

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 17-165

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

ABENAKI MOTION FOR REHEARING

Pursuant to Puc 203.05, Puc 203.07, and RSA 541:3, Abenaki Water Company, Inc. (“Abenaki”) and hereby respectfully requests that the Commission reconsider its decision dated December 23, 2019 and consider Abenaki’s objection before determining whether to allow Omni Mount Washington Hotel, LLC’s (“Omni”) leave to file a response to Staff. In support of this request, Abenaki states:

1. On Thursday, December 19, 2019, Omni filed a request for leave to respond to a letter, dated December 11, 2019, filed by Staff. Omni also asked for waiver of “filing requirements” under Puc 203.02. Omni Ltr. dated 12/19/19 letter at 1.

2. Pursuant to Puc 203.07(e), objections to motions shall be filed within 10 days of the date on which the motion is filed. Pursuant to Puc 202.03, Computation of Time, the deadline for responding to Omni’s motion was, thus, December 30, 2019.

3. On Monday, December 23, 2019, Abenaki filed an objection to Omni’s request, arguing the following points: (1) Omni already filed two objections (9/9/19 and 10/31/19) to Abenaki’s rate case expenses relating to New England Service Company; (2) Staff filed no new information; (3) the information contained in Staff’s December 11th letter was available to Omni well before it filed its two objections; (4) Omni failed to identify what specifically was new in Staff’s letter; and (5) allowing Omni a third opportunity to respond to Abenaki’s rate case

expenses will unduly delay resolution of this proceeding given that resolution will likely extend one full year from Abenaki's recovery request (made in February 2019, with updates filed in May and July to capture expenses related to the additional litigation). Abenaki wishes to also add that because Abenaki has a right to respond to evidence and argument submitted against it, that allowing Omni a third opportunity to make its arguments will unduly delay this proceeding to well beyond January 13, 2020 because it triggers another round of response from Abenaki. Puc 202.04(c)2; RSA 541-A:33; *Petition of Sprague*, 132 N.H. 250, 258 (1989).

4. Also, on December 23, 2019, the Commission ruled on Omni's request, granting it. The Commission stated that "[n]o responses to Omni's request have been filed" and allowed Omni to respond no later than January 13, 2020. Sec. Ltr. dated 12/23/19 at 1.

5. "Administrative agencies must follow its own rules and regulations." *Appeal of Morin*, 140 N.H. 515, 518 (1996). Abenaki believes that because the Commission did not consider Abenaki's objection before it ruled on Omni's request that it has provided "good reason" for the rehearing. RSA 541:3. Abenaki respectfully requests the Commission deny Omni's request and rule on Abenaki's remaining rate case expenses as soon as practicable. As Abenaki has noted in prior filings, these delays in recovery hurt its cash flow.

WHEREFORE, Abenaki respectfully requests the Commission:

- A. Consider Abenaki's objection to Omni's request;
- B. Deny Omni's request; 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: January 3, 2020

By: Marcia A. Brown
Marcia A. Brown, Esq.
20 Noble Street
Somersworth, NH 03878
(603) 219-4911/mab@nhbrownlaw.com

Certificate of Service

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

Marcia A. Brown
Marcia A. Brown, Esq.