

Petition to the PUC to resolve through an adjunctive proceeding the New Hampshire Department of Energy's "CPT 2024-006, Complaint of Meter Accuracy and Testing against Pennichuck WaterWorks, Inc.; Final Decision.

To: Chairman Goldner, Commissioner

New Hampshire Public Utility Commission

In this document I will address each of my areas of concern with the DOE decision.

1. Spikes in My Water Usage History as Supporting that the Meter was Working Properly

Pennichuck Water believes that the single all-time high usage the week of May 11-18, 2024 is consistent with my historic water usage.

““In support of its position that the meter was operating correctly, the Company also reviewed the Customer's usage history between May 31, 2006 and July 1, 2024. The Company determined that, although the Customer's daily usage is usually in the single digits (in centum cubic feet) (“ccft”), there have been periodic spikes in usage in the past. The Department reviewed the Customer's historic water usage as well as the hourly details of water use at the home from May 14 through May 18, 2024. Based on this data, Donald S. Lasell, the Department's engineer, made the following observations:

“Fall through Spring water use at this residence is very consistent over 15 years at 3 to 4 ccft<sup>3</sup>/m (hundred ft<sup>3</sup>/month), while June through September water use varies from 15 ccft<sup>3</sup>/season to 120 ccft<sup>3</sup> season, an 8-fold variation.” “(Page 4 of The Decision)

I have reviewed the Usage History Report provided by Pennichuck for the time period from May 31, 2006 until September 30, 2024, which

includes the usage in question, from May 11-18, 2024 and created the chart on the next page. The Chart summarizes the Usage History Report from May 31, 2006 through September 30, 2024. It is organized in chronological order from each of the nine pages (in reverse order) of the Usage History Report attached. Each page of the report included between 18 and 26 monthly invoices. For each page and date range, the Frequency shows how many times the number of units of water used per month was within the numbers at the top of each column. There are 222 monthly entries representing almost 18.5 years.

The quote notes that “there have been periodic spikes in usage in the past.” I do not see any spikes in usage in the past similar to the usage of 54 units in the month that includes the week in question. That is the only entry out of the 222 months that is above 50. Only once, in 2006 when the lawn and landscaping elements were initially installed was the units used in excess of 40 units. I moved in in November 2005, but the landscaping was not done until Spring 2006. Again during that time the units were once above 30. There are 2 other times when the number of units used was above 30. Major landscaping projects and/or extended house guest visits are the cause in those cases. There are only 5 months out of 222, including the one in dispute, that the number of units was above 30. I am aware of the circumstances of the times with somewhat higher usage, did not question those invoices and paid for the water used.

The Department engineer’s observations in the quote above from the Decision are confusing. Some information is grouped by month and others by season. The usage in question was within one week in May, not during a 4 month season of June, July, August and September. That is irrelevant and misleading.

As a mathematician, I am aware that data can be analyzed in a variety of ways and may lead to different conclusions. However, I do not see any way that this data supports the idea that this first time usage in excess of 50 units in May 2024 is consistent with almost 18.5 years of usage history.

## Summary of Usage History from May 2006 through September 30,2024

| Dates                  | Number of Units |           |           |          |          |          |
|------------------------|-----------------|-----------|-----------|----------|----------|----------|
|                        | 0 - 9           | 10-19     | 20 -29    | 30-39    | 40-49    | 50-59    |
| 05/31/2006-10/31/2007  | 7               | 6         | 3         | 1*       | 1*       |          |
| 12/04/2007 - 01/6/2010 | 17              | 4         | 5         |          |          |          |
| 02/03/2010-01/30/2012  | 18              | 7         |           |          |          |          |
| 02/28/2012-04/02/2014  | 16              | 4         | 5         | 1        |          |          |
| 04/30/2014-05/03/2016  | 16              | 4         | 5         |          |          |          |
| 05/28/2016-07/03/2018  | 18              | 4         | 3         | 1        |          |          |
| 07/31/2018-08/03/2020  | 21              | 4         |           |          |          |          |
| 08/31/2020-10/03/2022  | 20              | 5         | 1         |          |          |          |
| 10/31/2022-09/30/2024  | 24              |           |           |          |          | 1**      |
| <b>Totals</b>          | <b>157</b>      | <b>38</b> | <b>22</b> | <b>3</b> | <b>1</b> | <b>1</b> |

\* original installation of lawn and landscaping

\*\* only entry is usage in question

## 2. Programming Issues in my Irrigation System and Outside Spigot

## Usage While I was Away

In the decision the Department engineer observed,

“ I suspect this year’s higher use is also specifically due to lawn irrigation. It is claimed that the valve to the automatic irrigation system was off. . . . Automatic irrigation systems are sometimes difficult to program and this could be just a programming issue. (page 4 of the decision)”

The valve to the irrigation system was off and the irrigation system controller was off. I have attached pictures of both of these devices in their off position. The controller has no wireless capability and is simple to program. I do not believe that the Irrigation Controller can or would ever be programmed to match the pattern from May 11<sup>th</sup> – May 18<sup>th</sup>. The valve is a manual device. I have included below the text of an email from the irrigation company in regard to the water still being off on May 21, when they came to service the system.

“Hi Nancy, The water to the irrigation system was off when we raised the backflow prevention device. That work took place on 5/21. You were home that day and spoke to Sean but must have left again when I arrived, so I wasn't able to touch base with you. We discussed you shutting the water off supply to the irrigation system prior to leaving on vacation May 11, and that the repair would be completed after you returned on the 18th, which is what took place. Attached is the invoice to raise the backflow with the date of the work. It is not possible for the draw to have some from the irrigation system itself with the water supply off as it was when we completed the repair on the 21st. Is it possible this is some sort of reading error?” (Irrigation Email)

The Department Engineer also noted the following,

“[W]ater would also still be available from a backyard spigot, to anyone when the irrigation valve is closed.”(Page 4 of The Decision)

The Daily Usage Report from Pennichuck shows unusually high usage

of 500 units on May 14, 1,200 units on May 15, 16, and 17, as well as 500 units on May 18, 2024. If that water was from my backyard spigot, there would have been evidence of water in my backyard when I returned home the afternoon of May 18<sup>th</sup>. There was none.

“ The DOE cannot conclude exactly why the Customer’s bill had a spike in usage during the period when she claims that she was not at her residence and the outside irrigation water valve and controller were in the “off” position.<sup>8</sup> ”(Page 4 of The Decision)

“<sup>8</sup> The DOE cannot independently confirm these claims.” (footnote on page 4 of The Decision)

The footnote indicates that the DOE cannot independently confirm that I was away and that the water valve and controller were in of the off position. I have flight, hotel, restaurant, and Uber receipts from my vacation. I spent the time with my college roommate and my son, both of whom can confirm my being with them. Short of a date stamped video of the controller and water valve for the dates involved, there is no way I can confirm that they were off. However, in addition to there being no evidence of water usage inside or outside my home when I returned home on May 18, 2024, the Irrigation Email from the irrigation company referenced above supports their being in the off position.

### 3. Validity of Pennichuck Water’s Meter Testing results in light of their Violation of PUC Regulations

Pennichuck Water removed and replaced the meter from my home on June 14<sup>th</sup>. They subsequently tested it on June 17<sup>th</sup>. Pennichuck violated En 605.04(f).

“PWW violated En 605.04(f) by not giving the Customer the option to be present when the meter was tested.”(Page 3 of The Decision)

Since filing the formal complaint with the Department of Energy, I have been invited to a retest as well as a “referee” test. However, any test

other than the original will only tell me how the meter is working at the time of the later test, not when it was first removed from my home. Pennichuck has not answered the question of “why I was not invited to be present at the original test?”

Pennichuck violated En 605.40(c).

“PWW did not test the Complainant’s Meter as required by En 605.04(c) because a period of more than ten (10) years elapsed between the installation and initial test of this meter.”(Page 2 of The Decision)

In regard to PWW not testing the meter within the 10 years as required the response is below.

“PWW also confirmed that the meter in question had not been previously tested since it was first installed at the property on October 7, 2005. PWW further explained that it is behind on testing meters due to the COVID-19 pandemic as well as a “temporary shortage of meter technicians.”(Page 2 of The Decision)

I do not see how the Covid-19 pandemic, which began in 2019 could have impacted testing a meter installed in 2005 that should have been tested by 2015.

### Conclusion

The meter is a mechanical device with RF capability. Any mechanical device may experience a temporary glitch in performance due to any number of reasons. Many devices can be repaired.

“Based on the information provided by the Company, the meter appeared to be working properly.” (Page 4 of the decision)

The Company provided testing results performed in violation of PUC

En605.04(f).

The Company provided a non-specific review of historic usage that they believe supports that the meter was working properly. I believe that the Usage History Report, provided by Pennichuck shows the opposite. I have provided a summary of that document above. However, I would ask you to look at that document in its entirety. It is attached.

The Company attempted to connect their violation of PUC En605.04(c) to the Covid-19 pandemic. As noted above, I do not see how testing of a meter that should have been done between 2005 and 2015 was impacted by a pandemic that began in 2019.

I have no choice in water providers in the condominium community that I live in and am very concerned about how Pennichuck Water Works operates. It seems that I owe them for water not used because they say so.

Thank You in Advance,

A handwritten signature in black ink that reads "Nancy Monks". The signature is written in a cursive, flowing style.

Computer Generated Signature

Nancy Monks

Documents Attached

Att. 1 CPT 2024-006 nhdoe-final-decision-ltr.pdf – referred to in petition as The Decision

Att. 2 CPT 2024-006 nhdoe-final-decision-ltr-Redacted-v2..pdf

Att. 3 Daily Usage Report - Confidential

Att. 4 Daily Usage Report - Redacted

Att.5 Irrigation Email – Redacted

Att.6 Irrigation Email - Confidential

Att. 7 Usage History Report – Confidential

Att. 8 Usage History Report – Redacted

Att. 9 Water Valve

Att. 10 Hunter Controller