



OFFICE OF THE CONSUMER ADVOCATE

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January 29, 2020

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

Re: Docket No. DW 20-156
Pennichuck East Utility, Inc.
Permanent Rate Proceeding

Dear Ms. Howland:

Earlier today, the subject utility in this proceeding (Pennichuck East Utility, Inc.) (PEU) filed a pleading entitled "Objection to Intervenor Husband's Request that the Commission Order Limits on Water Withdrawals and Consider Possible Party Obligations Stemming from Contamination of the State's Groundwater." We wish to interpose a brief objection to the relief requested in this pleading and, in the interest of efficiency, I hope the Commission will indulge my stating the concerns of the Office of the Consumer Advocate via letter rather than a document framed up as a pleading.

The Commission should deny the request without prejudice to the substantive arguments in the pleading relative to the scope of the proceeding. PEU's request is for "an order appropriately limiting the scope of Mr. Husband's proceeding to the issues noticed" in the Commission's order suspending the proposed tariff revisions. The only authority for imposing such limitations is RSA 541-A:32, III(a), which authorizes the presiding officer to confine an intervenor's participation "to designated issues *in which the intervenor has a particular interest* demonstrated by the [intervention] petition" (emphasis added).

The plain language of this provision makes clear that its purpose is to allow the Commission to prohibit an otherwise-qualified intervenor from raising or litigating issues in which the intervenor has no "particular interest." The process of granting, denying, or limiting interventions pursuant to RSA 541-A:32 is *not* an appropriate vehicle for specifying or clarifying the scope of the issues that are cognizable in the proceeding overall. Such a determination would be premature at this time, before any discovery has even commenced.

There have been no objections to any of the pending intervention requests that are cognizable under RSA 541-A:32. In these circumstances, the Commission should grant all such requests that have been filed, and it should do so promptly so that the work of this case may move forward as expeditiously as possible.

Page 2

Thank you for considering the views of the Office of the Consumer Advocate. Consistent with the Commission's directive related to the COVID-19 state of emergency, we are submitting this letter in electronic form only without filing any paper copies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DKreis', with a stylized flourish at the end.

Donald M. Kreis
Consumer Advocate

cc: Service List, via e-mail