

STATE OF NEW HAMPSHIRE

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September 5, 2019

Re: DW 18-101, Pennichuck East Utility, Inc.
Petition for Approval of Special Contract for Woodmont Commons in Londonderry
Granting Motion for Extension with Conditions

To the Parties:

On August 26, 2019, Pennichuck East Utility, Inc. (PEU) filed a motion for extension of the deadline for filing a signed copy of the special contract between it and Pillsbury Realty Development, LLC (Pillsbury) and a statement of special circumstances. PEU stated in its motion that Pillsbury does not object to the request. Commission Staff (Staff) filed a recommendation on August 30, 2019, in which Staff did not object to extending the filing deadline, provided certain conditions applied.

In Order No. 26,285, issued on August 9, 2019, the Commission approved a special contract between PEU and Pillsbury, which permitted the parties to share the costs of constructing a 1.1 million gallon water tank that would serve a development owned by Pillsbury in the Town of Londonderry. The Commission required PEU to file an executed copy of the special contract, with its statement of special circumstances, within 15 days of the date the order issued, or by August 26, 2019.

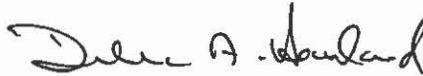
PEU moved for an extension of that deadline, asserting that executing the special contract at this time would be premature, because the Town of Londonderry zoning board of adjustment (ZBA) has not yet approved the water tank. It requested the Commission to extend the filing deadline until 30 days from the date the ZBA's decision regarding the water tank becomes final. Staff did not object to an extension of time on the condition that PEU file with the Commission updates every three months regarding the status of the ZBA's approval process and the execution of the special contract. Further, Staff recommended that the Commission reserve the right to re-visit its approval of the special contract if PEU does not obtain all regulatory approvals necessary to execute the contract within the next nine months.

The Commission has reviewed PEU's request for an extension of the deadline for filing an executed copy of the special contract and its statement of special circumstances, and it has determined that the standard for an extension of time contained in N.H. Code Admin. Rules Puc 202.04 has been satisfied. Accordingly, the Commission granted PEU's motion, subject to the conditions contained in Staff's

recommendation. PEU shall file updates every three months regarding the status of the ZBA's approval of the water tank and the execution of the special contract beginning on December 5, 2019.

If PEU has not filed an executed copy of the special contract and its statement of special circumstances by June 5, 2020, the Commission will re-evaluate its approval of the special contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and a distinct "A" and "H".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
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