

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PENNICHUCK WATER WORKS, INC.

2021 Qualified Capital Project Adjustment Charge

Docket No. DW 21-023

Motion for Clarification

NOW COMES Pennichuck Water Works, Inc. (“PWW” or “Company”), a corporation duly organized and existing under the laws of the State of New Hampshire and operating therein as a public utility subject to the jurisdiction of the New Hampshire Public Utilities Commission (the “Commission”), which respectfully requests the Commission to clarify its prior order in the above-referenced matter, Order No. 26,598 (March 29, 2022), pursuant to RSA 365:38, RSA 365:21, and RSA 541:3, and provide consideration and review of the modification of the update reporting mechanism recommended by the Company and Department of Energy (“Department”), as parties to the Settlement Agreement. In support of this request, the Company states the following:

1. On March 8, 2022, the Company and Department appeared before the Commission at a public hearing to hear testimony and review exhibits in support of the Settlement Agreement filed in Docket No. DW 21-023 on January 28, 2022 (“Settlement Agreement”).

The Settlement Agreement was marked as pre-filed Exhibit 1 at the hearing. See Exhibit 1, Settlement Agreement with Staff.

2. On March 29, 2022, the Commission issued Order No. 26,598 (“Order”), approving all aspects of the Settlement Agreement, with the exception of the proposed modification to the reporting requirements for QCPAC updates. See Exhibit 1, Section III, D(a), Paragraphs 34-36 at Bates 018-019.

3. The Company is not contesting any of the substantive decisions that the Commission made in this Order.

4. The Commission’s order did not discuss or analyze the requested modification found in the settlement or provide any decision on the request recommended by the Settling Parties in Section III, D(a).

5. The Company asserts that the requested modification to QCPAC mechanism removing the August 15 report covering the period ending June 30, is in the best interest of the Company, the Department and the Company’s ratepayers.

6. The Company avers that both the Company and Department presented testimony in support of this request during the hearing on March 8, 2022. See Exhibit 2, March 8, 2022 Hearing Transcript at 42, lines 3-24, at 48-52, at 53, lines 1-3, at 75, lines 5-24, and at 76, lines 1-21.

7. The Commission has authority “to alter, amend, suspend, annul, set aside, or otherwise modify” its prior orders pursuant to RSA 365:28¹. See *Northern Utilities, Inc.*, Order No. 26,510 (August 20, 2021) at 3. The Commission’s authority provided under this

¹ N.H. RSA 365:28 provides, “At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it. This hearing shall not be required when any prior order made by the commission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held.”

section is to be “liberally construed.” See *Id.*, at 3, citing *Appeal of the Office of Consumer Advocate*, 134 N.H. 651, 657 (1991), and *Meserve v. State*, 119 N.H. 149, 152 (1979).

8. The Commission may grant rehearing or reconsideration for “good reason” if the moving party shows that an order is unlawful or unreasonable. See *Public Service Company of New Hampshire D/B/A Eversource Energy*, Order No. 26,528 (September 27, 2021) at 3, citing RSA 541:3, 541:4, and *Rural Telephone Companies*, Order No. 25,291 (November 21, 2011). Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding or by identifying specific matters that were ‘overlooked or mistakenly conceived’ by the Commission. See *Public Service Company of New Hampshire*, Order 25,361 at 4-5, citing *O’Loughlin v. N.H. Personnel Comm’n*, 117 N.H. 999, 1004 (1977), and *Dumais v. State*, 118 N.H. 309, 311 (1978).

9. Given the omission of analysis or decision regarding the requested modification to QCPAC reporting requirement contained within the Order, the Company asserts that the Commission’s Order overlooked the requested modification.

10. For the good reason shown, the Company respectfully requests that the Commission modify the Order to include analysis and a decision regarding the requested modification to the reporting requirement.

11. In further support of this motion, the Company conferred with the Department which supports this motion for clarification.

WHEREFORE, Pennichuck Water Works, Inc. respectfully request this honorable
Commission:

- A. Modify Order 26,598 to include analysis and a decision upon the requested modification to the QCPAC reporting requirements; and,
- B. Grant such other and further relief as may be appropriate under the circumstances.


Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.


Dated: April 4, 2022

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Certificate of Service

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

Dated: April 4, 2022



James J. Steinkrauss

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DW 21-023

Pennichuck Water Works, Inc.
2021 Qualified Capital Project Adjustment Charge (“QCPAC”)

SETTLEMENT AGREEMENT

January 2022