



session data requests the Company responded to and a third set that was served by the parties this past Friday, September 24, 2021, that the Company will respond to.

3. On Friday September 24, the Company first learned that intervenor, the Town of Atkinson, planned to publish data requests and responses on its web site. Counsel for the Company confirmed the extent of this plan through the Town of Atkinson's counsel at 1:51PM on September 24 when he wrote:

“I misunderstood what the Town intends to post, it is everything that is in the public record so far [that the Town intends to publish], which includes the responses to all data requests that the company had provided.”

4. Puc 201.04(a) states: All documents *submitted to the commission or staff* in an adjudicative or non-adjudicative proceeding shall become matters of public record, subject to RSA 91-A, as of the date of the submission...” (emphasis added).
5. Data requests served and submitted *to intervenors* such as the Town of Atkinson do not qualify as the public record because they are not submitted to either the commission or staff as specified in Puc 201.04(a). In fact, since the law change, PUC staff is no longer “staff” and thus any data requests served by the Department of Energy would not qualify as part of the public record.
6. Such is consistent with the practice of the PUC to not publish data requests as part of the virtual file room it maintains for each docketed matter before it. A sampling of all rate cases filed in 2020 and 2019 shows there are no data requests or responses published on the PUC's virtual file room docket.
7. This is consistent with the long-established practice that data requests are served to the discovery service list for each docket, which does not include anyone from the PUC. It is also consistent with the practice in New Hampshire courts where

discovery is not part of the docket unless a party seeks to introduce such material either through motion or through the assembly of exhibits for trial.

8. Although the Company concedes data requests served by staff before they became the Department of Energy and the Company's responses thereto fall within the public record definition in Puc 201.04(a), the long-established practice is that neither those data request nor the responses thereto are published on the virtual file room docket unless done so as part of either settlement or trial submissions.
9. To allow the Town of Atkinson to publish all data requests and responses, including data request it did not serve, would go against the PUC's practice of not publishing such records, and defy Puc 201.04(a) because the Town of Atkinson is neither the commission or staff.
10. For these reasons, HAWC requests that the Commission issue a protective order granting this motion and preventing the intervenor, the Town of Atkinson, from publishing all data requests served to date by all parties, and the Company's respective responses.
11. Alternatively the Company seeks 14 days from the date of the PUC order on this motion should it be denied to review its past data request responses for confidential treatment pursuant to Puc 201.04(b) and 201.04(c).

WHEREFORE, The Hampstead Area Water Company, Inc., respectfully requests the PUC grant this motion and issue an order preventing the intervenor, the Town of Atkinson, from publishing all data requests served to date by all parties, and the Company's respective responses. Alternatively the Company seeks to be granted 14 days from the date it receives notice that this motion is denied by the PUC to review its past data request responses for confidential treatment.

Respectfully submitted,

THE HAMPSTEAD AREA WATER COMPANY, INC.

/s/ Anthony S. Augeri, Esq.  
Anthony S. Augeri, Esq., General Counsel

Dated: September 27, 2021

Certificate of Service

I certify that a copy of the foregoing document was served via the PUC's docket-related service list for this proceeding.

/s/ Anthony S. Augeri, Esq.  
Anthony S. Augeri, Esq., General Counsel