

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 23-101

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

**Joint Amended Petition for Approval of Acquisition of Pennichuck East Utility,
Inc. and Pittsfield Aqueduct Company by Pennichuck Water Works, Inc.
and Approval of Consolidated Rates**

SUPPLEMENTAL ORDER OF NOTICE

On March 8, 2024, Pennichuck East Utility, Inc. (PEU), Pittsfield Aqueduct Company (PAC), and Pennichuck Water Works, Inc. (PWW) (collectively, the Joint Petitioners) filed an amended petition requesting that the Commission approve consolidated rates should PWW's acquisition of PEU and PAC be approved. In support of their amended petition, the Joint Petitioners filed revised direct testimony of Donald L. Ware, George Torres, and John J. Boisvert, and revised proposed tariff pages. The Joint Petitioners also filed a motion for waiver of New Hampshire Code of Administrative Rules, Puc 1604.05(a) and motion for protective order. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at www.puc.nh.gov/Regulatory/Docketbk/2023/23-101.html.

I. BACKGROUND AND PROCEDURAL HISTORY

The Joint Petitioners submitted a notice of intent to file a consolidated rate case in Docket No. DW 23-088. PEU and PAC filed separate rate cases in Docket Nos. DW 23-096 and DW 23-097, which they later withdrew. On February 6, 2024, the Commission issued Order No. 26,942 dismissing the Joint Petitioners' rate case filing in Docket No. DW 23-088.

In the above-captioned docket, the Joint Petitioners filed a petition requesting that the Commission approve PWW's acquisition of PEU and PAC pursuant to agreements and plans of merger. The Commission issued an order of notice on January 5, 2024 scheduling a prehearing conference. Following the prehearing conference, the Commission issued Order No. 26,985 (March 29, 2024), in which it granted the Joint Petitioners' motion to amend their petition to include a request for consolidated rates, in addition to their request for approval of the merger.

The Commission also granted the Joint Petitioners' motion to waive the 30-day notice requirement in Puc 1604.05(a) and motion for protective order, as well as the petition to intervene filed by the City of Nashua, the sole shareholder of Pennichuck Corporation, which owns PWW, PEU, and PAC. It ordered the Joint Petitioners to file a waiver of RSA 378:6, I(a) by April 8, 2024. The Commission previously approved the parties' assented-to procedural schedule, which simultaneously addresses the proposed merger and proposed consolidated rates.

If PWW's acquisition of PEU and PAC is approved, the Joint Petitioners requested the Commission to approve consolidated rates, based on the combined revenue requirements of PWW, PEU and PAC, which they calculated would result in an overall rate increase of 9.95 percent. See Amended Petition, ¶¶ 20, 40. The Joint Petitioners maintained in their amended petition that approval of the consolidated rates would have the effect of decreasing PEU rates by 31.94 percent and decreasing PAC rates by 0.53 percent, compared to standalone rates. *Id.*, ¶ 20. They stated that they do not anticipate any change to the current ratemaking structure. *Id.*, ¶ 45.

II. ADDITIONAL ISSUES PRESENTED

The Joint Petitioners' amended petition presents, *inter alia*, the following additional issues: whether consolidation of PWW's, PEU's, and PAC's rates is

permitted by the Settlement Agreement approved in Docket No. DW 11-026 by Order No. 25,292 (November 23, 2011) or whether a modification of this order would be required; whether the consolidation of rates will cause unreasonable cross-subsidization of one or more rate groups at the expense of the other customers; and whether the consolidation of rates will result in permanent rates that are just, reasonable, and lawful, as required by RSA 374:2, RSA 378:5, RSA 378:7, and RSA 378:28. These issues will be addressed in this adjudicative proceeding.

The Commission will be conducting any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that this adjudicative proceeding will review and resolve the foregoing additional issues pursuant to RSA chapter 541-A, RSA 374:2, RSA 378:5, RSA 378:7, RSA 378:28, and the Commission's procedural rules; and it is

ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to the Joint Petitioners and any other parties on the service list, on or before April 26, 2024. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before May 6, 2024; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is


FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

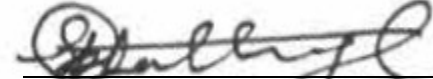
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, the Joint Petitioners shall notify all entities and individuals desiring to be heard at this hearing

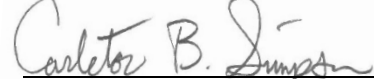
by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before April 19, 2024. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this eighth day of April, 2024.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket#: 23-101

Printed: 4/8/2024

Email Addresses

ClerksOffice@puc.nh.gov
wfa@rathlaw.com
Marie-Helene.B.Bailinson@energy.nh.gov
john.boisvert@pennichuck.com
boltons@nashuanh.gov
mab@nhbrownlaw.com
chris.countie@pennichuck.com
mcourtney@uptonhatfield.com
Michael.J.Crouse@oca.nh.gov
Energy-Litigation@energy.nh.gov
robyn.j.descoteau@energy.nh.gov
lori.douglas@pennichuck.com
julia.gagnon@pennichuck.com
david.n.goyette@energy.nh.gov
jay.kerrigan@pennichuck.com
jayson.p.laflamme@energy.nh.gov
anthony.j.leone@energy.nh.gov
rlirette@sheehan.com
jlyon@sheehan.com
karen.j.moran@energy.nh.gov
ocalitigation@oca.nh.gov
mosbon@uptonhatfield.com
laura@mittchellmunigroup.com
jjs@rathlaw.com
George.Torres@Pennichuck.com
Charles.J.Underhill@oca.nh.gov
smw@rathlaw.com
donald.ware@pennichuck.com
Matthew.C.Young@energy.nh.gov