



Marcia A. Brown
Attorney at Law

Environmental Law ▪ *Utility Law*

NHPUC 22MAY19PM2:04

May 22, 2019

Debra A. Howland, Exec. Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Docket No. DW 18-101
Pennichuck East Utility, Inc. – Petition for Approval of Special Contract
Supplemental Affidavit of Publication-Concord Monitor

Dear Director Howland:

Enclosed please find for filing, an original and six copies of the affidavit of publication from the Concord Monitor which this office received yesterday. The affidavit is for publication of the supplemental order of notice that occurred in the Concord Monitor on April 16, 2019.

Thank you in advance for your assistance with this filing. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink that reads "Marcia A. Brown".

Marcia A. Brown

cc: Docket-Related Service List

CONCORD MONITOR

One Monitor Drive, PO Box 1177, Concord, NH 03302-1177
P: 603-224-5301

STATE OF NEW HAMPSHIRE
County of Merrimack, SS

I, Todd Savage of the MONITOR PUBLISHING COMPANY, INC., hereby certify that the following advertisement(s) were published in the Concord Monitor, a daily newspaper in Concord, in said county and state, viz-in-the issue(s) of:

Public notice for the State of NH public

Utilities Commission

Todd Savage 5/10/2019

Subscribed and sworn 10th day of May A.D. 2019

Dan D. McClory
Notary Public

DANIEL D. McCLORY, Notary Public
My Commission Expires October 7, 2020

Commission Expires _____



CONCORD MONITOR

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Help Wanted

For more information, please call **Deb Spaulding**, Recruitment Specialist at **369-3233** or email dspaulding@cmonitor.com

Ads placed by phone, fax, or email:

preceding day before noon. Publish Tuesday-Saturday: preceding day before 2:00 pm
 E 1:30 pm Publish Sunday: Friday before 2:00 pm
 E 3:00 pm Publish Monday: Friday before 5:00 pm
 nes may change for holiday weeks and special publications.

REAL ESTATE FOR RENT

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 86-86 1/2 Pleasant St., Concord.
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 Free pick up 7 days. 224-2240

Automobiles For Sale

2002 Honda S2000 Excellent condition. Blue metallic convert, blue leather interior. 44,000 miles. \$18,000/obo. (603) 387-8711 bonafide@metrocast.net

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 4 wheel dr. great cond.
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 Hyundai Sonata GLS 2009 with 99,100 miles by original owner. In excellent shape with new tires, new front brakes, and new serpentine belt. \$4,200 or BO. (302) 898-4296 wmccrillis@gmail.com

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Absolutely All Cars & Trucks Wanted. Will pay up to \$500. Call Murray's Auto Recycling 425-2562

Top Dollar Paid for junk autos. Free towing Call Jim 556-1034

PUBLIC NOTICE

**LEGAL PROBATE NOTICE
 THE STATE OF NEW HAMPSHIRE**

6th Circuit - Probate Division - Concord 3/22/2019 thru 4/4/2019

APPOINTMENT OF FIDUCIARIES

Notice is hereby given that the following fiduciaries have been duly appointed by the Judge of Probate for Merrimack County.

All persons having claims against these decedents are requested to exhibit them for adjustment and all indebted to make payment.

Berry, Susan E, late of Epsom, NH. Mary Jane Ricker, 239 Bear Hill Road, Chichester, NH 03258. #317-2019-ET-00140

Bordeleau, SR, Rene H, late of Hooksett, NH. Rene H Bordeleau, JR, 7 Quarry Rd, Hooksett, NH 03106. #317-2019-ET-00242

Currier, Philip Joseph, late of Epsom, NH. Donna Currier, 45 Jug City Road, Epsom, NH 03234. #317-2019-ET-00195

Harper, Alyce, late of Concord, NH. Nyleen Harper, 84 High Street, Penacook, Concord, NH 03303. #317-2019-ET-00265

Kenney, Philip James, late of Boscawen, NH. Mary Ellen Kenney, 10 Woodbury Lane, Boscawen, NH 03303. #317-2019-ET-00222

LaClair, Bradley H., late of Newbury, NH. Sandra Sanderson, 62 Cornish Turnpike, Unit B, Newport, NH 03773. #317-2019-ET-00220

Lillios, Barbara J., late of Bow, NH. Arthur F. LeClair, JR, 436 Sheepboro Road, Farmington, NH 03835. Madelyn Coffin Kritlow, 1 Wyatt Court, Franklin, NH 03235. #317-2019-ET-00167

Mitchell, David L, late of Warner, NH. Timothy H Mitchell, 199 Straits Road, New Hampton, NH 03256. #317-2019-ET-00009

Morrow, Irene M, late of Bow, NH. Bradley R Morrow, 12 Grandview Road, Bow, NH 03304. #317-2019-ET-00214

Mozier, Richard Wingate, late of Pembroke, NH. Nancy M Mozier, 276 Pembroke St, Pembroke, NH 03275. #317-2019-ET-00201

Potter, William, late of Concord, NH. Hildegard Potter, 43 Pine Street, Concord, NH 03301. #317-2019-ET-00274

Saltmarsh, Judith A, late of Pembroke, NH. Reagan M Saltmarsh, 30 Midridge Circle, Londonderry, NH 03053. #317-2019-ET-00263

Suydam, Ada W, late of Franklin, NH. Fiduciary Trust Company, c/o Patricia Schatzlein Smock, Esq., 175 Federal Street, Boston, MA 02110. Thomas Masland, ESQ, Resident Agent, One Capitol Street, P.O. Box 600, Concord, NH 03302-0600. #317-2019-ET-00147

Taylor, Patricia Wray, late of Loudon, NH. Donald E. Taylor, 301 Bear Hill Rd., Loudon, NH 03307. #317-2019-ET-00138
 Dated: 4/5/2019

April 9, 16, 2019

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 18-101

PENNICHUCK EAST UTILITY, INC.

Petition for Approval of Special Contract for
Woodmont Commons in Londonderry

SUPPLEMENTAL ORDER OF NOTICE

On June 29, 2018, Pennichuck East Utility, Inc. (PEU or the Company) filed a request for approval of a special contract for water service between PEU and Pillsbury Realty Development, LLC (Pillsbury), the owner and developer of the Woodmont Commons development in Londonderry (Woodmont Commons). Pillsbury plans to substantially expand Woodmont Commons and will require additional water supply from PEU. To meet that demand, PEU proposes installing a 1,100,000 gallon storage tank on land it owns in Londonderry adjoining Woodmont Commons.

The Commission issued an Order of Notice on August 23, 2018, and held a Prehearing Conference and technical session on October 22, 2018. The petition and docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.state.nh.us/Regulatory/Docketbk/2018/18-101.html>.

On April 2, 2019, PEU filed a revised special contract, which includes a resolution of an issue related to contributions in aid of construction (CIAC). PEU's current tariff does not provide for the charge or collection of funds from Pillsbury to construct the storage tank in order to provide expanded service. Under the terms of the revised special contract, PEU will collect from Pillsbury 51 percent of the estimated \$2.8 million cost of construction for the storage tank. The amounts collected from Pillsbury will be recorded by PEU as CIAC. The revised special contract also provides that Pillsbury will be responsible for paying 51 percent of the federal and state income tax liability arising from the CIAC received by PEU, in accordance with an income tax gross-up calculation. PEU would assume the remaining 49 percent of the income tax liability arising from its receipt of the CIAC from Pillsbury. Payment of Pillsbury's share of the tax liability would be due within 10 days from demand by PEU. The revised special contract further references a future Water Main Special Contract between PEU and Pillsbury and similar cost-sharing provisions regarding tax liabilities incurred from the receipt of CIAC.

Construction of the tank is estimated to take about 18 months, and PEU and Pillsbury have forecasted project completion on or about October 2020. After the storage tank is installed and in service, the special contract will terminate, and Woodmont Commons' customers will pay PEU's regular tariffed rates. PEU anticipates seeking Commission approval to institute capital recovery surcharges for new water customers not located in Woodmont Commons.

The filing raises, inter alia, issues related to statutory requirements under RSA chapters 374 and 378, and the regulatory requirements pursuant to N.H. Code Admin. Rules Puc 1203.01(e), and Puc 1600, specifically: RSA 374:1, whether the proposed capital addition is needed to provide safe and adequate water service; RSA 378:10, whether the allocation of both the cost of the tank and the income tax liability resulting from the receipt of CIAC results in an undue or unreasonable preference or advantage to Pillsbury; RSA 378:18, whether the revised terms of the proposed special contract are just and consistent with the public interest, including the allocation of the cost to construct the tank in order to provide service, and the allocation of the tax liability resulting from the CIAC; Puc 1203.01(e), whether provision of service to the Woodmont Commons location is economically feasible; Puc 1606, whether the included terms referring to an additional, unfiled Water Main Special Contract are appropriate and conform with the requirements of the Commission's administrative rules; and whether the proposed capital additions will benefit PEU's customers, including customers within and outside Woodmont Commons. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 7, 2019, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the April 2, 2019 filing and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, PEU, the Staff of the Commission, and any Intervenors hold a Technical Session to review the petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, PEU shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than April 17, 2019, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 3, 2019; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to PEU and the Office of the Consumer Advocate on or before May 3, 2019, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 7, 2019.

By order of the Public Utilities Commission of New Hampshire this twelfth day of April, 2019.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

April 16, 2019