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September 17, 2020

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: DW 17-165, Abenaki-Rosebrook Division Rate Case
Updated/Supplemental Rate Case Expenses
Response to Abenaki Request**

Dear Ms. Howland:

The New Hampshire Public Utilities Commission (“Commission”) issued its final order on rates in this proceeding (Order No. 26,205) on December 27, 2018, which, among other things, directed Abenaki Water Company, Inc. (“Abenaki”) to file its rate case expenses for review within 30 days, or by January 28, 2019. On August 15, 2019, Commission Staff recommended recovery of \$106,026 in rate case expenses based on filings made by Abenaki on February 11, May 8 and July 15, 2019. Omni Mount Washington, LLC (“Omni”), however, took the position that Abenaki’s rate case expenses should be reduced to \$79,657. In Order No. 26,295 (October 1, 2019) the Commission approved recovery of the undisputed charges in the amount of \$79,657 but withheld decision on the disputed amount relative to affiliate charges. Subsequently, on April 23, 2020, the Commission held a hearing on the disputed affiliate charges, with respect to which a decision is still pending.

Since the Commission’s December 27, 2018 final order on rates and its April 23, 2020 hearing, Abenaki has made three additional filings. On May 4, 2020, Abenaki asked to recover \$11,874.37 in “updated” rate case expenses for charges between June 2019 and January 2020. On May 15, 2020, Abenaki asked to recover \$1,246.00 for transcription of the April 23, 2020 hearing. Most recently, on September 14, 2020, Abenaki asked to recover another \$10,754.25 in “supplemental” rate case expenses for charges between March 2020 and August 2020. Altogether, Abenaki seeks another \$23,874.62 beyond the \$79,657 the Commission has already approved and the \$26,369 in disputed affiliate charges. Commission Staff has not made a recommendation with respect to recovery of any of the so-called updated or supplemental expenses.

Omni contends that the charges for which Abenaki now seeks recovery as updated or supplemental rate case expenses are not eligible for recovery under the Commission’s rules.

September 17, 2020

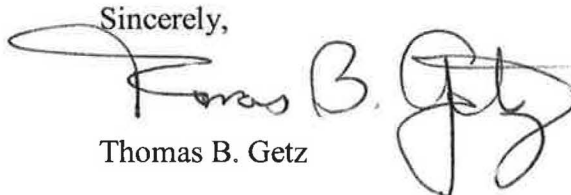
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Specifically, Puc 1903.05 defines rate case expenses as “those non-recurring expenses incurred by a utility in the *preparation of a full rate case proceeding* before the commission, *necessary for the conduct of the rate case*” (emphasis supplied) and Puc 1903.03, in turn, defines a full rate case as “a proceeding in which a revenue requirement is established for a utility and rates are set to meet that revenue requirement pursuant to Puc 1604.” The charges set forth in Abenaki’s three additional filings are not recoverable because they were not incurred in the preparation of the full rate case proceeding nor were they necessary for the conduct of the rate case. In fact, the charges were incurred after the Commission issued its final order approving Abenaki’s rate increase and setting its revenue requirement so, by definition, the expenses could not have been incurred in the preparation or conduct of the rate case.

Abenaki also reiterates in its September 14, 2020 filing its contention that, to the extent its so-called updated/supplemental rate case expenses include charges to its affiliate New England Service Company, Inc., recovery of such expenses is consistent with the Commission’s decision in Order No. 25,945 (September 26, 2016) in Docket No. DW 15-199, concerning Abenaki’s Bow/Belmont division. As Omni pointed out at the hearing on April 23, 2020, (Tr. pp. 155-157) the Commission’s order did not address the recoverability of affiliate charges and did not establish the principle that such charges are recoverable under its rules.

Omni’s response is filed electronically only consistent with the Commission’s March 17, 2020 suspension of the requirement to file paper copies. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Getz". The signature is stylized with a large, sweeping initial 'T' and a cursive 'G'.

Thomas B. Getz

TBG:slb
Enclosures

cc: Service List (DW 17-165)