

## **TAB 4**

### **Motion for Waiver of Certain Provisions**

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**PUBLIC UTILITIES COMMISSION**

Docket No. DW 17-128

Pennichuck East Utility, Inc.  
Request for Change in Rates

**MOTION FOR WAIVER OF CERTAIN PROVISIONS OF PUC 1604.01(a) and 1604.07**

NOW COMES, Pennichuck East Utility, Inc. (“PEU”), in accordance with N.H. Admin. Rule Puc 201.05, and hereby moves the New Hampshire Public Utilities Commission (the “Commission”) to waive certain provisions of N.H. Admin. Rule Puc Chapter 1604.01(a) and 1604.07. In support of its motion, PEU states as follows:

1. Puc 1604.01(a)(1) requests internal financial reports. PEU seeks a waiver of this rule because the information has already been provided to the Commission in PEU’s regular monthly submissions to the Commission. Production of this same information in the rate filing in this docket would be duplicative.

2. Puc 1604.01(a)(18) requests the amount of assets and costs allocated to non-utility operations. PEU seeks a waiver of this rule because, as with the information in Puc 1604.01(a)(1), this information has already been provided to the Commission in PEU’s monthly reports to the Commission. Production of this same information in the rate filing in this docket would be duplicative.

3. Puc 1604.01(a)(19) requests balance sheets and income statements for the previous two years if they have not previously been filed with the Commission. PEU seeks a waiver of this rule because this information has already been provided to the Commission in PEU's monthly reports to the Commission. Producing this same information in the rate filing would be duplicative.

4. Puc 1604.01(a)(20) requests quarterly income statements for the previous two years if they have not previously been filed with the Commission. PEU seeks a waiver of this rule because this information has already been provided to the Commission in PEU's monthly reports to the Commission. Producing this same information in the rate filing would be duplicative.

5. PUC 1604.07(j) requests payroll figures for (1) Operation; (2) Maintenance; (3) Construction; (4) Plant removal; and (5) Any other accounts relating to payroll. PUC 1604.01(a)(14) seeks a list of officers and directors of the utility and their full compensation for each of the last 2 years, detailing base compensation, bonuses, and incentive plans. PEU seeks a waiver of these rules it does not have employees nor does it maintain a payroll. Instead PEU pays Pennichuck Water Works a management fee under which PWW provides employee services to PEU. Similarly, officers and directors are paid through PWW which is incorporated through the management fee. The management fee is shown in Tab 12 at Sch 1 Attach C, Page 2.

a. Puc 1604.01(a)(7) requests the most recent cost of service study. PEU seeks a waiver of this rule because the last cost of service study was prepared as part of DW 07-032. Because there has been little change in the mix of customers, assets, and expenses since DW 07-032, the Company believes that preparing a Cost of Service Study is not justified.

6. PEU seeks a waiver of the following Rules, as they are not applicable to the Company:

- a. Puc 1604.01(a)(5) relative to a detailed list of charitable contributions;
- b. Puc 1604.01(a)(6) relative to a list of advertising charged in the test year;
- c. Puc 1604.01(a)(10) relative to the utility's Securities and Exchange Commission 10K forms and 10Q forms;
- d. Puc 1604.01(a)(11) relative to membership fees, dues, lobbying expenses and donations;
- e. Puc 1604.01(a)(12) relative to the utility's most recent depreciation study;
- f. Puc 1604.01(a)(13) relative to the utility's most recent management and financial audits;
- g. Puc 1604.01(a)(15) relative to officer and executive incentive plans; and
- h. Puc 1604.01(a)(16) relative to voting stock of the utility.

7. For the reasons stated above, the Commission's granting of PEU's waiver requests is in the public interest and will not disrupt the orderly and efficient resolution of this proceeding. For information that has been previously provided to the Commission in other contexts, the purpose of the rule is satisfied by the Commission's receipt of that information and relying on such previously provided information will avoid inefficient duplication of documents.

8. The Commission's Staff has reviewed this motion and assents to the relief requested, with the condition that if the information called for by the referenced sections is not somehow contained in prior filings, Staff reserves the right to request it from PEU. The Office of the Consumer Advocate was not available to provide its assent prior to the filing of this Motion.

WHEREFORE, PEU respectfully requests that the Commission:

- A. Grant this Motion for Waiver of Certain Provisions of Puc 1604.01(a); and
- B. Provide such other relief as is just and equitable.

Respectfully submitted,

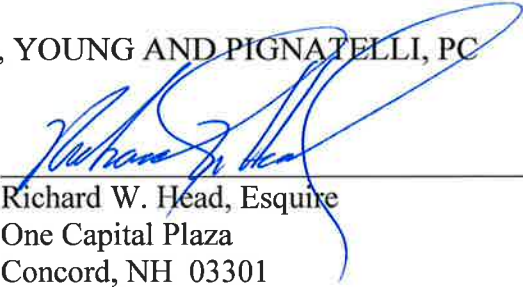
PENNICHUCK EAST UTILITY, INC.

By its Attorneys,

RATH, YOUNG AND PIGNATELLI, PC

Date: October 18, 2017

By:

  
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Richard W. Head, Esquire  
One Capital Plaza  
Concord, NH 03301  
(603) 226-2600

Certificate of Service

I hereby certify that on this 18<sup>th</sup> day of October 2017, a copy of this motion has been hand delivered and emailed to the Office of the Consumer Advocate.

  
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Richard W. Head, Esquire