

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DW 21-090

**ABENAKI WATER COMPANY, INC. AND AQUARION COMPANY
JOINT PETITION FOR APPROVAL OF ACQUISITION**

PETITION TO INTERVENE

Omni Mount Washington, LLC (“Omni”) by and through its attorneys, McLane Middleton, Professional Association, submits this Petition to Intervene. In support, Omni states the following.

On May 4, 2021, the New Hampshire Public Utilities Commission (“PUC” or “Commission”) issued an Order of Notice (“OON”) in the above-captioned proceeding that, among other things, scheduled a prehearing conference (“PHC”) for May 14, 2021, and set a deadline of May 11, 2021, for parties to seek intervention. The OON directed Abenaki Water Company, Inc. (“Abenaki”) and Aquarion Company (“Aquarion”) to publish a copy of the OON on their websites. The OON also stated that a copy would be published on the PUC website.

RSA 541-A:32 Intervention provides:

- I. The presiding officer shall grant one or more petitions for intervention if:
 - (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least 3 days before the hearing;
 - (b) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
 - (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

- II. The presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.

Inasmuch as Omni did not become aware of the OON until May 12, 2021, after the intervention deadline, it seeks intervention pursuant to RSA 541-A:32, II. Omni contends that it would be in the interests of justice to grant its intervention because, as of the morning of May 12, 2021, the OON had not been published in the Recent Orders of Notice section of the PUC website. Moreover, once it became aware of the PHC, Omni promptly notified counsel for Aquarion of Omni's intent to intervene.

In addition, Omni appeared at the PHC and orally requested intervention, noting, consistent with RSA 541-A:32, that Omni was a customer of the Abenaki-Rosebrook water system, hence its rights, duties, privileges, immunities or other substantial interests would be affected by the proceeding. Finally, because the proceeding is at such an early stage and because Omni is prepared to coordinate with Mr. Mueller and other Rosebrook customers, allowing Omni's intervention would not impair the prompt and orderly conduct of the proceeding.

WHEREFORE, Omni Mount Washington, LLC respectfully requests that the New Hampshire Public Utilities Commission grant this Petition to Intervene.

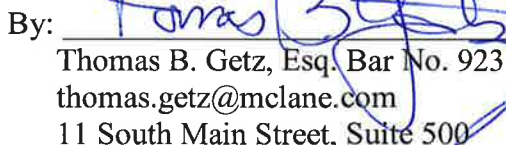
Respectfully Submitted,

Omni Mount Washington, LLC

By its attorneys,

McLANE MIDDLETON,
PROFESSIONAL ASSOCIATION

Dated: May 20, 2021

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