

STATE OF NEW HAMPSHIRE

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August 31, 2017

31 AUG '17 AMB:33

Ms. Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DW 17-114
Eversource Energy and Aquarion Water Company of New Hampshire
Joint Petition for Approval of Acquisition of Aquarion Water Company

Dear Ms. Howland:

I write, briefly, to raise an issue in connection with the Commission's secretarial letter of August 28, 2017 (circulated on August 30, 2017) in the above-referenced docket. The letter followed up on the August 17, 2017 pre-hearing conference by addressing intervention requests, approving an agreed-upon procedural schedule, and describing the scope of the proceedings.

The secretarial letter stated that, at the merits hearing scheduled for October 5, 2017, "the parties shall be prepared to demonstrate whether the acquisition, as proposed, will have an adverse effect on rates, terms, service, or operation of Aquarion Water Company within New Hampshire" pursuant to RSA 369:8(b)(3). The letter indicated that the Commission may find the existence of such an adverse effect and, therefore, that "the parties must be prepared at the final merits hearing to demonstrate whether the acquisition is 'lawful, proper and in the public interest'" pursuant to RSA 374:33.

In the circumstances of this case, the OCA does not object to the Commission taking evidence with respect to RSA 369:8(b)(3) issues and RSA 374:33 issues simultaneously. However, to the extent the secretarial letter can be understood as imposing any aspect of the burden of proof on non-petitioners, we reserve the right to object at hearing. N.H. Code Admin. Rules Puc 203.25 vests the burden of proof exclusively in *petitioners* seeking orders of the Commission "unless otherwise specified by law," and the statutes applicable here do not so specify.

Having clarified our position and reserved our rights, we are not requesting that the Commission address this question prior to hearing. Please feel free to contact me if there are any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Maurice Kreis". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

D. Maurice Kreis
Consumer Advocate

cc: Service List, via e-mail