Energy (“Eversource”) (together, the “Joint Petitioners”) hereby object to the Motion for Rehearing (“Motion”) filed by State Representatives Renny Cushing and Mindi Messmer (the “Representatives”). The Motion fails to allege any actionable reasons for rehearing; therefore, the Motion should be denied per RSA 541:3.

In support of this Objection, the Joint Petitioners say the following:

1. Pursuant to RSA 541:3, the Commission may grant rehearing when the motion states good reason for such relief. Good reason may be shown by identifying specific matters that were either “overlooked or mistakenly conceived” by the deciding tribunal. *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion does not merely reassert prior arguments and request a different outcome. *See Campaign for Ratepayers Rights*, 145 N.H. 671, 674 (2001); *Connecticut Valley Electric Co.*, 88 NH PUC 355, 356 (2003); *Public Service Company of New Hampshire*, Docket No. 07-108, Order No. 24,966, *slip op.* at 5 (May 1, 2009). Pursuant to RSA 541:4, the Representatives must

“set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.”

2. The Representatives have failed to meet the requirement of RSA 541:3 that “good reason for the rehearing be stated in the motion.” The Representatives have failed to meet the requirement of RSA 541:4 by failing to explain why the Commission’s decision is unlawful or unreasonable. Similar to the Representatives’ failure to introduce evidence into the record to support their contentions, the Representatives merely reassert prior arguments made to the Commission and request a different outcome.

3. The instant docket involves the sale of stock of Aquarion Company<sup>1</sup> to Eversource Energy. As the Commission is aware, the RSA 369:8, II is very prescriptive in matters involving the sale of stock of parent companies of public utilities. Under RSA 369:8, II, (b), (1), “the approval of the commission shall not be required if the public utility files with the commission a detailed written representation no less than 60 days prior to the anticipated completion of the transaction that the transaction will not have an adverse effect on rates, terms, service, or operation of the public utility within the state.” The Joint Petitioners made such a timely detailed written representation to the commission.

4. Although not required by the governing statutes, the Commission afforded participants ample due process by providing opportunities for interested parties to intervene, to issue discovery questions to the Joint Petitioners, to participate in a Technical Session, to hold settlement discussions, and to introduce evidence at hearing to support their contentions. Importantly, when given an opportunity at hearing to introduce evidence into the record that would support their contention that the transaction would have an adverse effect on rates, terms, service, or operation of the public utility within the state, the Representatives declined to do so. (Transcript of Hearing of October 5, 2017 at pages 31-32, lines 23-6.)

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<sup>1</sup> Aquarion Company is the parent of Aquarion Water Company which, in turn, is the parent company of Aquarion Water Company of New Hampshire.

5. By Secretarial letter dated October 13, 2017, the Commission addressed the Joint Petitioner's filing and stated: "the Commission determined that it has no basis to find that Eversource's acquisition of Aquarion's parent company will have an adverse effect on rates, terms, service, or operation of Aquarion within the state." Accordingly, the Commission found that "Commission approval is not required under RSA 369:8, II(b)(1).

6. In their Motion, the Representatives repeat a litany of complaints that they previously raised in this matter. Each of the bases for rehearing contained in the Motion were previously reviewed and considered by the Commission. The complaints include that:

- a. the Commission should have granted intervenor status to State Representatives merely because of their elected positions;
- b. the Commission should have granted intervenor status to Representative Messmer because she is a retail electric customer of Public Service Company of New Hampshire d/b/a Eversource Energy;
- c. the Commission should have ignored the requirements of RSA 369:8 and instead acted under RSA 374:33;
- d. the Commission ignored Part II, Article 83 of the New Hampshire Constitution pertaining to the control and regulation of monopolies by the legislature;
- e. the Commission failed to give credence to the Representative's assertions that Aquarion Water Company of New Hampshire's rates would be negatively impacted by rates approved for Public Service Company of New Hampshire;
- f. the Commission failed to consider past rate adjustments approved by the Commission as evidence of potential future rate increases;
- g. the Commission "ignored issues raised by Representative Cushing;" and

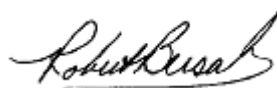
- h. Eversource's statement that it would not be paying real estate transfer taxes as a result of the transaction demonstrates that the transaction is not in the public good - - despite the fact that the transaction does not trigger such taxes.
- 7. For each of these complaints, the Representatives fail to state why the Commission's decision was unjust or unreasonable and the Representatives' Motion should be rejected.
- 8. Moreover, RSA 541 does not afford a second bite of the apple. The Commission has already considered and rejected requests for rehearing on the arguments that elected officials in general to have standing to intervene based solely on their status as elected officials and that Representative Messmer's has standing because she is a retail electric customer. *See* Secretarial Letter dated September 20, 2017. The Commission need not reconsider its previous decision rejecting these grounds for rehearing.

In conclusion, the Joint Petitioners respectfully request that the Commission deny the Representatives' Motion for Rehearing.

Submitted this 14th day of November, 2017.

**EVERSOURCE ENERGY**

By its Attorneys,



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Robert A. Bersak  
Chief Regulatory Counsel

Eversource Energy Service Company  
780 N. Commercial Street  
Manchester, NH 03101  
603-634-3355  
[Robert.Bersak@Eversource.com](mailto:Robert.Bersak@Eversource.com)

Daniel P. Venora  
Keegan Werlin LLP  
1 Liberty Square  
New Britain, CT  
(860) 893-0517  
dvenora@keeganwerlin.com

**AQUARION WATER COMPANY OF  
NEW HAMPSHIRE, INC.**

By its Attorney,

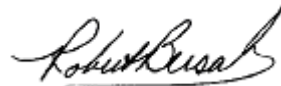


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Marcia A. Brown, Esq.  
NH Brown Law, PLLC  
P.O. Box 1623  
Concord, NH 03302-1623  
(603) 219-4911  
[mab@nhbrownlaw.com](mailto:mab@nhbrownlaw.com)

## CERTIFICATE OF SERVICE

I certify that on this 14th day of November, 2017 pursuant to N.H. Code Admin. Rule Puc 203.11, I served this Objection to the Motion for Rehearing on Rep. Mindi Messmer and the parties listed on the electronic service list for this proceeding.



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Robert A. Bersak  
Chief Regulatory Counsel  
Eversource Energy Service Company  
780 N. Commercial Street  
Manchester, NH 03101