

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 20-176

PENNICHUCK WATER WORKS, INC.

PETITION FOR APPROVAL OF FRANCHISE EXPANSION

Pennichuck Water Works, Inc. (PWW) requests the Public Utilities Commission (Commission), pursuant to RSA 374:22 and 26 to approve PWW's expansion of its franchise area in the Town of Plaistow (Town) to provide water service to one more residential home adjacent to the Twin Ridge community. In support of the request, PWW states:

1. PWW is a regulated utility providing water service to approximately 28,772 customers in Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Nashua, Newmarket, Plaistow, and Salem. Within this service territory, on July 18, 2012, the Commission issued Order No. 25,393 approving PWW's expansion of its franchise for its Twin Ridge community water system. The expansion was necessitated by the need for public water service for residences affected by the chemical plume emanating from the Beede Waste Oil Superfund (Superfund) site. As noted in Staff's letter of recommendation dated May 12, 2012 in Docket No. DW 12-109, and attached as Attachment E, the residences affected by the Superfund site, and which were the subject of the original franchise expansion request, are in the vicinity of Kelley Road, Shady Lane, and Walton Road in Plaistow. See also Attachment E, page 15 and the franchise expansion map outlined in purple.
2. The Beede Site Group (Beede) has requested that PWW make water service available to one more lot. See Attachment C, Beede's letter of support. The additional lot, #28 Walton

Road, is identified as a black square on Attachment A and is adjacent to the purple franchise boundary seen in Staff's Recommendation (Attachment E, page 15). Attachment A, is the 2012 map which has only been updated to denote the location of #28 Walton Road.

3. In Order No. 25,393, the Commission found that PWW possessed the requisite managerial, technical, and financial expertise to provide water service. Order at 4. The Commission found the franchise expansion was for the public good. *Id.* The Commission found charging PWW's tariffed rates in this expanded franchise area to be just and reasonable. *Id.* PWW's managerial, technical, financial, and legal expertise to provide water service has not changed since the Commission's finding in 2012. The Commission is aware of PWW's managerial, technical, and financial qualifications from PWW's numerous regulatory filings which include its general rate case (DW 19-084), financing requests (DW 20-055), Qualified Capital Project Adjustment Charge (DW 19-029), tariff amendments (DW 18-076), and annual reports. These filings evidence that PWW continues to appropriately manage the company and water service in its franchise and appropriately plan for the future. As far as legal expertise, PWW will continue to follow its tariff, technical specifications, and Commission and NH Department of Environmental Services (NHDES) rules. PWW requests the Commission make the findings it made in Order No. 25,393 again for service to #28 Walton Road.

4. As noted on page 3 of Mr. Donald Ware's testimony, the Beede Site Group is an unincorporated association. By and through 11 Kelley and 42 Old County Road Properties, LLC, it owns and manages the Beede Waste Oil Superfund site. See Attachment D, page 9. Beede has requested that PWW be prepared to provide water service to #28 Walton Road in the event the chemical plume adversely affects this landowner's private water well. This request is being made proactively ahead of any potential adverse effect so that Beede and PWW may

respond quickly and avoid the need for emergency approval from the Commission and avoid delays in connecting the landowner. In order to serve #28 Walton Road, the main would need to be extended, the project would have to be sent out to bid, designs would need to be prepared, and the work would need to be inspected by PWW. This cannot occur overnight in the event the well at #28 Walton Road is compromised and the residence seeks to be connected to public water.

5. When the instant franchise was expanded, capital improvements were necessary. Beede committed to paying for those improvements. See Attachment D, page 11, attachment DLW-1, Agreement for Design, Construction and Operation of Water Main and Service Connections, Section 2. For service to #28 Walton Road, Beede and PWW will continue to follow the agreement and Beede will pay for capital improvements involved in the instant expansion. Pursuant to Section 2.4, Beede will pay for the customer's meter and installation of the service line. After the installation, PWW's terms, conditions, and rates in its filed tariff will apply.

6. RSA 374:22, III requires any expansion to meet the suitability and availability requirements of NHDES. Please see Attachment F for NHDES's statement that PWW has suitable and available water to serve #28 Walton Road.

7. RSA 374:26 authorizes the Commission to grant a franchise expansion request without hearing when all interested parties are in agreement. To that end, the Town of Plaistow's letter of support is attached as Attachment B. The Town is in agreement with Beede that this franchise request is reasonable and appropriate under the circumstances and that it will provide the Town's resident with timely options in the event of contamination of the resident's private water well. See also Beede's letter of support, attached as Attachment C. Further, the NHDES, which represents the State's trustee interest in the State's groundwater under RSA 481:1, granted PWW approval to serve up to 209 service connections. The expansion is currently at 135. Also, a

hearing was not originally held in Docket No. DW 12-109. PWW believes that because this expansion request concerns only one parcel, the request is prospective, and that the Town still supports the request, an argument exists that a hearing is still not necessary. PWW, however, is agnostic concerning a hearing but stands ready to publish a summary order *nisi*, as was done in 2012, should the Commission feel the need to approve PWW's instant request by order *nisi*.

WHEREFORE, PWW respectfully requests the Commission:

- A. Grant PWW's request to expand its franchise to include one additional lot abutting PWW's Twin Ridge service territory in Plaistow;
- B. Grant such other and further relief as may be just and reasonable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By its Attorney,

NH BROWN LAW, PLLC

Date: December 23, 2020

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Certificate of Service

I hereby certify that a copy of the foregoing petition has been emailed this day to the Docket-Related electronic service list, pursuant to the Commission's temporary filing requirements.

Dated: December 23, 2020

Marcia A. Brown
Marcia A. Brown, Esq.