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NHPUC 23SEP19PM4:23

September 23, 2019

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

**Re: DW 17-165, Abenaki Water Company, Inc.
Rate Case Surcharge
Objection to Motion to Bifurcate**

Dear Ms. Howland:

Please accept this letter as Omni Mount Washington, LLC's (Omni) objection to Abenaki's so-called Assented-to Motion to Bifurcate in the above-captioned proceeding. Pursuant to Puc 201.05, Omni asks that the New Hampshire Public Utilities Commission (PUC or Commission), to the extent necessary, waive its filing requirements under Puc 203.02 inasmuch as doing so will not disrupt the orderly and efficient resolution of this matter.

At 10:30 am on September 13, 2019, Abenaki circulated a request for positions on its motion, without indicating any deadline for responses, and including a draft motion that already reflected Staff's assent. Less than three and one-half hours later, at 1:57 pm, it filed its "assented-to motion" saying that Staff assented but that it had not received positions from: 1) the Office of the Consumer Advocate, 2) Rosebrook Association, 3) Omni Mount Washington, LLC, 4) Bretton Woods Property Owners Association, 5) Forest Cottage Association, and 6) the N.H. Department of Environmental Services.

Omni objects to bifurcation of this one sub-issue because it believes that the most efficient way to resolve the outstanding issues with respect to all the elements of Abenaki's proposed rate case surcharge, including the propriety of affiliate company charges and the allocation of costs among customers, and the Step II rate adjustment, including the amount, timing, and precedential effect of the engineering costs, is through a more comprehensive approach to settlement negotiations. In its July 25, 2019 filing with respect to Step II, Omni took a similar position, suggesting, among other things, that the Commission schedule a technical session/settlement discussion. Furthermore, on September 9, 2019, Omni made an alternative recommendation with respect to the rate case surcharge that differs from both Abenaki's request and Staff's recommendation. At this time, Omni suggests that some form of alternative dispute resolution could be useful, such as designating the General Counsel or another hearing officer to mediate the dispute.

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

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An original and six copies of this letter and objection will be hand-delivered to the Commission. Electronic copies have been sent to the Executive Director, the Office of the Consumer Advocate, and the Service List.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas B. Getz", with a stylized flourish at the end.

Thomas B. Getz

TBG:slb

Cc: Service List