

STATE OF NEW HAMPSHIRE

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**PUBLIC UTILITIES COMMISSION**

21 S. Fruit St., Suite 10  
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November 23, 2020

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301-2429

Re: DW 20-184 Aquarion Water Company of New Hampshire, Inc.  
Request for Waiver of Certain Filing Requirements  
Staff Recommendation

Dear Ms. Howland:

On November 18, 2020, Aquarion Water Company of New Hampshire, Inc. (Aquarion or Company) filed a Notice of Intent to File Petition for NHPUC Approval of Rate Schedules indicating that the Company intends to file its rate schedules by the end of 2020 in accordance with Commission Order No. 26,245 (May 2, 2019) in Docket Nos. DW 18-161 and DW 18-054. Aquarion will be seeking an overall increase in its annual revenues of approximately \$1,300,000, based on a test year ending December 31, 2019.

With its Notice of Intent, Aquarion filed a Motion requesting a waiver of certain filing requirements, pursuant to N.H. Code Admin. Rules Puc 1604.01(a). The Company, in its Motion, listed each waiver request, along with a brief supporting reason. The following is each waiver requested by Aquarion, along with the Company's supporting reason for the waiver indicated in parentheses:

- a. Puc 1604.01(a)(2) – Requirement for a utility to provide the annual reports to stockholders and statistical supplements, if any, for the most recent 2 years (The Company stated it does not prepare annual reports to stockholders and statistical supplements.);
- b. Puc 1604.01(a)(10) – Requirement for a utility to provide Securities and Exchange Commission 10K and 10Q forms for the most recent 2 years. (The Company stated that it does not prepare 10K or 10Q forms.);
- c. Puc 1604.01(a)(16) – Requirement for a utility to provide the amount of voting stock owned or controlled by certain corporate officers or directors. (The Company stated that it does not have any voting stock owned or controlled by any officers or directors.);

- d. Puc 1604.01(a)(18) – Requires a utility to provide certain information pertaining to its non-utility operations. (The Company stated that it has no non-utility operations.).

Pursuant to Puc 201.05, the Commission shall waive the provisions of any of its rules when it finds that the waiver serves the public interest and will not disrupt the orderly and efficient resolution of the matters before it. Based on such, Staff recommends the Commission deny Aquarion’s Motion. Staff does not object to the requested waivers, *per se*, in that Staff recognizes that these filing requirements may truly not apply to Aquarion. Staff, however, argues that the public interest may be better served if the reason for the filing’s absence is simply provided for by the Company within its forthcoming rate case filing. *See* Pennichuck Water Works, Inc., Rate Case Filing Requirements Pursuant to Puc 1604, July 1, 2019 (Docket No. DW 19-084) (provided individual documents noting the required Puc 1604.01(a) required filings and the reasons for its absence). Staff contends that indication of the filings absence in the full rate case filing itself will greatly aid future review of the record. Staff believes this is also more efficient as all information necessary will be presented in one, continuous location, mirroring the requirements of Puc 1604.01(a). That mirroring would make it easier for an interested person to review the docket’s record, especially in years to come.

Pursuant to Puc 201.05(b)(1), additionally, the Commission determines the public interest by examining if compliance with the rule would be onerous to the affected person. Staff contends that by requiring Aquarion to file as suggested would not be onerous to the Company. Merely inserting a slip in the filing stating that the information is not generated, or that the filing does not apply, furthermore, is arguably less onerous than the time it took the Company to compile the instant request for waiver. Denying the instant request also maintains consistency in the Commission’s treatment of similar waiver requests. *See* Lakes Region Water Company, Inc., Secretarial Letter, November 14, 2019, at 2 (DW 19-177) and Atkinson Area Wastewater Recycling, Inc., Secretarial Letter, June 9, 2020, at 2 (DW 20-071) (denying requests for certain rate case filing waivers and requiring “[t]o the extent [the Company] is unable to comply with a requirement of Puc 1604.01. . ., it shall insert a document in its rate filing stating why the information was not provided and/or why the requirement does not apply.”).

In conclusion, Staff recommends the Commission deny Aquarion’s Motion. Thank you for your assistance and attention to this matter. If you have any further questions, please feel free to contact me.

Sincerely,

*/s/ Jayson P. Laflamme*

Jayson P. Laflamme  
Assistant Director, Gas–Water Division

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