

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DW 20~~17~~-19

Pennichuck East Utility, Inc.

**2020 Amended Petition of Pennichuck East Utility, Inc. for
Qualified Capital Project Annual Adjustment Charge**

Pennichuck East Utility, Inc. (“PEU” or “Company”), a corporation duly organized and existing under the laws of the State of New Hampshire and operating therein as a public utility subject to the jurisdiction of the New Hampshire Public Utilities Commission (the “Commission”), and pursuant to Order No. 26,179 (Docket DW 17-128) petitions the Commission for approval of the Company’s 2019 projects as eligible for the Qualified Capital Project Annual Adjustment Charge (“QCPAC”). PEU also seeks preliminary approval for all capital project expenditures for the Company’s 2020 projects. Finally, PEU provides for informational purposes only the Company’s forecast of capital project expenditures for 2021 and 2022. On August 16, 2021, the Commission issued Order No. 26,508 (Docket DW 20-156) approving a settlement and temporary rates, the terms of which PEU agreed to forgo the 2020 QCPAC surcharge. PEU therefore files this Amended Petition in compliance with the Commission’s Order and in support of this Amended Petition, PEU respectfully represents as follows:

Background

1. On September 9, 2017, PEU filed a Request for Change in Rates and a Petition for Specific Modifications to Ratemaking Structure, Docket No. 17-128. Among the requests made

in that Petition was to establish a QCPAC enhanced step increase program similar to the one approved for Pennichuck Water Works in Docket No. 16-806.

2. On October 4, 2018 (Order No. 26,179), the Commission approved a settlement that established a QCPAC step increase program. Under the terms of Order No. 26,179, QCPAC eligible projects must meet the following criteria: 1) the capital project proposed by PEU must be completed, in service, and used and useful within the previous fiscal year for which the QCPAC filing is made; 2) the capital project must have been financed by debt that has been approved by the Commission in accordance with RSA 369; and, 3) the capital projects must specifically correspond with a capital budget which has been previously submitted by PEU and approved by the Commission. Order No. 26,179 at p. 11.

3. Order No. 26,179 describes what should be contained in PEU's annual QCPAC surcharge petition as follows:

Within its annual filing, PEU will provide: (1) its calculation of the QCPAC surcharge associated with capital investments from the previous year; (2) budget information regarding proposed capital projects for the current year; and (3) a detailed forecast of anticipated capital project expenditures for the subsequent two years, for informational purposes only. Customers will receive notice of the proposed surcharge within 30 days of the annual QCPAC filing.

Order No. 26,179 at 11.

4. The QCPAC surcharge consists of: (1) the annual principal and interest payments with respect to the applicable capital project debt, multiplied by 1.1; and (2) incremental property taxes associated with the specific capital projects, as determined in the year of the granting of the QCPAC for such projects. Order No. 26,179 at p. 11.

5. The purpose of this Petition is three-fold:

- a. First, this Petition seeks final approval of a QCPAC surcharge based on eligible projects and amounts expended for capital projects in 2019;

- b. Second, this Petition seeks preliminary approval of the capital budget for eligible capital project expenditures in 2020; and
- c. Third, this Petition provides the Commission with information regarding the Company's forecast of capital project expenditures for 2021 and 2022 for which no Commission action is required at this time.

6. Attached to this Petition are the following:

- a. Direct testimony of Donald L. Ware;
 - (a) Exhibit DLW-1 Pages 1-6, 2018-2022 QCPAC Details;
 - (b) Attachment A, sample bill insert customer notification;
 - (c) Attachment B, Proposed QCPAC Tariff Pages¹;
 - (d) Attachment C, screen shot of PEU's website describing the pending QCPAC filing;
 - (e) Attachment D, PEU Board resolution approving the 2020, 2021 and 2022 capital expenditure projects.
- b. Direct testimony of John J. Boisvert;

7. The Company filed its initial 2020 QCPAC Petition with the Commission in Docket DW 20-019 on February 13, 2020.

8. The Company filed subsequent 2020 QCPAC quarterly updates with the Commission on August 10, 2020, November 9, 2020, and January 11, 2021.

9. The Company, Staff of the Commission, the Office of Consumer Advocate (OCA) the Towns of Londonderry, Litchfield, Pelham, and Hookset, and intervenors Robert Corcoran and Richard M. Husband executed a settlement agreement in Docket DW 20-156 on April 26, 2021, which was subsequently approved by the Commission in Order 26,508 on August 16, 2021.

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¹ Because the QCPAC tariff pages are all original pages, no track change versions are provided.

2019 Completed Projects

~~7-10.~~ Attached as Exhibit DLW-1 Page 3 to Mr. Ware's testimony is the detailed list of Qualified Capital Projects ("QCP") that were used and useful by December 31, 2019. DLW-1, Page 3, describes, in part, the following: each project that was completed, in service and used and useful in 2019; the NHPUC order approving the debt financing associated with each project; the estimated and unaudited final project costs; and the property tax expense associated with QCPs where applicable. DLW-1, Page 3 also provides an explanation of changes, additions and deletions since the last-filed schedule DLW-1.

~~8-11.~~ The Company seeks the Commission's approval of these 2019 projects for recovery under the Company's QCPAC mechanism in 2020, subject to the Commission's audit and prudence review of the final costs associated with those projects.

~~9-12.~~ The Company, pursuant to the terms of the Order No. 26,508 at p. 6 and 7, ~~forgoes and no longer requests is also requesting~~ a QCPAC surcharge that is calculated to recover 1.1 times the principal and interest payments for the long term debt incurred to fund the capital expenditures on projects that were used and useful on or before December 31, 2019, as well as recovering the projected property taxes on the completed slate of 2019 QCP.

~~10-13.~~ The basis for the Company's calculation of principal and interest payments, which is outlined in more detail in Mr. Ware's testimony, is as follows:

- a. CoBank Loan: Loan amount of \$803,275 with a projected effective interest rate of 5.5% for a term of 25 years. This loan is expected to close in late June 2020. Once the effective interest rate is known, Exhibit DLW-1 will be updated to reflect the final amount borrowed and the actual interest rate incurred for the CoBank loan.

- b. NHDES SRF Loan: Loan amount of \$966,252 with an interest rate of 2.704% for a term of 30 years. This loan is to fund water main improvements that were completed in 2019. This loan closed on January 9, 2020.

~~11.14. The Company requests that the Commission issue a~~ Following the issuance of a final 2020 QCPAC order ~~by the Commission and approving the 2019 capital projects as prudent, used and useful. Pursuant to the settlement and Order 26,508 at p. 6, the Company will not seek~~ al of the associated tariff pages, the Company requests that the QCPAC become eligible for recoupment for service rendered after the date for which financing is issued or consummated ~~for the 2020 QCPAC surcharge. The estimated closing date for the CoBank loan is July 31, 2020. The SRF loan is estimated to enter repayment mode around June 1, 2020 with the first monthly principal and interest payment on these loans beginning in July 2020. Absent the ability to recoup all of the cash necessary to pay the accrued interest, as well as the first principal payments on these loans there will be a shortage of cash required to make these first interest and principal payments. It is essential that the Company begin to collect the QCPAC at the same time that interest begins accruing, and the payment obligation starts to run for principal repayments on these loans.~~

~~12.15. Based on the total costs as described in Mr. Ware's testimony and exhibits, and the assumed 5.5% interest rate on the long term CoBank loan, the Company estimated~~ ds the a QCPAC surcharge of 1.2297%. In light of the settlement approved in Order 26,508 by the Commission on August 16, 2021, the Company will not seek the surcharge of 1.22% in exchange for approval of the temporary rates in Docket DW 20-156. ~~When added to the 2019 QCPAC surcharge approved in Docket DW 19-035, the combined QCPAC surcharge is 4.95%. The~~

~~average monthly single family bill is \$75.45 (exclusive of the 2.98% 2019 QCPAC surcharge). When combined with the 2019 QCPAC surcharge, the 2019/2020 QCPAC surcharges will result in a QCPAC of \$3.73 per month. Of that amount, \$1.49 per month would be attributed to the surcharge proposed in this Petition.~~

~~13.16.~~ This estimate ~~was~~will be updated ~~after~~once the CoBank loan ~~was~~has been issued and the interest rate ~~was~~is established.

~~14. The Company is seeking recoupment of the QCPAC between its implementation on a service rendered basis for bills issued after the final QCPAC order has been issued and the tariff pages are approved and the date the Company closed on its loan with CoBank. It is necessary to recoup the QCPAC back to the date of the loan closing with CoBank as interest on the CoBank loan begins accruing on the loan closing date. Interest on the SRF loan begins accruing on March 1, 2019 with the first principal payment on these loans due on August 1, 2019. Absent the ability to recoup all of the cash necessary to pay the accrued interest, as well as the first principal payments on these loans there will be a shortage of cash required to make these first interest and principal payments. The Company is requesting the recoupment be implemented on a service rendered basis in accordance with PUC 1203.05.~~

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2020-2021 Projects

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~~15.17.~~ This Petition includes the testimony of Mr. Boisvert who provides a description of what the Company considers as major capital projects and the Company's process for developing budgets for major capital projects. Mr. Boisvert also describes the projects started in 2019 that will be completed in 2020 as well as the major projects planned for 2019-2022.

~~16.18.~~ Attached to Mr. Ware's testimony is Exhibit DLW-1, Page 4 (Projected 2020 QCPAC Capital Expenditures). In that Exhibit DLW-1, Page 4, the Company has listed in detail

the anticipated 2020 Capex projects that were approved by PEU's Board in January 2020. Exhibit DLW-1, Page 4 includes a description of each project, the estimated project cost and whether it has an associated QCPAC eligible property tax expense.

~~17.19.~~ The Company is also providing the details regarding its 2021-2022 projects in accordance with Order No. 26,179 for informational purposes only. Details of the 2021-2022 projects are described in Mr. Ware's testimony, Exhibit DLW-1 page 4 (2020) and page 6 (2021).

Payment of FALOC Interest

~~18.20.~~ The Company is ~~no longer seeking~~~~also seeking~~ approval as part of this petition authority to pay the interest incurred on the fixed asset line of credit ("FALOC") each year by incorporating the interest into the amount borrowed from CoBank because the inclusion of annual interest incurred on the FALOC in its annual long-term debt issuances beginning in 2020 was approved by the Commission in Order 26,313 at 9 (Docket DW 19-035) dated December 6, 2019.

~~19.— By incorporating the interest into the long-term debt, the interest incurred would be capitalized over the life of the QCP's that are subject to the debt. This would allow more cash from the 0.1 DSRR account to be used to prefund capital or refill rate stabilization funds without having to borrow cash.~~

~~20.— If the Company has more cash available in the 0.1 DSRR account to prefund capital or refill rate stabilization funds without the need to borrow, ratepayers will ultimately benefit by reductions in debt payments that would be recovered through future QCPAC and rate adjustments.~~

Conclusion

WHEREFORE, by this petition, PEU respectfully requests that the Commission:

(a) Approve PEU's 2019 projects ~~as prudent, used and useful; for recovery under the QCPAC mechanism in 2020 and authorize PEU to bill and collect a 2020 QCPAC surcharge, currently estimated to be 1.97%. The requested 1.97% QCPAC surcharge will be recouped on a service rendered basis (back to July 31, 2020);~~

(b) Approve on a preliminary basis PEU's proposed 2020 projects as being eligible for recovery through the QCPAC surcharge mechanism, subject to the Commission's audit and prudence review of the final costs associated with those projects; and subject to further refinement through quarterly updates filed with the Commission for the purpose of keeping the Commission apprised of the Company's progress with regard to its 2020 projects (to be filed on or before ~~July~~ ~~August~~ 15, ~~November~~ ~~October~~ 15 and January 15) and further subject to the Commission's review with the Company's 2021 QCPAC filing;

(c) Receive for information purposes only PEU's proposed 2021 and 2022 projects;

~~(d) — Grant PEU authority to pay the interest incurred on the FALOC by incorporating the interest into the amounts borrowed under the for CoBank loan to be used to pay off the FALOC; and~~

~~(e)~~(d) Take such further action and make such other findings and orders as in its judgment may be just, reasonable, and in the public good.

Respectfully submitted,

PENNICHUCK EAST UTILITY, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: August 17, 2021

By: 

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Certificate of Service

I hereby certify that a copy of this petition for approval of financings, including the pre-filed testimony referred to in the Petition, have this day been forwarded to the Office of Consumer Advocate via electronic mail at ocalitigation@oca.nh.gov.

Dated: August 17, 2020~~2021~~


James J. SteinkraussRichard W. Head