

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PENNICHUCK EAST UTILITY, INC.

2023 Qualified Capital Project Adjustment Charge

Docket No. DW 23-013

MOTION TO AMEND ORDER *NISI* APPROVING SETTLEMENT

ORDER NO. 26,907

NOW COMES Pennichuck East Utility, Inc. (“PEU” 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. 26,907 dated November 30, 2023 which was an Order *Nisi* approving the settlement issued by the Commission in Docket No. DW 23-013. 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 following the effective date of the Order *Nisi* or by January 11, 2024. An amendment or modification of the Order *Nisi* to provide filing the recoupment calculation by January 11, 2024 will allow the Company adequate time to calculate the correct recoupment surcharges following the last customer bills issued as of December 28, 2023 that will be issued prior to the approved surcharge effective date as of December 30, 2023. In support of this request, the Company states the following:

1. PEU filed a petition for approval of its 2023 Qualified Capital Project Adjustment Charge (“QCPAC”) on February 14, 2023.

2. The complete docket of this proceeding can be found at the Commission’s website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-013.html>

3. On February 15, 2023, the Commission issued a Letter of Acknowledgement in receipt of the Company’s petition.

4. On February 15, 2023, the Company filed a notice of service list change.

5. On February 23, 2023, the Department of Energy (“Department”) filed a notice of appearance including a notice of service list change.

6. On March 6, 2023, the Department filed a petition or assented-to motion for approval of a proposed procedural schedule, which included two sets of discovery, a technical session, and a Settlement Agreement to be filed with the Commission by November 15, 2023.

7. On March 10, 2023, the Commission issued a procedural order approving the procedural schedule proposed by DOE’s motion.

8. On August 2, 2023, a Final Audit Report of PEU’s proposed 2023 QCPAC was issued by the DOE’s Audit Staff.

9. On October 24, 2023, the DOE’s water engineer consultant, Douglas W. Brogan, P.E., issued his report regarding PEU’s 2023 QCPAC filing.

10. The Company and Department filed the Settlement Agreement with the Commission on October 30, 2023 with the Commission.

15. On November 30, 2023, the Commission issued Order No. 26,907, an Order *Nisi* approving the Settlement Agreement in Docket No. 23-013 for the PEU 2023 QCPAC. The Order authorized the Company to recover the 2023 QCPAC for projects placed in service

in 2022, effective September 25, 2023, with billing of this charge to begin on the effective date of this order, or December 30, 2023. See Order No. 26,697 (October 11, 2022) at 5, 6.

16. The Company represents that the last bills during the effective period from September 25, 2023 to December 30, 2023 will be issued on December 28, 2023. 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 the final calculation of the recoupment surcharge within 14 days of the date of the Order *Nisi*, specifically the order sets forth the following:

FURTHER ORDERER, that Pennichuck East Utility, 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 14 days of the date of this order nisi; and it is¹

18. Given that the Order was issued on November 30, 2023, the fourteen (14) day deadline for filing the final calculation of the recoupment surcharge applied to customer bills will be December 14, 2023. This would not provide the Company time to calculate the final calculation on bills issued not subject to the authorized QCPAC surcharge.

19. The Company therefore requests fourteen days (14) days following the effective date of the Order *Nisi* or by January 11, 2024 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.

¹ Order No. 26,907 (November 30, 2023) at 6.

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 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). The Commission approved a similar Order Nisi modification for a Pennichuck Water Works QCPAC recoupment calculation in Docket No. DW 22-006 (Procedural Order re: Motion to Amend Order Nisi, October 13, 2023).

WHEREFORE, the Company respectfully requests that the Commission amend or modify Order No. 26,907 to allow the Company to file the final calculation for recoupment by January 11, 2024, for the reasons set forth above.


Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.


Dated: December 1, 2023

By: 
James J. Steinkrauss
One Capital Plaza
Concord, NH 03302-1500
603-410-4314
jjs@rathlaw.com

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: December 1, 2023


James J. Steinkrauss