

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

DW 20-156

Pennichuck East Utility, Inc.  
Permanent Rate Proceeding

**ASSENTED-TO MOTION TO EXTEND FILING DEADLINE**  
**and**  
**WAIVER OF PUC 203.20**

NOW COMES, Pennichuck East Utility, Inc. (PEU), pursuant to Puc 203.07, and the Commission's March 17, 2020 temporary filing requirements, and hereby requests the Commission allow the settling parties to file the settlement agreement in this proceeding no later than December 9, 2021. In support of this request, PEU states as follows:

1. On October 14, 2021, the Commission approved changes to the procedural schedule governing this proceeding such that any settlement on permanent rates must be filed no later than December 7, 2021.

2. The active parties in this docket are presently finalizing the terms of a settlement agreement but need additional time beyond December 7, 2021 to finalize the settlement document and attachments.

3. Puc 203.20 requires settlements to be filed 5 days prior to hearing. Pursuant to Puc 202.03(c), the computation of time less than 6 days does not include Saturdays, Sundays, and holidays. The hearing in this proceeding is scheduled for December 15, 2021. Therefore, under Puc 203.20(e), the 5-day deadline is December 8, 2021. PEU and the settling parties' request to file the settlement no later than December 9<sup>th</sup> is two days later than the approved procedural schedule and one day later than what Puc 203.20(e) requires. Because filing on December 9<sup>th</sup> does not comply with Puc 203.20(e), PEU requests waiver of that rule.

4. Pursuant to Puc 201.05, the Commission may grant a waiver of its rules, in this case, Puc 203.20(e), when it finds that the waiver serves the public interest and the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. In determining the public interest, the Commission considers whether compliance with the rule would be onerous or inapplicable given the circumstances and whether the purpose of the rule would be satisfied by an alternative method proposed.

5. To that end, PEU avers that the orderly and efficient resolution of this matter would not be disrupted because all of the active participants in this proceeding are involved in settling the issues in this proceeding. The Commission has long held that settlements promote the orderly and efficient conduct of a proceeding. *EnergyNorth Natural Gas, Inc. d/b/a Keyspan Energy Delivery New England*, Docket No. DG 06-122, Order No. 24,824 (February 29, 2008) at 17. In the instant case, all of the active parties are participating in the settlement agreement which will result in a streamlined presentation of the issues and parties' positions at hearing. Having the issues expressly listed in a document will aid the parties' presentation at hearing because the issues will be presented in a methodical and orderly manner; it will also aid the Commission's review of the issues.

6. With respect to whether the rule is onerous and if the purpose of the rule can be satisfied in an alternative manner, PEU avers that Puc 203.20 is onerous in that, notwithstanding the parties' best efforts, they will not be able to have a completed document by that deadline. The alternative is to file the completed document no later than December 9<sup>th</sup> which will allow the parties time to finalize the terms, incorporate the results of the financing approved in Order No. 26,538 (October 29, 2021) in Docket No. DW 21-129, update the rate case schedules, and format

the settlement agreement and attachments pursuant to the Commission's hearing exhibit requirements.

7. PEU has requested positions of the parties on the relief requested. The Town of Litchfield, Town of Londonderry, Mr. Richard Husband, and Office of the Consumer Advocate assent to the motion. The Department of Energy does not object to the relief requested.

WHEREFORE, PEU respectfully requests the Commission:

- A. Allow the settling parties to file the settlement agreement no later than December 9, 2021;
- B. Grant PEU's request to waive Puc 203.20; and
- C. Grant such other relief as is just and equitable.

Respectfully submitted,  
Pennichuck East Utility, Inc.

By its Attorney,  
NH BROWN LAW, PLLC

Dated: December 7, 2021

By: Marcia A. Brown  
Marcia A. Brown, Esq.  
20 Noble Street  
Somersworth, NH 03878  
(603) 219-4911/mab@nhbrownlaw.com

Certificate of Service

I hereby certify that a copy of the foregoing objection has been emailed this day to the docket-related service list for DW 20-156.

Marcia A. Brown  
Marcia A. Brown, Esq.