

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

NHPUC 5SEP'18PM12:23

August 23, 2018 - 2:08 p.m.
Concord, New Hampshire

**CERTIFIED
ORIGINAL TRANSCRIPT**

RE: DW 17-165
ABENAKI WATER COMPANY - ROSEBROOK
REQUEST FOR CHANGE IN RATES
(Hearing on the Merits)

PRESENT: Chairman Martin P. Honigberg, Presiding
Commissioner Kathryn M. Bailey
Commissioner Michael S. Giaimo

Sandy Deno, Clerk

APPEARANCES: Reptg. Abenaki Water Company - Rosebrook
Marcia A. Brown, Esq.

Reptg. Bretton Woods Property Owners
Paul Mueller Assn.

Reptg. Omni Mount Washington, LLC
Thomas B. Getz, Esq.

Reptg. Forest Cottages Association
Warren Schaier

Reptg. Residential Ratepayers:
Brian D. Buckley, Esq., Consumer Adv.
Office of Consumer Advocate

Reptg. PUC Staff:
F. Anne Ross, Esq.

Court Reporter: Susan J. Robidas, NH LCR No. 44

{DW 17-165} [Hearing on the Merits] {08-23-2018}

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P R O C E E D I N G S

1
2 CHAIRMAN HONIGBERG: Good
3 afternoon, everyone. Please be seated. We
4 are here this afternoon in Docket 17-165,
5 which is the Abenaki rate case. We have a
6 number of things that got queued up in the
7 order, the supplemental Order of Notice we
8 issued, and then the secretarial letter that
9 followed. We have one new request to
10 intervene.

11 Before we do anything else,
12 let's take appearances from those who are
13 already in the case.

14 MS. BROWN: Good afternoon,
15 Commissioners. Marcia Brown, representing
16 Abenaki Water, owner of Rosebrook Water
17 Company. And with me today is Steve St. Cyr,
18 Donald Vaughan and Pauline Doucette. Thank
19 you.

20 MR. MUELLER: Paul Mueller,
21 Bretton Woods Property Owners Association.

22 MR. GETZ: Good afternoon, Mr.
23 Chairman. Tom Getz from the law firm of
24 McLane Middleton, on behalf of Omni Mount
25 Washington Hotel. With me today is Chris

1 Ellms from the hotel and Viggo Fish from the
2 McLane law firm.

3 MR. BUCKLEY: Good afternoon,
4 Mr. Chairman and Commissioners. My name is
5 Brian D. Buckley. I am a staff attorney with
6 the New Hampshire Office of the Consumer
7 Advocate. To my left today is Dr. Pradip
8 Chattopadhyay, the assistant consumer
9 advocate.

10 MS. ROSS: Good afternoon,
11 Commissioners. Anne Ross, Staff attorney.
12 And with me today is Jayson Laflamme, head of
13 the Water Division, and Robin Descoteau.

14 CHAIRMAN HONIGBERG: We've
15 received a letter dated August 16th from Paul
16 Luongo, who was writing on behalf of Forest
17 Cottages Association. Is Mr. Luongo here?
18 Sir?

19 MR. SCHAIER: Mr. Luongo is
20 not here. I'm on the board for the Forest
21 Cottages Association. My name is Warren
22 Schaier.

23 CHAIRMAN HONIGBERG: What's
24 your last name?

25 MR. SCHAIER: Schaier.

1 CHAIRMAN HONIGBERG: Can you
2 spell that, please?

3 MR. SCHAIER: S-C-H-A-I-E-R.

4 CHAIRMAN HONIGBERG: Does the
5 Company or anyone else have a position on the
6 Petition to Intervene that was filed by
7 Forest Cottages Association?

8 MS. BROWN: The Company has no
9 objection to the intervenors.

10 MS. ROSS: Staff has no
11 objection.

12 MR. BUCKLEY: No objection.

13 MR. GETZ: Omni supports the
14 petition.

15 CHAIRMAN HONIGBERG: Then
16 we'll grant it, with the understanding that
17 Forest Cottages Association is going to take
18 the schedule as it has been developed to this
19 point.

20 Is there anything else in the
21 way of preliminaries that we need to get off
22 the table, Ms. Ross?

23 MS. ROSS: I would just like
24 to suggest that we have a couple of items
25 we'd like to cover. We have an amendment to

1 the settlement, to the temporary rate
2 settlement agreement that was agreed to, and
3 we would like to present that; it is a change
4 in the effective date of temporary rates.
5 And as a result of that amendment, the
6 pending Motion for Rehearing filed by Omni
7 will be withdrawn. We also have the
8 witnesses available who testified originally
9 on the temporary rate hearing in the event
10 the Commission or the new intervenors have
11 questions on the temporary rate settlement.

12 CHAIRMAN HONIGBERG: Is
13 everyone in the case onboard with the
14 amendment to the settlement? I assume you
15 are, Ms. Brown. You don't need to --

16 MS. ROSS: I believe everyone
17 is, with the exception of Mr. Mueller. And I
18 don't believe we've had any conversation with
19 the Association. But otherwise, the OCA,
20 Staff and Omni have all agreed.

21 CHAIRMAN HONIGBERG: Mr.
22 Mueller, do you have any -- do you know what
23 your position is going to be on the
24 amended --

25 MR. MUELLER: The amendment

1 would be for?

2 MS. ROSS: To move the
3 effective date to May 1; otherwise, the
4 temporary rates that were in the settlement
5 agreement, which is approximately a
6 14 percent increase, would go into effect on
7 May 1st.

8 MR. MUELLER: I have no
9 objection to the proposed effective date. We
10 do still have a disagreement on the rate that
11 I had brought up in the June hearing. We
12 felt it should be 11.9 percent, not --

13 CHAIRMAN HONIGBERG: Right,
14 right. And that's nothing new. That's the
15 same argument. That's the same complaint you
16 had about the number. But this is just
17 moving the effective date.

18 MR. MUELLER: No objection.

19 CHAIRMAN HONIGBERG: All
20 right. Mr. Schaier, do you have any idea
21 what's going on here?

22 MR. SCHAIER: Yes, I do. I've
23 been --

24 CHAIRMAN HONIGBERG: Wait,
25 wait, sir. Can you find a microphone and

1 make sure it's on, because that way the court
2 reporter can hear you clearly.

3 MR. SCHAIER: Yes, I do. I
4 understand to a degree what's going on, just
5 mainly by communications from our own board
6 and briefly with Mr. Mueller today, and
7 briefly with the representative from the
8 hotel. So, yes, I do.

9 CHAIRMAN HONIGBERG: Do you
10 need to ask questions of the witnesses about
11 the settlement? Do you want some time to
12 review the document? What do you want to do?
13 We want to give you an opportunity here.

14 MR. SCHAIER: No, I think I'm
15 satisfied with what I've heard so far and the
16 way it's proceeding.

17 CHAIRMAN HONIGBERG: Okay. I
18 don't think we need to hear from the
19 witnesses. Is there some information you
20 feel we need to have beyond what we've
21 already heard about the settlement?

22 MS. ROSS: No. We didn't
23 believe there were additional questions that
24 needed to be answered, but as a courtesy
25 mainly to the intervenors, we wanted to make

1 the witnesses available if they had
2 questions.

3 CHAIRMAN HONIGBERG: All
4 right. Seems like Mr. Mueller and Mr.
5 Schaier both indicated that they don't. So
6 with that understanding, if there's nothing
7 else, we can adjourn the hearing and take the
8 matter under advisement.

9 Anything else we need to do?
10 Ms. Brown?

11 MS. BROWN: Yes. Still not
12 certain that everyone hears me because I
13 don't hear it magnifying --

14 (Discussion off the record)

15 CHAIRMAN HONIGBERG: Now,
16 Ms. Brown.

17 MS. BROWN: Because Rosebrook
18 is willing to move the effective date, we
19 would request that an order be issued sooner
20 rather than later, only because we'd like to
21 have the September billings capture the
22 temporary rate that would be from the August
23 usage. So if an order is issued after
24 September, that further delays the
25 collection. The Company is not asking for a

1 mini recoupment at this time to make up that
2 lost revenue between the effective date and
3 when it actually receives the cash, but would
4 ask that an order on your busy schedule come
5 out sooner rather than later. Thank you.

6 CHAIRMAN HONIGBERG: Today is
7 the 23rd. What is the date by which the
8 Company needs the order in order to have it
9 put into effect?

10 MS. BROWN: September 5th is
11 when bills go out.

12 (Discussion off the record)

13 MS. BROWN: Our technical
14 staff -- or, you know, the Company, rather,
15 technically can implement the rate the day
16 that it's issuing the bills, but it would be
17 nice not to have that short, cramped time.
18 So, September 5th is when the bills are
19 slated to go out. So if the Commission can
20 issue it around the end of August, August
21 31st, that gives her time. You know, there
22 is a Labor Day holiday --

23 CHAIRMAN HONIGBERG: We
24 understand the situation. We'll try not to
25 make anybody do anything heroic.

1 MS. BROWN: Thank you so much.

2 CHAIRMAN HONIGBERG: Is there
3 anything else you need from us?

4 MS. ROSS: Do you want to have
5 the modified settlement captured in writing,
6 or is it sufficient in the transcript we have
7 today?

8 CHAIRMAN HONIGBERG: As far as
9 I'm concerned, it's clear on the record. I
10 guess this is a question about the
11 Commission's own files. Will that be
12 adequate? Seems like it might make sense for
13 you all to prepare a one-page --

14 MS. ROSS: We'll put a letter
15 in, that way it'll show up in the docket
16 book.

17 CHAIRMAN HONIGBERG: I think
18 that would be helpful to anybody who's
19 looking at the docket.

20 MS. ROSS: We'll put a letter
21 in.

22 (Discussion off the record)

23 MS. ROSS: Actually, while
24 we're here, we probably would like to just
25 give you a little idea of some of the other

1 issues in play, if you have a few minutes, in
2 the case.

3 CHAIRMAN HONIGBERG: We are at
4 your disposal.

5 MS. ROSS: Okay. The parties
6 are negotiating and attempting to settle the
7 permanent rate aspect of this case, as well
8 as a step adjustment that was originally
9 requested in the filing. I think the first
10 request by the Company was in the
11 neighborhood of \$170,000 step to pay for some
12 engineering. The parties will be trying to
13 reduce that number. There was some confusion
14 because in the docket book now is a
15 PowerPoint submitted by the Company on
16 June 20th which outlines a series of system
17 improvements that go out over three years,
18 and they are a substantial amount of money,
19 \$2.3 million, or thereabouts. That has
20 created some confusion, as you may have seen
21 in the pleadings that were coming in.

22 We are also working with the
23 Company to see if we can pare back the step
24 request that's associated with the permanent
25 rate filing to be something in the

1 neighborhood closer to \$100,000 to cover
2 preliminary engineering. So that is in
3 process, and the parties intend to meet on
4 September 6th to resolve those issues. I
5 think, for the record, Omni should put a
6 letter in withdrawing the pending motions so
7 that that's clear. But those were the other
8 pieces we wanted to make you aware of.

9 CHAIRMAN HONIGBERG: Thank
10 you, Ms. Ross. Is there anything else we
11 need to know?

12 [No verbal response]

13 CHAIRMAN HONIGBERG: All
14 right. With that, we will take the matter
15 under advisement, issuing an order as quickly
16 as we can, consistent with the conversation
17 we just had with Ms. Brown. Thank you.

18 (Hearing adjourned at 2:20 p.m.)
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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

(ORIGINAL CERTIFICATION FILED WITH
PUBLIC UTILITIES COMMISSION)

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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