

STATE OF NEW HAMPSHIRE

BEFORE THE

**PUBLIC UTILITIES
COMMISSION**

PENNICHUCK WATER WORKS,
INC.

Permanent Rate Proceeding

Docket No. DW 22-032

**MOTION TO RESCHEDULE PREHEARING CONFERENCE
AND TECHNICAL SESSION
AND WAIVER OF ORDER**

NOW COMES, Pennichuck Water Works, Inc. (PWW), a publicly regulated water utility under RSA 362:2 and RSA 362:4 and hereby moves the Commission, pursuant to PUC 203.07, to reschedule the prehearing conference set for August 24, 2022. In support of this request, the PWW respectfully states:

1. Pursuant to RSA 541-A:31 through 33, the Commission has the authority to determine the manner in which “prompt and orderly” adjudicative proceedings are conducted.
2. Pursuant to that authority, the Commission issued Order No. 26,652 on July 26, 2022, which, among other things, set a prehearing and technical session for August 24, 2022, 9 a.m.
3. PWW’s Chief Executive Officer (CEO) is at a previously scheduled, out of state event on August 24th and is unable to attend the prehearing or technical session in-person or virtually. PWW sought to avoid this scheduling conflict by inquiring of the Commission’s clerk’s office as to which week the Commission was scheduling hearings, however, PWW did not receive a reply prior to the Order. PWW’s CEO, along with PWW’s Chief Operating Officer

(COO), are necessary for the prehearing conference and technical session, as the two individuals providing direct testimony in this docket. At present, only PWW's COO can attend August 24th. For purposes of having both testimony witnesses present so that the Commission can have the most informative prehearing as it desires, PWW respectfully requests that the Commission reschedule the prehearing and technical session.

4. In light of the schedule conflict, PWW consulted with the Department of Energy (DOE) and the Office of the Consumer Advocate (OCA), being the only other parties to this proceeding to date. PWW was unable to obtain a position from the DOE at the time of this motion. Key DOE staff will return to the office next week. PWW and the OCA can be available for a rescheduled pre-hearing conference and technical session on the following dates:

9/7/22
9/12/22, in the afternoon
9/22/22

5. In the meantime, PWW has posted Order No. 26,652 to its website until a different date, if approved, is set.

6. Order 26,652 requires publication of the order in newspapers of general circulation within PWW's service territory no later than August 8, 2022 and that an affidavit of publication be filed with the Commission by August 12th. These deadlines present a problem in that to meet them, PWW must transmit the order to the newspapers no later than noon on August 4, however, pursuant to Puc 203.07(e) the DOE has ten (10) days to respond to this motion and that deadline falls on Monday, August 8th. It is possible that the DOE will respond more quickly but given that this response date is after the newspaper queue date, PWW requests postponement of the August 8th and 12th deadlines. PWW avers that meeting the deadlines would be onerous or inapplicable given the circumstances. Puc 201.05(b). PWW believes these circumstances constitute good

cause for waiver and postponement of these deadlines. RSA 365:28.

WHEREFORE, PWW respectfully requests that the Commission;

- A. Waive and postpone the August 8th publication and 12th affidavit deadlines; and
- B. Reschedule the prehearing and technical session to one of the above dates.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By its Attorney,

Date: July 27, 2022

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Certificate of Service

I hereby certify that a copy of the foregoing motion has been emailed this day to the Commission's Docket-Related Service List.

Marcia A. Brown
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