

**STATE OF NEW HAMPSHIRE**

**BEFORE THE**

**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**DW 24-029**

**Pennichuck East Utility, Inc.**

**2024 Petition of Pennichuck East Utility, Inc. for  
Qualified Capital Project Adjustment Charge**

**ASSENTED TO MOTION TO AMEND THE PROCEDURAL ORDER REQUESTING  
THE PARTIES TO FILE A PROPOSED PROCEDURAL SCHEDULES BY MARCH 28,**

**2024**

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 the Procedural Order dated March 7, 2024 issued by the Commission requesting the parties to file a proposed procedural schedule in Docket No. DW 24-029 by March 28, 2024. Specifically, the Company requests that the Commission amend the Procedural Order deadline to April 11, 2024, a two (2) week extension, to allow the Company time to prepare an updated, amended petition and documents and for the parties to finalize a proposed procedural schedule. In support of this request, the Company states the following:

1. PWW filed a Petition for Approval of 2024 Qualified Capital Project Adjustment Charge on February 15, 2024.

2. The complete docket of this proceeding can be found at the Commission's website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-029.html>

3. On February 16, 2024, the Commission issued a Letter of Acknowledgement in receipt of the Company's petition.

4. On March 7, 2024, the Department of Energy ("Department") filed a notice of appearance.

5. On March 7, 2024, the Commission issued the Procedural Order requesting the parties to file a procedural schedule by March 28, 2024. The Procedural Order specifically stated the following:

The parties are requested to file a proposed procedural schedule by March 28, 2024. Any proposed procedural schedule should include a deadline for the New Hampshire Department of Energy to submit its report or recommendation regarding the petition filed in the above-captioned docket.

6. On March 8, 2024, the Company, along with Pennichuck Water Works, Inc., ("PWW") and Pittsfield Aqueduct Company ("PAC") filed a Motion to Amend the Petition in Docket No. DW 23-101 to incorporate a consolidated rate filing into the petition for merger or consolidation of the Company and PAC into PWW.

7. The Commission had previously approved a procedural schedule in Docket No. DW 23-101 by procedural order on March 4, 2024, that was later amended by a procedural order on March 7, 2024.

8. On March 12, 2024, the Company filed a request for service list change in this docket.

9. On March 12, 2024, the Company forwarded a draft procedural schedule to the Department for review and consideration for Docket No. DW 24-029.

10. On March 14, 2024, representatives of the Company, PEU, PAC, Department, Office of Consumer Advocate, Town of Bedford, Town of Londonderry, Town of Litchfield and City of Nashua attended a kick-off technical session in Docket No. DW 23-101. During that technical session, the Company and Department also discussed the draft procedural schedules for Dockets DW 24-027 and DW 24-029, which may be impacted by the motion to amend and the addition of proposed consolidated rates in Docket No. DW 23-101.

11. Specifically, the Company and Department discussed the Company filing an amendment to the petition in DW 24-029 to incorporate combined capital budget schedules for review and approval by the Commission, as part of the QCPAC process for 2024, 2025, and 2026. The Company also proposes to amend its petition and direct testimony filed in this docket to account for the filing in DW 23-101, and potentially send subsequent notices to PWW, PEU, and PAC customers, depending upon the track of the DW 23-101 matter.

12. On March 20, 2024, the Department confirmed its position with respect to potential notices to PWW, PEU, and PAC customers that could impact the consolidated rates paid by those customers, depending upon whether the DW 23-101 proceeds on the settlement or litigation tracks in September 2024.

13. The Company is in the process of amending its QCPAC schedules and preparing an amended petition and testimony for DW 24-029.

14. In light of the proposed amendments to the petition, schedules, and testimony and potential impact of the pending motion in DW 23-101, the Company respectfully requests two (2) additional weeks to submit the procedural schedule consistent with the Commission's procedural order issued on March 7, 2024. Accordingly, the modification of the procedural order will allow the Company time to prepare the amended filings, confer with the Department on the proposed procedural schedule, and file the amendments and proposed schedule in Docket No. 24-029.

15. The Company respectfully requests that the Commission amend the Procedural Order to extend the time for filing a proposed procedural schedule by April 11, 2024.

16. 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 Procedural Order pursuant to RSA 365:28 as it has in the past issued orders. 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). PEU consulted with the Department of Energy (Department) regarding its motion, and the Department assents to the motion and the requested relief.

WHEREFORE, the Company respectfully requests that the Commission amend or modify the Procedural Order dated March 7, 2024 to amend the date for filing the proposed procedural schedule by April 11, 2024, for the reasons set forth above.

Respectfully submitted,

PENNICHUCK EAST UTILITY, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: March 22, 2024

By:   
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**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: March 22, 2024

  
James J. Steinkrauss