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November 16, 2020

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: DW 19-131, Omni Mount Washington, LLC
Complaint against Abenaki Water Company, Inc.
Objection to Late-Filed Comment**

Dear Ms. Howland:

On November 9, 2020, Abenaki Water Company, Inc. (“Abenaki”) made an untimely filing in the above-captioned proceeding, which Omni Mount Washington, LLC (“Omni”) asks the Public Utilities Commission (“PUC” or “Commission”) to disregard. Abenaki’s request for leave to reply is procedurally deficient because it was not filed as a motion pursuant to Puc 203.07 and it is substantively without merit as explained below.

As Omni pointed out in its timely filing, during the hearing on October 22, 2020, as Omni understands her ruling, Chairwoman Martin set a deadline of November 2, 2020 for the filing of documents concerning special contracts between Rosebrook Water Company, Inc. (“Rosebrook”) and Omni, as well as any comment on such documents. Consequently, Commission Staff filed Exhibit 34 on October 30, 2020, comprising seven special contracts spanning the period from May 1, 1994 to April 30, 2005, while, on November 2, 2020, Omni filed two petitions for special contracts that it had previously copied from the Commission’s files and commented on the documents.

In its latest filing, Abenaki essentially conflates its burden of proof (to demonstrate by a preponderance of the evidence that it is not responsible for the repair of the 8-inch water main connecting the Hotel to the Rosebrook water system) with the Commission’s obligation to investigate a complaint. For Abenaki to show cause why it is not responsible for repair of the 8-inch water main, it must produce evidence in the form of testimony and exhibits that affirmatively makes its case. However, as has been the case for the past 18 months, Abenaki continues to make assertions that are incorrect, unsupported and irrelevant, but fails to demonstrate that it is not responsible for the repair.

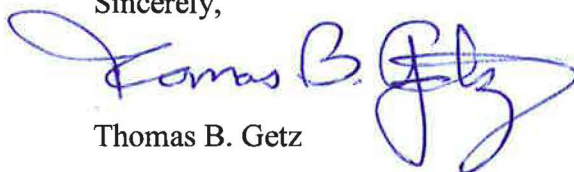
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The Commission's investigation of a complaint, on the other hand, is not restricted to documents marked as exhibits. Accordingly, Omni does not impermissibly expand the record or the scope of the proceeding as Abenaki claims but simply points out the breadth of the Commission's statutory duty when investigating a complaint.

Omni's objection is filed pursuant to Puc 203.07 (e) and filed electronically only, consistent with the Commission's March 17, 2020 suspension of the requirement to file paper copies. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Thomas B. Getz". The signature is stylized and cursive, with a large loop at the end.

Thomas B. Getz

TBG:sm

Enclosures

cc: Service List (DW 19-131)