

STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

January 18, 2019

RE: DW 18-076 - Pennichuck Water Works, Inc.
Motion for Rehearing or Reconsideration
Denial of Motion

To the Parties:

On December 24, 2018, Pennichuck Water Works, Inc. (PWW), filed a Motion for Rehearing or Reconsideration concerning Order No. 26,200 issued on December 17, 2018. PWW argued that the Commission mistakenly conceived PWW's goodwill gesture of agreeing to customer credits, as directed by Order No. 26,200, as being credits associated with reparations, thereby mistakenly concluding that PWW was issuing credits as part of a penalty.

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding or by identifying specific matters that were "overlooked or mistakenly conceived" by the Commission. *Aquarion Water Company of New Hampshire, Inc.*, Order No. 26,102 at 3 (February 9, 2018). A successful Motion for Rehearing or Reconsideration does not merely reassert prior arguments and request a different outcome. *Id.*

The Commission has reviewed PWW's motion and finds that it does not meet the required standard. The language highlighted by PWW in Order No. 26,200 as the basis for its argument is almost verbatim to the language included in Commission Staff's recommendation, filed on November 2, 2018. The Commission further notes that PWW concurred in the recommendation before filing. Thus, the Commission did not overlook or mistakenly conceive the nature of the credits in its Order. The Commission therefore denies PWW's Motion for Rehearing or Reconsideration. In doing so, however, the Commission confirms that PWW did not violate its tariff, which had no small-diameter private fire protection rate applicable to the smaller pipe size contractors were installing for fire protection.

Accordingly, the credits are not the result of a billing error, nor are the credits a result of a penalty or reparation pursuant to RSA 365:29.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style.

Debra A. Howland
Executive Director

cc: Service List (Electronically)

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**