

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PENNICHUCK WATER WORKS, INC.

2022 Qualified Capital Project Adjustment Charge

Docket No. DW 22-006

MOTION TO AMEND ORDER *NISI* APPROVING SETTLEMENT

ORDER NO. 26,697

NOW COMES Pennichuck Water Works, Inc. (“PWW” 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”), that hereby moves the Commission, pursuant to PUC 203.07 and RSA 365:28, to amend or modify Order No. 26,697 dated October 11, 2022 which was an Order *Nisi* approving the settlement issued by the Commission in Docket No. DW 22-006. Specifically, the Company requests that the Commission amend the deadline for filing a final calculation of the recoupment surcharge to be applied to customer bills within 15 days to 20 days of the date of the Order *Nisi*. An amendment or modification of the Order *Nisi* to provide five (5) additional days will allow the Company adequate time to calculate the correct recoupment surcharges for the last customer bills issued as of October 25, 2022 that will be subject to the surcharge effective date as of November 1, 2022. In support of this request, the Company states the following:

1. PWW filed a petition for approval of its 2022 Qualified Capital Project Adjustment Charge (“QCPAC”) on February 14, 2022.

2. The complete docket of this proceeding can be found at the Commission’s website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-006.html>

3. On February 16, 2022, the Commission issued a Letter of Acknowledgement in receipt of the Company’s petition.

4. On February 17, 2022, the Company filed a notice of service list change.

5. On March 31, 2022, the Department of Energy (“Department”) filed a notice of appearance including a notice of service list change.

6. On April 12, 2022, the Department filed a petition or assented-to motion for a proposed procedural schedule in Docket No. DW 22-006.

7. The Commission issued the Notice of Commencement of Adjudicative Proceeding and Notice of Prehearing Conference on April 13, 2022, along with a Notice of Hearing Guidelines which set a date for the prehearing conference on June 3, 2022 at 1:30pm.

8. Upon a motion by the Company dated April 18, 2022, which was subsequently approved by the Commission on April 25, 2022, the Prehearing Conference was rescheduled to June 15, 2022.

9. On June 15, 2022, the Commission held the Prehearing Conference which was attended by the Company and Department. There are no intervenors or other parties involved in this matter.

10. During the prehearing conference, the Commission approved the Department’s motion for approval of a procedural schedule filed on April 12, 2022, and issued the Procedural Order dated June 15, 2022.

11. A pre-hearing conference was held by the Commission on June 15, 2022, and attended by the Company and the DOE, at which time the Commission granted the DOE's motion for approval of a procedural schedule previously filed on April 12, 2022. The Commission also issued a procedural order to that affect dated June 15, 2022.

12. The approved procedural schedule anticipated two sets of discovery requests to be completed by July 20, 2022, a technical session on August 10, 2022, and responses to technical session data requests submitted by the Company by August 17, 2022, and ultimately a proposed Settlement Agreement that would be filed with the Commission by September 14, 2022.

13. On September 9, 2022, the Company with DOE's assent, filed a Motion to Amend the Procedural Schedule to extend the deadline for filing the proposed Settlement Agreement from September 14, 2022 to September 28, 2022, to allow for additional time to prepare the necessary attachments for this report. That motion was approved by the Commission via a procedural order on September 13, 2022.

14. The Company and Department filed the Settlement Agreement with the Commission on September 23, 2022 with the Commission.

15. On October 11, 2022, the Commission issued Order No. 26, 697, an Order *Nisi* approving the Settlement Agreement in Docket No. 22-006 for the PWW 2022 QCPAC. The Order authorized the Company to recover the 2022 QCPAC for projects placed in service in 2021, effective April 26, 2022, with billing of this charge to begin on the effective date of this order, or November 1, 2022. See Order No. 26,697 (October 11, 2022) at 4, 6.

16. The Company represents that the last bills during the effective period from April 26, 2022 to November 1, 2022 will be issued on October 25, 2022. In order to effectively calculate the final recoupment surcharge, the Company must have those final bills issued.

17. The Order requires the Company to submit with 15 days the final calculation of the recoupment surcharge, specifically the order sets forth the following:

“FURTHER ORDERED, Pennichuck Water Works, Inc. shall submit to the New Hampshire Department of Energy and the New Hampshire Public Utilities Commission a final calculation of the recoupment surcharge to be applied to customer bills within 15 days of the date of this order nisi; and it is....¹”

18. Given that the Order was issued on October 11, 2022, the fifteen (15) day deadline for filing the final calculation of the recoupment surcharge applied to customer bills will be October 26, 2022. This would only provide the Company one (1) day to calculate the final calculation, assuming there are no errors or corrections with the bill issued on October 25, 2022.

19. The Company therefore requests five (5) additional days or until October 31, 2022 to submit the final calculation of the recoupment surcharge applied to customer bills to the Commission, which will provide adequate time for the Company to review the final bills and provide the final calculation requested.

20. The Company further states, that the Commission may suspend, set aside or modify any order pursuant to RSA 365:28. RSA 365:28 provides:

At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend and set aside, or otherwise modify any order made by it. This hearing shall not be required when any prior order made by the commission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held. See RSA 365:28.

Applying RSA 365:28, here would be appropriate in this matter for the Commission to suspend, set aside or otherwise modify the Order Nisi pursuant to RSA 365:28 as it has in the past issued

¹ Order No. 26,697 (October 11, 2022) at 5.

orders on QCPACs by order *nisi*. See RSA 365:28, see also, Public Service Company of New Hampshire d/b/a Eversource Energy, 2018 WL 6048264 (NH PUC Docket 17-160, Order 26,191 at 4). Indeed, the Commission issued Order No. 26,697, the subject order of this motion, as an Order *Nisi*, without a merits hearing. PWW consulted with the Department of Energy (Department) regarding its motion, and the Department concurs with the motion and the requested relief.

WHEREFORE, the Company respectfully requests that the Commission amend or modify Order No. 26,697 to provide five (5) additional days to submit the final calculation for recoupment by October 31, 2022, for the reasons set forth above.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: October 12, 2022

By:  _____

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Certificate of Service

I hereby certify that a copy of this motion was provided via electronic mail to the individuals included on the Commission's service list for this docket.

Dated: October 12, 2022

A handwritten signature in black ink, appearing to read 'J. Steinkrauss', is written above a horizontal line.

James J. Steinkrauss