

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-071

ATKINSON AREA WASTE WATER RECYCLING, INC.

Petition for Approval of Rate Change

Procedural Order Regarding May 16, 2021 Filing Deadline

On November 9, 2021, the Commission issued Order No. 26,547, establishing rates for Atkinson Area Waste Water Recycling, Inc. (AAWWR, or the Company) in Docket DW 20-071, which was conducted concurrently with Docket DW 20-091 regarding AAWWR's petition to transfer stock ownership. On November 23, 2021, AAWWR filed a request for recovery of rate case expenses within 30 days of the Commission's order, as agreed to in the settlement reached among AAWWR and other settling parties in the two concurrent proceedings (Settlement Agreement). The Settlement Agreement further provided that the New Hampshire Department of Energy (DOE) will review AAWWR's proposal and provide a statement for the Commission's consideration prior to the issuance of an order on rate case expense recovery. Settlement at 10, paragraph 4. Accordingly, AAWWR included in its November 23, 2021 filing a request that the DOE staff review the schedules and supporting documentation for the proposed surcharge and draft its recommendation.

On April 20, 2022, the Commission issued a procedural order requesting the DOE to file a complete copy of its analysis regarding AAWWR's request for recovery of rate case expenses and its recommendation on or before May 16, 2022. On April 27, 2022, the DOE filed a letter in response to the Commission's order, stating that it "will not be able to complete its review and submit a report by May 16, 2022" but that it

“will endeavor to complete its review and file a report with the Commission as soon as practicable.”

The Commission is unable to make a determination regarding AAWWR’s request to recover rate expenses without the DOE’s analysis and recommendation. See RSA 12-P:2, III, and Settlement at 10. The DOE filed its letter on April 27, well before the May 16 deadline. However, the letter makes no representations as to whether it sought the assent of other parties, including, notably, the utility. Moreover, the letter contains only general references to other obligations and does not meet the burden of proof necessary for the commission to grant relief for circumstances causing undue hardship or inconvenience. See N.H. Admin. R., Puc 202.04(c)(1). Furthermore, the Commission cannot determine whether the DOE contacted the utility to ensure that the DOE’s inability to meet the filing deadline would not unduly delay resolution of the Company’s request or otherwise adversely affect its rights, as required by the rule.

If a party, including the DOE, is unable to comply with an existing Commission ordered deadline, then it shall file a pleading to request appropriate relief in accordance with the New Hampshire Code of Administrative Rules, Puc Chapter 200, such as a motion for extension of time pursuant to Puc 202.04. The Commission will grant such a request if the party seeking the extension “has demonstrated that circumstances would cause undue hardship or inconvenience unless the request were granted” and that “[t]he extension would not unduly delay the proceeding or adversely affect the rights of any party.” Puc 202.04(c)(1) and (2).

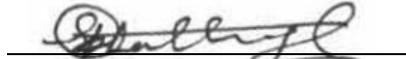
Therefore, no later than June 10, 2022, the DOE shall file its analysis regarding AAWWR’s request for recovery of rate case expenses and its recommendation regarding that request, or a properly supported motion for an

extension. In the absence of such filing, this matter will be administratively closed pending further action from the DOE.¹

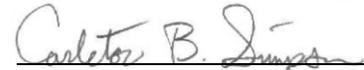
So ordered, this twenty-sixth day of May, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

¹ The Commission cannot take any further action and the docket will be tracked and reported accordingly.

Service List - Docket Related

Docket# : 20-071

Printed: 5/27/2022

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