

**STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION**

PETITION FOR APPROVAL OF)
PERMANENT RATES AND)
PROPOSED TARIFF REVISIONS)
)
THE HAMPSTEAD AREA)
WATER COMPANY, INC.)
Petitioner)
_____)

DOCKET NO. DW 20-117

OBJECTION TO MOTION TO COMPEL

The Hampstead Area Water Company, Inc. (“HAWC” or the “Company”) respectfully objects to the intervenor Town of Atkinson and Karen Steele’s (collectively the “Town of Atkinson”) Motion to Compel filed on October 28, 2021 pursuant to Puc 203.07(e) and Puc 202.03(b).

In support of this objection, HAWC states as follows:

1. During discovery for this proceeding the Town of Atkinson served data requests on the Company including after the latest technical session.
2. In response to the Town of Atkinson’s technical session data requests HAWC objected to two requests, TS 4-5 and TS 4-6.
3. TS 4-5 requests copies of the Company’s vulnerability assessment, and emergency response plans. See Attachment A to the Town of Atkinson’s Motion.
4. Counsel for the Company and Town of Atkinson conferred in good faith between October 13 and October 28 to resolve the Town of Atkinson’s issues.
5. As to TS 4-5 the Company advised the Town of Atkinson that the requested information was not reasonable for the Town to have and that the Company’s

operations could be jeopardized if the information got into the wrong hands because it contains sensitive information as to the Company's vulnerabilities. See Exhibit A to this objection, attached.

6. This is especially important in this case because on Friday September 24 the Company learned from the Town of Atkinson's counsel it plans to publish all data requests and the Company's respective responses. See Exhibit B to this objection, attached. While counsel did offer a protective order, there have been to date at least five Town of Atkinson "representatives" involved in this case that are known – two administrators, two selectmen, and Ms. Steele – and to identify all that would be subject to such a protective order would take on a life of its own.
7. In addition, the New Hampshire Department of Environmental Protection agrees with the Company that the emergency plan and vulnerability assessment should not be produced, citing RSA 91-A:5. See attached Exhibit C.
8. TS 4-6 requests the Company provide the Town of Atkinson a copy of The American Association (sic) Water Works Association ("AWWA") standards referred to in the Company's previous data request responses. See Attachment B to the Town of Atkinson's Motion.
9. The Company supplemented its response by providing a copy of the Copyright mark on the requested information asserted by AWWA. The Company during its good faith conference provided the Town of Atkinson information on how it could obtain its own subscription to the AWWA website to access such standards on its own, and also offered to request consent from AWWA to provide the Town of Atkinson copies of its standards. See Exhibit A. See also the provided Copyright

assertion in Attachment B to the Town of Atkinson's Motion (Reproduction...of this material is prohibited, except with written permission from the publisher). It is puzzling why the Town of Atkinson will spend by many factors more money litigating this issue when it can easily obtain the standards it wants directly from AWWA for less cost. In all events the Commission, a state agency, cannot order a party to violate federal (copyright) law.

10. For these reasons, HAWC requests that the Commission deny the Town of Atkinson's Motion to Compel.
11. Alternatively, HAWC requests the Commission issue a protective order should it grant the Town of Atkinson's Motion, require all Town of Atkinson representatives receiving such information to sign an agreement not to disclose such information to any third party, and further order the Town of Atkinson to not publish such information in any manner.

WHEREFORE, The Hampstead Area Water Company, Inc., respectfully requests the Commission deny the Town of Atkinson's Motion to Compel, or alternatively should the Commission grant the Motion, require all Town of Atkinson representatives receiving such information to sign an agreement not to disclose such information to any third-party, and further order the Town of Atkinson to not publish such information in any manner.

Respectfully submitted,

THE HAMPSTEAD AREA WATER COMPANY, INC.

/s/ Anthony S. Augeri, Esq.

Anthony S. Augeri, Esq., General Counsel

Dated: November 8, 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