

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-176

PENNICHUCK WATER WORKS, INC.

Petition for Approval of Franchise Expansion

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On December 23, 2020, Pennichuck Water Works, Inc. (PWW) filed a petition requesting approval to expand its Twin Ridge franchise area in the Town of Plaistow (Plaistow) to include an additional residential lot. In support of its petition, PWW filed a number of attachments, some of which were previously filed in Docket No. DW 12-109. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at

<https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-176.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

PWW's petition replaced a motion to modify Order No. 25,393, issued on July 18, 2012 in Docket No. DW 12-109, which PWW filed in the above-captioned docket on October 29, 2020. In Order No. 25,393, the Commission granted PWW's request to expand its franchise in Plaistow to provide water service to customers in the vicinity of the Beede Waste Oil Superfund site, whose wells were either contaminated or at risk of contamination from a chemical plume emanating from the site. The authorized franchise expansion concerned 37 additional residences in the vicinity of Kelley Road, Shady Lane, and Walton Road in Plaistow. Pursuant to an agreement dated April 19,

2012 between PWW¹ and Beede Site Group (Beede), an unincorporated association which, by and through 11 Kelley and 42 Old County Road Properties, LLC (the Developer), owns and manages the Beede Waste Oil site, the Developer would fund the construction of a water main extension from PWW's Twin Ridge water system (the Agreement).

PWW petitioned for authority add to its Plaistow franchise the lot at 28 Walton Road, which borders the boundary of its present franchise. It stated that Beede requested PWW to make water service available to this lot, in case the chemical plume contaminates the owner's private water well. PWW represented that an extension of the water main would be required for it to provide the lot at 28 Walton Road with water service. According to PWW, Beede will pay for the customer's meter and installation of the service line pursuant to the Agreement. The attachments which PWW filed in support of its petition indicate that PWW's Twin Ridge water system is able to provide additional service connections and include letters of support from Plaistow and Beede.

II. ISSUES PRESENTED

The filing presents the following issues: issues related to whether PWW has suitable and available water supply for water service to the lot at 28 Walton Road, pursuant to RSA 374:22, III; whether PWW can furnish reasonably safe and adequate, and in all other respects just and reasonable, water service and facilities to the lot at 28 Walton Road, pursuant to RSA 374:1; whether, under RSA 374:22 and :26, PWW has the financial, technical, and managerial capability to own and operate an

¹ As the Commission noted in Order No. 25,393 (July 18, 2012), this agreement was between the Developer and Pennichuck East Utility, Inc. (PEU). *Id.* at 2, n.1. It stated that "PWW has indicated in its discovery responses that the Agreement should have been with PWW, and is in the process of securing a revised Agreement reflecting the correct entity." *Id.* The original agreement between PEU and the Developer is attached to PWW's petition as Attachment D.

expanded franchise in Plaistow, which includes the lot at 28 Walton Road; and whether the requested franchise expansion is for the public good under RSA 374:30. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. Parties may, however, file a written request for the Commission to also use video teleconferencing to conduct the proceedings. Parties should support the request with reasoning as to why the hearing should use video teleconferencing, such as a health condition, or to reduce the cost of witness travel. Any party requesting a hybrid hearing format to accommodate those who will be participating remotely should file a written request with the Commission's Clerk's Office no later than twelve (12) days prior to the prehearing conference or hearing date. If the Commission determines that a hybrid approach will be used, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform, and a remote hearing link will be posted on the Commission's website.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:1; RSA 374:22, RSA 374:26; and RSA 374:30, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on November 3, 2021, at 9:00 a.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, PWW shall make appropriate personnel available for the parties, to hold a technical session to review the filing; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is,

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to PWW and any other parties on the service list, on or before October 26, 2021. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before November 2, 2021; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this

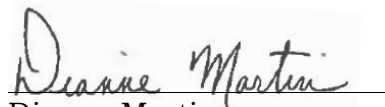
proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, PWV shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before October 27, 2021. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this nineteenth day of October, 2021.


Dianne Martin
Presiding Officer
Chairwoman

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket# : 20-176

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