

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

Hampstead Area Water Company, Inc.

Request for Change in Rates

Docket No. DW 20-117

New Hampshire Department of Energy Motion for Clarification

NOW COMES the New Hampshire Department of Energy (DOE), a party to this docket under RSA 12-P:9, and respectfully requests that the New Hampshire Public Utilities Commission (Commission) clarify its prior order in the above-referenced matter, Order No. 26,635 (June 2, 2022), and reissued on June 10, 2022 (Order), pursuant to RSA 365:28, RSA 365:21, and RSA 541:3. In support of this request, the DOE states as follows:

1. On page one of the Order, the last sentence reads “[h]owever, in accordance with the terms of the settlement, no change in customer rates will occur until the corresponding proposed step increases are separately reviewed and approved.” The DOE, however, respectfully requests that this sentence be modified to reflect the terms of the settlement agreement, which provides that upon issuance of the Order, Hampstead Area Water Company, Inc.’s (HAWC), permanent rate revenue requirement changes, and thus adjusts customer rates at that time as well.

2. On page two of the Order, the first sentence of the first full paragraph reads “[t]he Company’s prior rate case revenue requirement was “\$1,967,875.” The DOE, however, respectfully requests that the record reflect the previously approved revenue requirement is \$2,006,193. *Hampstead Area Water Company, Inc.*, Order No. 26,195 (November 28, 2018) at 4.

3. On page three of the Order, the third full paragraph states that “[d]irect testimony was filed ... on December 17, 2021, by intervenor Robert A. Weimar.” The DOE respectfully requests that the record reflect that the Commission disregarded this testimony, directing Mr. Weimar to “file a petition to intervene for the Commission’s consideration.” *Hampstead Area Water Company, Inc.*, Procedural Order Re: Request to Amend Procedural Schedule and Request for Hybrid Hearing (March 14, 2022) at 2. The DOE contends, however, that the testimony should be admitted for consideration. Mr. Weimar, who originally filed the testimony on his own behalf on December 16, 2021, refiled his testimony on December 17 to reflect that it was submitted on behalf of the Town of Hampstead. Direct Prefiled Testimony of Robert A. Weimar, December 17, 2021, at 1. As the Town of Hampstead is a recognized intervenor, that testimony should be admitted and reflected in the record as the position of a duly recognized intervenor. *See* Public Utilities Commission, Secretarial Letter Granting Petitions to Intervene and Scheduling April 22, 2021 Technical Session, April 9, 2021 (granting intervenor status to the Town of Hampstead). This request also pertains to Part IV, Section B, Subsection 3, entitled “Robert A. Weimar for the Town of Hampstead Water Committee.”

4. On page five of the Order, the first full sentence reads in-part that the “Company requested approval of an adjusted ROE ... which included a 0.50 percent adder for rate case expenses.” The DOE respectfully requests that the record reflect that the requested 0.50 percent adder related to rate case expense savings as it avoids litigation and consultant costs related to the return on equity issue. *See* *Hampstead Area Water Company, Inc.*, Testimony of Stephen P. St. Cyr, March 11, 2021, at 35 (“The Company is also utilizing the PUC Staff provided baseline return on equity ... plus a .50% adder for rate case expense savings.”).

5. On page 11 of the Order, the first two full paragraphs are attributed to DOE consultant Douglas W. Brogan. The DOE respectfully requests, however, that the record reflect these two paragraphs summarize DOE consultant Howard Solganick's pre-filed testimony.

6. On page 17 of the Order, the last line of the page states "Annual Report of Hydrant Inspection (PUC 609100." The DOE respectfully requests that the record reflect the rule for Annual Report of Hydrant Inspection is Puc 609.10.

7. On page 20 of the Order, the second to last Ordering Clause states "HAWC shall file, within 30 days of the date of this order [temporary to permanent rate difference documentation] and a proposed surcharge for recovering the difference from customers, reviewed and accepted by the New Hampshire Department of Energy." The DOE respectfully requests clarification of this Ordering Clause. Per the settlement agreement, HAWC is to file its calculation of the difference within 30 days of issuance of the order approving the settlement agreement, which is correctly reflected in the Order Clause. The DOE, however, would not be in a position to review and accept this filing within that same time period. As such, the DOE respectfully requests that the record reflect that only HAWC's calculation, is to be filed within 30 days of the order approving the settlement agreement. Once that filing is made, it will be subject to review by DOE Staff.

8. On page 20 of the Order, the last Ordering Clause states that "HAWC shall file a request for recovery of its rate case expenses with the Commission when its rate case expenses are finalized." The DOE respectfully requests that the record reflect that, per the settlement agreement, HAWC shall file for recovery of its rate case expenses within 30 days after the issuance of a Commission order approving the settlement agreement. Settlement Agreement – Permanent Rates, May 9, 2022, at 14.

9. The Commission has the authority “to alter, amend, suspend, annul, set aside, or otherwise modify” its prior orders pursuant to RSA 365:28. *Northern Utilities, Inc.*, Order No. 26,510 (August 20, 2021) at 3. The authority granted under this provision is to be “liberally construed.” *Id.*, citing *Appeal of the Office of the Consumer Advocate*, 134 N.H. 651, 657 (1991); *Meserve v. State*, 119 N.H. 149, 152 (1979).

10. The Commission, furthermore, may grant rehearing or reconsideration for “good reason” if the moving party shows that an order is unlawful or unreasonable. *Public Service Company of New Hampshire D/B/A Eversource Energy*, Order No. 26, 528 (September 27, 2021) at 3 (citing RSA 541:3; RSA 541:4; and *Rural Telephone Companies*, Order No. 25,291 (November 21, 2011). “A successful motion must establish ‘good reason’ by showing that there are matters that the Commission ‘overlooked or mistakenly conceived in the original decision.’” *Id.* (citing *Dumais v. State*, 118 N.H. 309, 311 (1978).

11. As such, the DOE respectfully requests that the Commission clarify the Order pursuant to RSA 365:21, RSA 365:28, and RSA 541:3.

WHEREFORE, the Department of Energy respectfully requests that this honorable Commission:

- A. Clarify its Order, as requested above; and
- B. Grant such other and further relief as may be appropriate under the circumstances.

July 5, 2022

N.H. DEPARTMENT OF ENERGY

By: /s/ Christopher R. Tuomala

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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Commission's service list for this docket.

/s/ Christopher R. Tuomala

Christopher R. Tuomala, Esq.