

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

DW 20-156

Pennichuck East Utility, Inc.  
Permanent Rate Proceeding

**ASSENTED-TO MOTION TO CANCEL HEARING**

NOW COMES, Pennichuck East Utility, Inc. (PEU) pursuant to Puc 203.07, and hereby requests the Commission cancel the hearing scheduled for September 29, 2021. In support of this request, PEU states as follows:

1. On February 9, 2021, the Commission approved the procedural schedule in this docket that included a “Settlement Track” and a “Litigation Track”. Under the Settlement Track, parties were to file a settlement no later than September 21, 2021. A hearing on the settlement would be held on September 29, 2021. The parties have not yet reached settlement and thus did not file a settlement agreement on September 21, 2021. Because there is no settlement at this time, PEU and the parties request the Commission cancel the September 29, 2021 hearing.

2. Pursuant to Puc 203.07(e), objections to motions are due within 10 days. PEU requests that the Commission waive the 10-day response time because waiver will serve the public interest and will not disrupt the orderly and efficient resolution of this proceeding. Puc 201.05.

3. To that end, on September 2, 2021, PEU filed a related financing, which the Commission has docketed at DW 21-129. In that docket, the stated intent is for that financing to be incorporated into the revenue requirement of PEU in this instant docket, DW 20-156.

PEU and the parties have been actively preparing proposed revisions to the procedural schedule in DW 20-156 so that all parties have time to review the financing's impact on the rate case. Because all parties have been involved with the effort to revise the procedural schedule, PEU posits that waiver of the 10-day objection period serves the public interest because no party will be caught unaware if the Commission cancels the September 29, 2021 hearing. Furthermore, the Commission could cancel the hearing on its own accord and modify the Secretarial Letter issued on February 9, 2021. RSA 541-A:31; RSA 365:27; and RSA 365:28. Notwithstanding that the parties have not yet finalized a proposed procedural schedule for the Commission's consideration, PEU and the parties expect to finalize a proposed schedule in the coming days such that it will facilitate an orderly and efficient resolution of this proceeding.

4. PEU is cognizant that time is of the essence because notwithstanding that the parties did not file a settlement, the hearing is still on the Commission's calendar for tomorrow. PEU apologizes for any confusion that late cancellation of the hearing may cause. Given the large number of parties in this proceeding, it has taken more time than usual to come to agreement on parties' available calendar dates.

5. The following parties assent to the relief requested: Department of Energy; Office of the Consumer Advocate; Christopher Burns; Andrew Meyers; Town of Litchfield; Town of Londonderry; Richard Husband; Richard Lascelles; and Thomas Boutilier. PEU is unaware of any objections to this motion. Nicole Fordey, the Towns of Hooksett and Pelham, and Marc Cloutier have withdrawn from this proceeding.

WHEREFORE, PEU respectfully requests the Commission:

- A. Cancel the settlement hearing scheduled for September 29 ,2021; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

PEU Water Company, Inc.

By its Attorney,  
NH BROWN LAW, PLLC

Dated: September 28, 2021

By: *Marcia A. Brown*  
Marcia A. Brown, Esq.  
20 Noble Street  
Somersworth, NH 03878  
(603) 219-4911/mab@nhbrownlaw.com

Certificate of Service

I hereby certify that a copy of the foregoing motion has been emailed this day to the docket-related service list.

*Marcia A. Brown*  
Marcia A. Brown, Esq.