

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 FOR REHEARING-RATE CASE EXPENSES

NOW COMES, Abenaki Water Company, Inc.'s ("Abenaki") pursuant to Puc 203.07(f), and hereby objects to Omni Mount Washington Hotel, LLC's ("Omni") motion for rehearing. The Commission should deny Omni's motion because its arguments are without merit or it merely restates prior arguments and relief requested and asks for a different outcome. In support of this objection, Abenaki states as follows:

1. Omni argues that the Staff and Commission mistakenly conceived or overlooked the reality that their bill impact approaches are not equitable because Staff nor the Commission put forth any facts about affordability as to Omni or the residential customers. Motion at 4. In its August 15, 2019 reply to Staff's recommendation, Abenaki did not oppose Staff's recommendation on the mechanism on how to recover its rate case expenses, although it noted that the variable nature of Staff's mechanism created a situation where there would be no assurance that all authorized rate case expenses would be recovered. Therefore, Abenaki proposed a true-up mechanism if Staff continued to propose a variable method of recovery. Abenaki does not view the dispute on which mechanism to use to recover its rate case expenses to be its fight. Abenaki's goal is to recover its allowed rate case expenses fully. The change in recovery of rate case expense methodology is a rate design proposed by Staff, not Abenaki.

2. Omni's next portion of its motion pertains to its comments on service company charges which are beyond the procedural volley authorized by the Commission. Omni has already made its argument in its letter dated September 9, 2019 and Abenaki responded on October 15, 2019, as required by Order No. 26,295. Omni never requested leave to file a reply and should not be permitted a second bite at the apple. Abenaki wishes to reiterate, however, that Omni's statement that \$29,369 in expenses are already reflected in Abenaki's test year revenue requirement, is factually incorrect. There is no duplication of expenses between Abenaki's revenue requirement and rate case expense recovery. While it is true Staff's Revised Final Audit Report, issued September 6, 2018 makes clear that during the test year Rosebrook paid the New England Service Company ("NESC"), among other items, \$60,604 for Admin and General Services and \$655 for Professional Services, and accordingly, these services are included in the revenue requirement, these services do not include NESC charges for rate case expenses. Abenaki separately tracked and deferred such rate case expense charges pending review by Staff and approval by the Commission. As a reminder, Rosebrook has no employees. NESC employees provided services as indicated in the Affiliate Agreement on file with the Commission. NESC employees charge an actual hourly rate plus benefits and overhead. Charges for rate case expenditures were separately charged and deferred so that there would be no rate case expenditures reflected in Rosebrook's revenue requirement. The Commission Audit and Water Division Staff reviewed the rate case expenditures, made their findings, which Abenaki ultimately supported. Abenaki refers the Commission to its rebuttal to Omni and Bretton Woods Property Owners Association and Forest Cottages dated October 15, 2019, at Tab 95 of the Commission's docket book.

3. Omni's last issue regards Order No. 26,300 but Omni seeks no relief and makes no request that the Commission rehear Order No. 26,300. Omni fails to "set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." RSA 541:3. Omni fails to direct attention to matters said to have been overlooked or mistakenly conceived in the original decision. *Dumais v. State of New Hampshire Personnel Commission*, 118 N.H. 309, 311 (1978). Omni merely offers comments with no procedural structure. Therefore, the issues are not ripe for Commission action. For these reasons, Omni's comments are without merit and Abenaki requests the Commission not act *sua sponte* on Omni's comments.

WHEREFORE, Abenaki respectfully requests the Commission:

- A. Deny Omni's motion for rehearing;
- B. Approve Abenaki's remaining rate case expenses; and
- C. Grant such other relief as is just and equitable.

Respectfully submitted,
Abenaki Water Company, Inc.

By its Attorney,
NH BROWN LAW, PLLC

Dated: November 5, 2019

By: Marcia A. Brown
Marcia A. Brown, Esq.
P.O. Box 1623
Concord, NH 03302-1623
(603) 219-4911/mab@nhbrownlaw.com

Certificate of Service

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

Marcia A. Brown
Marcia A. Brown, Esq.