

STATE OF NEW HAMPSHIRE

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NHPUC 22OCT'18PM4:10

October 22, 2018

TO: Commissioners

FROM: David K. Wiesner, Senior Hearings Examiner

RE: DW 18-101, Pennichuck East Utility, Inc. Petition for Approval of  
Special Contract for Woodmont Commons in Londonderry

### **HEARINGS EXAMINER'S REPORT**

At your request, I served as the presiding officer over the prehearing conference (PHC) held in the above-referenced matter on October 22, 2018.

On June 29, 2018, Pennichuck East Utility, Inc. (PEU) filed a petition for approval of a special contract for Woodmont Commons in Londonderry, together with supporting testimony. On August 23, 2018, an Order of Notice scheduling a PHC for October 22, 2018 was issued by the Commission. The Order of Notice was published in the *Union Leader* on August 27, 2018, and PEU filed an affidavit of such publication on September 5, 2018.

#### Appearances

Marcia A. Brown, Esq. for Pennichuck East Utility, Inc.  
Christopher R. Tuomala, Esq. and F. Anne Ross, Esq., for Commission Staff

#### Intervention Requests

No petitions to intervene were filed and the Office of Consumer Advocate is not participating in this docket. It was noted that Pillsbury Realty Development, LLC (Pillsbury) had filed a comments letter stating support for the special contract. Attorney Ari Pollack, counsel for Pillsbury, attended the PHC, introduced himself, and expressed Pillsbury's interest in the proceeding.

#### PHC Initial Positions of the Parties

Attorney Brown described the proposed special contract for the Woodmont Commons development and the potential benefits to PEU and its ratepayers, with a special emphasis on the

anticipated cost-sharing with Pillsbury, the developer of that project. She noted an issue of the tax treatment of the contribution in aid of construction (CIAC) and indicated that issue would be addressed with Commission Staff. She further noted that discovery had begun and the subsequent technical session would provide an opportunity to discuss additional factual issues with Staff.

Attorney Tuomala listed several issues of interest to Staff, including the CIAC tax question. He indicated Staff would address discovery issues and develop a proposed procedural schedule for this docket during the technical session to follow the PHC. Staff committed to filing a report summarizing the results of the technical session with a proposed procedural schedule.

By: David K. Wiesner  
David K. Wiesner, Hearings Examiner

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Docket #: 18-101-1      Printed: October 22, 2018

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