

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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August 30, 2019

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

Re: DW 18-101 – Pennichuck East Utility, Inc.  
Petition for Approval of Special Contract for Woodmont Commons  
Partial Assented-to Motion for Extension of Time  
Staff Recommendation

Dear Ms. Howland:

On August 26, 2019, Pennichuck East Utilities, Inc. (PEU) filed a Partial Assented-to Motion for an Extension of Time (Motion) to file an executed copy of its special contract with Pillsbury Realty Development, LLC (Pillsbury) and a statement of special circumstances. Staff recommends the Commission approve PEU's Motion with conditions.

In accordance with Commission Order No. 26,285 (August 9, 2019) approving PEU's special contract with Pillsbury, the requested documentation was to be submitted to the Commission by August 26, 2019. In its Motion, PEU stated that the parties have not signed the special contract because the planned water storage tank is still under scrutiny by the Town of Londonderry Zoning Board of Adjustment (Londonderry ZBA). As such, PEU and Pillsbury believe that it is premature to sign the contract before it receives all regulatory approvals. Thus, PEU requests that the Commission grant an extension of time for filing the signed special contract until thirty days following the date of finalization of the Londonderry ZBA's decision. PEU states that Pillsbury assents to the requested relief.

While Staff sympathizes with PEU's and Pillsbury's desire to defer execution of the special contract until finalization of the Londonderry ZBA's decision, it is concerned by the length of time that may be required for that to occur and the potential impact that may have relative to the contract's provisions previously approved by the Commission. Therefore, Staff recommends the Commission approve PEU's Motion under the condition that it file periodic updates every three months with the Commission explaining

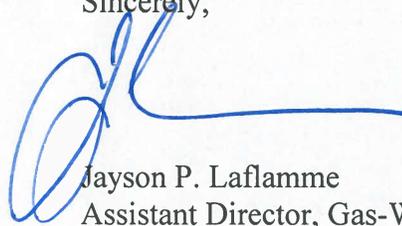
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the status of the approval process with the Londonderry ZBA and final execution of the special contract. Staff also recommends the Commission provide for the potential of re-evaluating the provisions previously approved within the special contract if the circumstance arises whereby PEU does not receive all of the necessary regulatory approvals to execute the special contract within the next nine months.

Thank you for your attention and assistance with this matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Jayson P. Laflamme  
Assistant Director, Gas-Water Division

cc: Service List

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