

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. 23-101

Pennichuck Water Works, Inc., Pennichuck East Utility, Inc., and
Pittsfield Aqueduct Company, Inc.

**2023 Joint Petition of Pennichuck Water Works, Inc., Pennichuck East Utility, Inc., and
Pittsfield Aqueduct Company for the Approval to Acquire by Consolidation or Merger of
Pennichuck East Utility, Inc. and Pittsfield Aqueduct Company into Pennichuck Water
Works, Inc.**

**MOTION FOR WAIVERS TO NOTICE PROVISIONS FOR COMMENCEMENT OF
RATE CASES**

NOW COMES, Pennichuck Water Works, Inc. (“PWW”), Pennichuck East Utility, Inc. (“PEU”), and Pittsfield Aqueduct Company, Inc. (“PAC”) (collectively “Joint Petitioners”), that respectfully move the New Hampshire Public Utilities Commission (the “Commission”) pursuant to PUC 201.05 to waive the 30-day notice requirements for commencement of rate cases pursuant to PUC 1604.05(a) to serve the public interest and not disrupt the orderly and efficient resolution of DW 23-101 amended to include consolidated rates. In support of its motion, the Joint Petitioners states as follows:

1. After hearing on January 26, 2024, the Commission issued Order No. 26,942 on February 6, 2024 in Docket No. DW 23-088 dismissing the consolidated rate petition brought by the Petitioners. See Order 26,942 (Feb. 6, 2024) at 4-6. The motion to dismiss was granted without prejudice. See *Id.* at 6.

2. On December 15, 2023, the Joint Petitioners filed a petition for approval of merger or consolidation of PEU and PAC into PWW; however, Joint Petitioners assert that the

merger or consolidation is related and rate relief initially sought through the rate docket in DW 23-088 is necessary to establish that the proposed merger is in the public interest.

3. On February 14, 2023, the Commission held a pre-hearing conference in Docket No. DW 23-101 with the Joint Petitioners, Department of Energy (“Department”), Office of Consumer Advocate (“OCA”), and intervenors, Town of Bedford, Town of Litchfield and Town of Londonderry (collectively “Intervenors”). During this hearing the parties discussed filing a motion to amend the petition in Docket DW 23-101 to incorporate the rate schedules, filings, notices, cost of service study and related docket filings from DW 23-088 into the merger petition. The parties also sought to file the amendment with the Commission by February 28, 2024, as well as a proposed dual track procedural schedule.

4. The Joint Petitioners have filed a separate motion to Amend the Petition in DW 23-101 to incorporate certain rate materials, notices, filings, reports, and schedules into the merger and consolidation petition to support a finding that the merger or consolidation is in the public interest and will result in just and reasonable rates.

5. Pursuant to N.H. Administrative Rule PUC 201.05(a), the Commission shall grant a waiver of rules that serve the public interest, where the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. See PUC 201.05(a)(1),(2), see also *Pennichuck Water Works*, Order No. 26,354 (May 6, 2020) at 9 in Docket DW 20-064. A waiver serves the public interest if compliance with the rule would be onerous or inapplicable under the circumstances, or the rule’s purpose would be satisfied by a proposed alternative method. *Pennichuck East Utility, Inc.*, Order No. 26,311 at 4 (November 27, 2019). A finding of public interest justifying a grant of waiver

is demonstrated by either: (a) compliance of the rule would be onerous or inapplicable given the circumstances, or (b) the purpose of the rule would be satisfied by an alternative method proposed.

6. The Joint Petitioners respectfully request the Commission waive administrative rule PUC 1604.05(a) because of the timing for submission of the Amended Petition and Motion for waiver makes pre-notice onerous or inapplicable given the circumstances. The Petitioners will submit with the Amended Petition a draft notice of intent as an alternative to be filed upon a ruling by the Commission on this waiver request. We believe this waiver request, given the circumstances and subsequent notice of intent filing would be in the public interest consistent with PUC 201.05. Requiring the 30-day period between filing a Notice of Intent and filing the rate schedules could delay this proceeding and would disrupt the orderly and efficient prosecution of the petition in DW 23-101. Allowing the waiver and alternative proposed would allow the Petitioners to move forward with the consideration of consolidated rates in DW 23-101 and ensure notification of the Commission and parties and be in the public interest.

7. The Commission previously granted waivers of PUC rules in the matter of *Lakeland Management Company, Inc.* given that system's small size and the inapplicability of the rules and subsequent alternative notice proposed would not disrupt the orderly and efficient resolution of the proceeding. See *Lakeland Management Company*, Order No. 25,198 (February 22, 2011) at 3, 4 in DW 10-306.

8. Therefore, the Joint Petitioners respectfully request that the Commission grant a waiver of PUC 1604.05(a) because it will allow the orderly and efficient review of DW 23-101 and would serve the public interest.

9. The Joint Petitioners contacted the Department, OCA, and the Intervenors. The OCA assents to this motion. The Department, Town of Bedford, Town of Londonderry and City of Nashua reviewed the request sought in this Motion and either have no objections or take no position on this Motion.

WHEREFORE, PWW, PEU, and PAC respectfully requests that the Commission:

- A. Grant this Motion for Waiver; and
- B. Provide such other relief as is just and equitable.

Respectfully submitted,

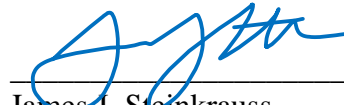
PENNICHUCK WATER WORKS, INC.,
PENNICHUCK EAST UTILITY, INC., AND
PITTSFIELD AQUEDUCT COMPANY, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: March 8, 2024

By:



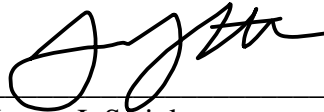
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Certificate of Service

I hereby certify that on this 8^h day of March 2024, a copy of this motion has been served electronically with the Docket's Service List.



James J. Steinkrauss