

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 23-101

PENNICHUCK EAST UTILITY, INC., PITTSFIELD AQUEDUCT COMPANY AND
PENNICHUCK WATER WORKS, INC.

Joint Petition for the Approval of a Consolidation of Pennichuck East Utility, Inc. and Pittsfield
Aqueduct Company with Pennichuck Water Works, Inc.

THE TOWN OF LONDONDERRY'S PETITION TO INTERVENE

The Town of Londonderry ("Londonderry") respectfully petitions to intervene in the above-captioned proceeding, pursuant to N.H. Admin. Rules Puc 203.17, and in accordance with the standards set forth at RSA 541-A:32. The Commission has opened this Docket and proceeding for the purpose of evaluating a joint petition by Pennichuck East Utility, Inc. ("PEU"), Pittsfield Aqueduct Company ("PAC"), and Pennichuck Water Works, Inc. ("PWW"), to merge PEU and PAC into PWW. In support of its Petition, Londonderry states as follows:

1. Proposed Intervenor, Londonderry, is a municipal corporation with a principal place of business at 268b Mammoth Road, Londonderry, NH 03053.
2. New Hampshire Code of Administrative Rules Puc 203.17 provides that the Commission shall grant petitions to intervene in accordance with the standards set forth in RSA 541-A:32. RSA 541-A:32 provides that a petition to intervene shall be granted when a petitioner demonstrates that it has "rights, duties, privileges, immunities or other substantial interests" that may be affected by the proceeding, and "the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention."
3. As described below, the Town has substantial interests that will be affected by the proceeding.

4. PEU is a supplier of water resources to Londonderry, several of its municipal buildings, its fire hydrants, and 2,466 Londonderry customers. See Petition Ex JJB-1 (for number of customers).

5. The Petition seeks expansive relief, including:

- a. Consolidation of all of PEU and PAC's assets used to service the customers of the respective PAC and PEU service systems (of which, Londonderry is one);
- b. Approval of the transfer of all short-term and long-term debt associated with the respective assets of PEU and PAC to PWW;
- c. Approval of the direct acquisition of PEU and PAC by PWW pursuant to the terms of merger agreements; and
- d. Approval of a consolidated ratemaking structure as set forth in DW 23-099.

6. The relief requested will affect the services and costs of services that Londonderry and its residents receive from PEU.

7. Indeed, the Petition also cautions that failure to adopt the proposed consolidation could result in significant rate increases to PEU's customers, which in turn could have a destabilizing effect on the Pennichuck utility system, its customer base, and the communities it serves.

8. Increased water costs affect, among other things, Londonderry's budget, the financial well-being of Londonderry's residents, land values, and the economic growth of the community.

9. Londonderry intervened based on similar interests in PEU's last rate case, docketed DW 20-156.

10. Thus, Londonderry has “rights, duties, privileges, immunities or other substantial interests” that may be affected in this proceeding. RSA 541-A:32.

11. Further, “the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” RSA 541-A:32.

WHEREFORE, Londonderry respectfully requests that the Commission:

- A. Grant this Petition to Intervene in Docket 23-101;
- B. Add Londonderry to the service list, and treat it as a full party and participant in the docketed proceedings; and
- C. Grant such other and further relief as the Commission deems just.

Dated: January 19, 2023

By: Respectfully submitted,

TOWN OF LONDONDERRY

By Their Attorney,

SHEEHAN PHINNEY, BASS & GREEN, P.A.

/s/ Ryan Lirette

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Commission and was sent to the persons set forth in the service list for this Docket.

/s/ Ryan P. Lirette
Ryan P. Lirette