

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DRM 22-055

RULEMAKING, N.H. CODE ADMIN. RULES PUC 200,
RULES OF PRACTICE AND PROCEDURE

APPENDIX II-A - REQUEST FOR ADVANCE PUBLIC COMMENT ON SUBJECT
MATTER OF POSSIBLE RULEMAKING

Statement and Public Comments by Pennichuck Water Works, Inc., Pennichuck East Utility Inc.
and Pittsburg Aqueduct Company, Inc.

My name is, Larry Goodhue, Chief Executive Officer and Chief Financial Officer of Pennichuck Water Works, Inc. (PWW), Pennichuck East Utility, Inc. (PEU), and Pittsburgh Aqueduct Company, Inc. (PAC), and I hold these roles for all the subsidiary corporations, and the parent Penn. Corp itself (collectively “Company” or “Penn Corp.”).

Penn Corp. submits these public comments and statements in support of the proposed rulemaking to update N.H. Code Admin. Rules Puc 200, as set forth in the above-referenced docket and in accordance with the Appendix II-A, Request for Advance Public Comment on the Subject Matter of Possible Rulemaking for Puc Chapter 200 dated September 28, 2022.

Penn Corp. provides the following comments related to the listed proposed topics for revision:

1. Electronic filing:

The Company supports amendments to Puc 202.06 to formally adopt the electronic filing process consistent with the Secretarial Letter dated March 17, 2020 and eliminate the need for filing one original and two paper copies in Puc 202.06(b), except for tariff filings pursuant to Puc 1603.05.

2. Filing deadlines:

In conjunction with the amendment or adoption of electronic filing, Penn Corp. supports the amendment to Puc 202.05 to allow for electronic filings in the docket until 11:59 P.M. on the date of filing.

3. Processes for Scheduling Proceedings:

During the public meeting on May 2, 2022, the stakeholders discussed possible amendments to the process for scheduling proceedings. Unlike litigation proceedings before a court, the Commission currently schedules pre-hearing conferences, hearings and other matters in adjudicatory proceedings, but without input from the various parties on their availability. This can result in scheduling conflicts and the need for the parties to

file motions to amend the procedural schedule or re-schedule the noticed hearing or matter. In addition, the Company or party may also be required to comply with additional publication requirements if a date is amended. As discussed on May 2, 2022, the Company would support an amendment to the process whereby the Commission, or the Clerk's Office contact the parties in advance of scheduling matters to check on availability. The Company understands this would increase the burden on the Clerk's office; however, it may result in fewer motions and filings by the respective parties.

4. Discovery, evidentiary, and confidentiality rules:

- a. Discovery: Penn Corp. supports the current procedures found in Puc 203.09 with respect to conducting and responding to discovery requests in adjudicative proceedings. The Company does not believe that discovery responses should be filed with the public docket, as relevant responses can be filed as necessary as exhibits in the course of the proceedings, whether in filings, hearings or settlements.
- b. Evidentiary Rules: The Company supports the existing evidentiary rules found in Puc 203.23.
- c. Confidentiality: The Company would support the amendment of Puc 201.06(a) to include confidential treatment of executive and employee salary information as part of routine filings. Confidential treatment of this information would protect confidential, private information for employees, but also reduce the legal expenses and costs necessary for the Company to file motions for confidential treatment. This would result in savings to ratepayers, while the confidential information would still be provided to the Commission.

5. Post-hearing Briefing:

The Company is in support of amendments to Puc 200 to support a post-hearing briefing or process by which the Company can either receive feedback from the Commissioners or provided feedback to the Commissioners. The Company would also support amendments to the rules to provide for either informal information sessions or educational sessions to provide background operational information to the Commission, as necessary.

6. The Rule Waiver Processes:

Given the Company, and its subsidiaries unique structure, its supports amendment to Puc 201.05 to allow the Commission to grant permanent waivers of certain rules in routine filings, and in matters where the Commission has repeatedly ruled in favor of the grant of waivers as in the public interest for the respective party. This would specifically apply to matters or rules that are completely incongruent with the Company's unique rate and ownership structure, which might be adverse to existing rules and requirements, and as

such, the lack of a permanent waiver only seeks to add unnecessary time and efforts by all parties to filings or dockets, without any specific gain or purpose.

7. Publication and Notice Requirements:

The Company would support amendments to the publication and notice requirements of Puc 203.12(b) to eliminate written publication of adjudicatory proceedings and matters in newspapers and substitute electronic posting on the Company's or party's website. An amendment to these requirements would seek to align the rules with the current manner in which notifications and communications are effectively received by the public, as opposed to how information was disclosed in the past. However, the Company would request that the Commission amend Puc 203.12 to provide at least five (5) business days to post the date of hearings or other prescribed matters, as short notice can present difficulties for compliance for the Company, and presumably other parties.

8. Remote participation at prehearing conferences and hearings:

Penn Corp. fully supports the amendment of Puc 201.02(a) to provide a permanent option for remote participation for prehearing conferences, technical sessions and hearings. Remote participation not only reduces the potential for exposure to Covid-19 or other illnesses, but more importantly provides greater efficiency for the parties by eliminating the time for travel associated with physical appearance for pre-hearing conferences, technical sessions and hearings. The reduction in travel associated costs would also benefit rate payers by reducing not only administrative costs, but also legal fees incurred by the Company, as well as other regulated utilities, for their attorney(s) to attend the conferences and hearings in person.

9. Elimination of portions of rules now applicable to the Department of Energy:

The Company is in support of elimination or modification of the rules now applicable to the Department of Energy which limits the ability of Commission staff and the Department of Energy to effectively communicate with the Commission and parties to adjudicatory matters.

10. Establishment of rules relating to nisi orders or other alternative or expedited processes for routine matters:

The Company strongly supports amendments to Puc 200 to formally adopt the use of nisi orders or alternative or expedited processes for routine matters such as filings related to loans or financial transactions (especially loans involving funds from state and federal funding programs, which have already passed scrutiny for qualification by the NH Department of Environmental Services), or adjudicatory matters that are not contested including settlements in rate matters. The Company supports the continued use of nisi orders with relation to its QCPAC mechanism and has recognized a reduction in legal and administrative expenses associated with nisi orders on settlements versus the costs for

additional filings and preparations necessary to attend full hearings in routine or uncontested matters.

11. The establishment of a rule part applicable to investigatory dockets or informal workshops with commissioners or commission advisors/staff:

The Company is generally supportive, as stated above, for any rule that increases the ability for communication and education of the parties to any adjudicatory, investigatory or informal docket matter.

12. Communication with advisors or other staff of the Commission:

Given the re-organization of the Commission and Department of Energy, the Company supports any rule changes or amendments that allowing for increased communication either generally or limited to dedicated Commission liaisons or staff. This could include matters such as scheduling, certain routine matters, or other matters as discussed above.

13. Alternative dispute resolution or mediation:

The Company is generally supportive of alternative dispute resolution and mediation in the attempts to reach negotiated settlements of adjudicatory matters, including rate case and revenue related matters in an attempt to reduce both administrative and legal expenses and reduce the impact on its ratepayers.

In closing, the Company thanks the Commission for holding the May 2, 2022 hearing for stakeholders to provide feedback on potential amendments to Puc 200, as well as the opportunity to provide public comments on the rulemaking process.