

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. 20-064

Pennichuck Water Works, Inc.
Emergency Petition for Financing Approval
Under SBA Paycheck Protection Program

MOTION FOR MODIFICATION OF ORDER NO. 26,354

NOW COMES, Pennichuck Water Works, Inc. (“PWW” or the “Company”), and respectfully moves the New Hampshire Public Utilities Commission (the “Commission”) to modify the reporting date contained on Page 10 of Order No. 26,354 (May 6, 2020). In support of its motion, PWW states as follows:

1. This docket relates to PWW’s request to borrow funds under the federal Paycheck Protection Program (“PPP”), which is administered by the federal Small Business Administration (“SBA”).
2. On May 6, 2020, the Commission approved the financing request. In doing so, the Commission ordered, in relevant part, as follows:

FURTHER ORDERED, that Pennichuck Water Works, Inc., will file detailed information pertaining to the loan’s use after the eight week period runs, as described above, including a copy of the request for loan forgiveness that the Company submits to TD Bank; and it is

FURTHER ORDERED, that Pennichuck Water Works, Inc., will file detailed financial information regarding the Company’s expenditures during the same period the Paycheck Protection Program loan funds are used, as detailed above, including but not limited to analysis of the revenue shortfall the Company would experience during that time if the Paycheck Protection Program loan funds were not available;

Order No. 26,354 at 10.

3. Since the issuance of the Order, PWW has provided the Commission with two updates, the first on August 14, 2020 and the second on September 1, 2020.

4. Since the time the Company received its PPP loan, the Federal Government and the SBA have modified the rules and requirements under the PPP loan program, leading to delays in TD Bank's ability to establish protocols for accepting applications for loan forgiveness. That alone has created barriers to the Company's ability to apply for loan forgiveness and provide the required reports to the Commission.

5. In light of the regulatory uncertainty, PWW has also received an opinion from Melanson Heath, PWW's accounting firm, advising the Company that it should not file its application for loan forgiveness until 2021. *See* email from Deborah Tarbox, CPA, attached as Exhibit A.

6. As is described in Ms. Tarbox's email, she has identified three specific issues that require additional regulatory guidance before the application should be filed: (1) the taxability of the amount of loan forgiven; (2) the timing of forgiveness relative to which tax year will apply; and (3) the full time equivalent calculation related to the comparison and rehire periods. *See* Exhibit A.

7. In light of the regulatory uncertainty, the loan forgiveness application will not be filed until 2021. Until PWW can file its loan forgiveness application, PWW cannot provide the Commission with the reports required under its Order.

8. Under the terms of the PPP loan, the application for loan forgiveness must be filed within ten months after the Company's Covered Period. For PWW, the Covered Period

was May 14, 2020 – July 2, 2020. Absent further changes by the Federal Government, PWW's application deadline is May 2, 2021.

9. In light of the regulatory uncertainty and the CPA's advice to wait for the regulators to address the key issues identified above, PWW respectfully requests that the Commission modify Order No. 26,354 to allow the reporting required under the Order be filed on or before May 2, 2021.

10. Staff has reviewed the request sought in this motion and assent to the relief sought in this Motion.

WHEREFORE, PWW respectfully requests that the Commission:

- A. Grant this Motion to Amend; and
- B. Provide such other relief as is just and equitable.

Respectfully submitted,

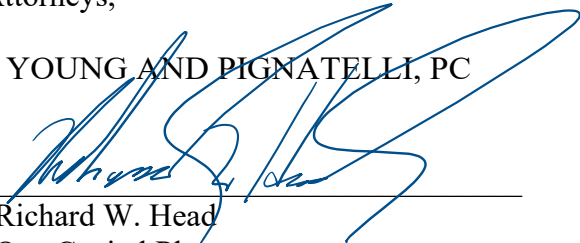
PENNICHUCK WATER WORKS, INC.

By its Attorneys,

RATH, YOUNG AND PIGNATELLI, PC

Date: October 28, 2020

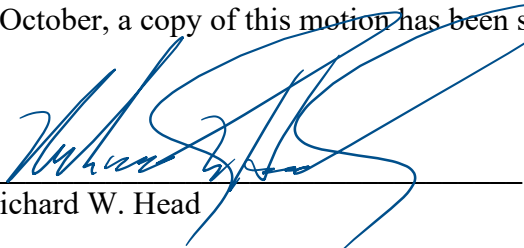
By:



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Certificate of Service

I hereby certify that on this 28th day of October, a copy of this motion has been served electronically with the Docket's Service List.



Richard W. Head