

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 17-165

Abenaki Water Company, Inc. – Rosebrook Division
Permanent Rate Proceeding

OBJECTION TO OMNI MOUNT WASHINGTON HOTEL, LLC'S
MOTION TO COMPEL

NOW COMES, Abenaki Water Company, Inc.'s ("Abenaki") pursuant to Puc 203.07(e), and hereby objects to the motion to compel filed by Omni Mount Washington Hotel, LLC ("Omni"). The Commission should deny Omni's motion because it seeks information that is not held by Abenaki and Abenaki has been fully responsive. In support of this Objection, Abenaki states as follows:

1. Omni argues that Abenaki has not been responsive to Omni Data Request 1-1(b):

"Please provide all documents, reports, analyses, and other information relating to the location and design of the storage tank, including, but not limited to: internal records of Rosebrook Water System's predecessors; communications to and from the Public Utilities Commission Staff; and relevant Commission orders."
2. The subject storage tank was constructed in the 1970's under a prior owner of Rosebrook Water Company ("Rosebrook").
3. Since the 1970's, as the Commission is aware, Rosebrook has had multiple owners and has had issues with compliance with Commission regulations.
4. Abenaki recently acquired Rosebrook, in 2016. See, Docket No. DW 16-448, Abenaki Water and Rosebrook Water Companies, Order No. 25,934 (August 9, 2016).
5. Abenaki has no records relating to the construction of the 1970's storage tank. Abenaki plans to supplement its response to Omni 1-1(b) as follows:

The Company does not have documents responsive to this request. It has contacted the successor engineering firm, Northeast Engineering, and has confirmed that no documents exist. The Company does not have the resources to **further** investigate and locate documents, reports, analyses, internal records of predecessors, communications to the PUC staff, and relevant Commission orders **pertaining to the location and design of the 1970's tank.**

6. As Omni states in its motion, Abenaki explained that it and Northpoint Engineering do not have responsive documents. Abenaki considers its level of investigation into whether the 1970's documents exist to be reasonable and more than responsive to Omni's request in Omni 1-1(b).

WHEREFORE, Abenaki respectfully requests the Commission:

- A. Deny Omni's motion to compel; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Abenaki Water Company, Inc.

By its Attorney,
NH BROWN LAW, PLLC

Dated: August 7, 2018

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Certificate of Service

I hereby certify that a copy of the foregoing objection has been emailed this 7th day of August, 2018 to the docket-related service list.

Marcia A. Brown
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