

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 19-065

TOWN OF HAMPTON

Complaint by Town of Hampton Against Aquarion Water Company

Objection to the Town of Hampton's Motion for Rehearing

Pursuant to Rule Puc §203.07(f), Aquarion Water Company of New Hampshire ("Aquarion" or "the Company") hereby objects to the Motion for Reconsideration ("Rehearing Motion") dated July 22, 2019 (and docketed by the Commission on July 23) filed by the Town of Hampton ("Hampton"). By that Rehearing Motion, Hampton repeats the allegations set forth in its original complaint and seeks rehearing of Order No. 26,263 dated June 24, 2019 alleging that the Commission's Order was erroneous in fact and/or in law. The Rehearing Motion does not allege sufficient good reason for rehearing or reconsideration; therefore it should be denied. RSA 541:3.

In support of this Objection, Aquarion says the following:

I. Introduction

This docket involves a complaint filed by Hampton against Aquarion on March 27, 2019. In the Rehearing Motion, Hampton merely restates the same arguments it made in its initial complaint; arguments that were previously carefully reviewed and considered by the Commission in Order No. 26,263, and which the Commission rejected.

II. Discussion

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when the motion states good reason for such relief. Good reason may be shown by identifying specific matters that were either "overlooked or mistakenly conceived" by the deciding tribunal. *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion does

not merely reassert prior arguments and request a different outcome. *See Campaign for Ratepayers Rights*, 145 N.H. 671, 674 (2001); *Connecticut Valley Electric Co.*, 88 NH PUC 355, 356 (2003); *Public Service Company of New Hampshire*, Docket No. DE 07-108, Order No. 24,966, *slip op.* at 5 (May 1, 2009); *Aquarion Water Co. of N.H.*, Docket No. DW 17-154, Order No. 26,102, *slip op.* at 3 (February 9, 2018).

Hampton has failed to meet the requirement for rehearing set forth in RSA 541:3 that “good reason for the rehearing be stated in the motion.” Even a cursory review of the Rehearing Motion reveals that the grounds set forth for reconsideration have been previously raised and addressed in the Order. Hampton’s Rehearing Motion is the classic reassertion of prior arguments with a request for a different outcome.

In Order No. 26,102 issued on February 2, 2018 in Docket No. DW 17-154, the Commission has ruled on a similar Motion for Rehearing filed by Hampton concerning Aquarion. In that Order rejecting Hampton’s motion, the Commission said that “Hampton did not offer any new evidence that was not available at the time of the initial decision, nor did Hampton cite any misunderstanding or error in the Commission’s decision; the Commission found “that Hampton’s Motion for Rehearing does not meet the requisite standard;” and the Commission noted, “We understand that Hampton disagrees with our conclusions regarding those issues, but that alone is not grounds to support a Motion for Rehearing.” The Commission is faced with the exact same situation in the instant case and should similarly reject Hampton’s Rehearing Motion.

III. Conclusion

For the reasons set forth in its original decision in Order No. 26.263, the Commission should deny Hampton’s Motion for Reconsideration.

Respectfully submitted this 29th day of July, 2019.

**AQAURION WATER COMPANY OF NEW
HAMPSHIRE, INC.**

By its attorney:



Robert A. Bersak
Chief Regulatory Counsel
Eversource Energy Service Company

CERTIFICATE OF SERVICE

I certify that on this 29th day of July, 2019,
I caused Aquarion's Objection to Hampton's's Motion for Reconsideration
to be served pursuant to N.H. Code Admin. Rule Puc 203.11
on the parties listed on the service list for this proceeding.



Robert A. Bersak