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I N D E X

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P R O C E E D I N G

1
2 HEARINGS EXAMINER SCHWARZER: Good
3 afternoon. My name is Mary Schwarzer. I'm a
4 Hearings Examiner and Staff Attorney with the
5 Public Utilities Commission serving as the
6 Hearings Examiner in this docket.

7 I wish to assure the parties that,
8 while Staff counsel in this proceeding and I are
9 PUC colleagues, we have not and will not discuss
10 this docket. As Hearings Examiner, I'm
11 authorized to recommend actions to the
12 Commissioners pursuant to RSA 363:17 and Puc
13 203.14(c).

14 We're here this afternoon for a
15 prehearing conference in Docket Number DW 21-023,
16 Pennichuck Water Works, Inc., PWW, or the
17 Company, regarding PWW's Petition for Approval of
18 its 2021 Qualified Capital Project Adjustment
19 Charge, or QCPAC.

20 This prehearing conference is being
21 held through a web-enabled remote access, as
22 directed in the Order of Notice issued on April
23 2nd, 2021, consistent with Governor Sununu's
24 Emergency Order Number 12 due to the State of

1 Emergency declared by the Governor as a result of
2 the COVID-19 pandemic, pursuant to Executive
3 Order 2020-4, and subsequently extended.

4 Please note that there is no physical
5 location to observe and listen contemporaneously
6 to this prehearing conference. This conference
7 is being held remotely consistent with the Order
8 of Notice. I confirm that we are utilizing Webex
9 for this electronic prehearing conference. The
10 public has access to contemporaneously listen
11 and, if necessary, participate in the conference,
12 by calling (603)271-2431, or by sending a chat
13 message to the Web Moderator in the Webex chat
14 function.

15 The Commission previously gave notice
16 to the public of the necessary information for
17 accessing the prehearing conference in the Order
18 of Notice. If anyone has a problem during the
19 prehearing conference, please call (603)271-2431.
20 And, in the event that the public is unable to
21 access the conference, the conference will be
22 adjourned and rescheduled.

23 I will state for the record that, at
24 the conclusion of this prehearing conference, the

1 parties have scheduled a technical session with
2 the same Webex link. So, please remain in the
3 session if you wish to participate. I will not
4 be participating in that session.

5 We will take a roll call attendance.
6 And then, I'll have some brief procedural
7 questions for counsel, and ask you each to make
8 your substantive summary statements.

9 So, I'll start the roll call with
10 myself. As I said, my name is Mary Schwarzer.
11 I'm a Hearings Examiner and Staff Attorney with
12 the Public Utilities Commission. I'm here acting
13 as the Hearings Examiner. I'm alone in my remote
14 office. And my daughter is attending school
15 remotely in another part of my house.

16 Let's take appearances, starting with
17 PWW's counsel. And please identify any other
18 people attending with you remotely today.

19 MR. STEINKRAUSS: Good afternoon, Madam
20 Presiding Officer. My name is James Steinkrauss.
21 I represent Pennichuck Water Works, Inc., in this
22 QCPAC Petition.

23 I'm joined by Larry Goodhue, the Chief
24 Executive Officer and Chief Financial Officer;

1 Donald Ware, Chief Operating Officer; Mr. John
2 Boisvert, Chief Engineer. They will be
3 participating.

4 As attending, Carol Ann Howe, Assistant
5 Treasurer and Director of Regulatory Affairs and
6 Business Services; Jay Kerrigan, Regulatory and
7 Treasury Financial Analyst; and George Torres,
8 Treasurer, Chief Accounting Officer, and
9 Controller.

10 And, before we get started, I do think
11 that we do need to raise a procedural issue. We
12 did confirm that the Order of Notice issued on
13 April 2nd, 2021, was not posted on the PWW
14 website in this matter. So, the question is
15 whether or not we should request a postponement
16 of the hearing or adjournment for reissuance and
17 re-notice, and have conferred with my brother,
18 Mr. Tuomala.

19 HEARINGS EXAMINER SCHWARZER: Okay.
20 Are we talking about this, the Order of Notice
21 for Docket Number DW 21-023?

22 MR. STEINKRAUSS: Correct.

23 HEARINGS EXAMINER SCHWARZER: Okay.
24 Before -- just it's a good thing to raise.

1 Before you do that, I notice there were four
2 attendees, and you identified three people. Is
3 there someone missing? Oh. That's not your
4 witness.

5 MR. STEINKRAUSS: I'm sorry.

6 HEARINGS EXAMINER SCHWARZER: Well,
7 certainly makes sense to take a brief recess so
8 you can confer, and present your opinions to the
9 Hearings Officer, and any recommendations to that
10 that I should provide to the Commission.

11 So, Sue, can you -- we'll be back in --
12 what time is it? Do you think, do you want ten
13 minutes? How much time do you want? Five
14 minutes?

15 MR. TUOMALA: If I may interrupt?

16 HEARINGS EXAMINER SCHWARZER: Sure.

17 MR. TUOMALA: Madam Presiding Officer,
18 I don't think that we need to confer. I did
19 speak with fellow counsel. And, as notice was
20 not provided on the website per the direction of
21 the Order of Notice, the only logical conclusion
22 is to request that the Commission reissue the
23 Order of Notice and reschedule another hearing.

24 And, possibly, if I could make note,

1 that the new Order of Notice include an ordering
2 clause for the Company to provide an affidavit of
3 publication on its website. For some reason,
4 that was not included in either of these Orders
5 of Notice. And I think that would help all
6 involved, to make sure that that issue -- the
7 Order of Notice was published.

8 So, again, I don't think we need to
9 confer. I think, and I don't want to speak for
10 the Company --

11 HEARINGS EXAMINER SCHWARZER: Okay.
12 And you had that?

13 MR. TUOMALA: Yes. The notice was
14 defective. And, if the OCA were here, they would
15 be yelling at us right now for that, and would
16 refuse to go any further. And that is the right
17 course of action at this point.

18 HEARINGS EXAMINER SCHWARZER: Okay.
19 So, counsel then does not -- Company counsel does
20 not need to confer with Staff, unless the
21 Company -- the Company agrees, correct?

22 MR. GOODHUE: This is Larry Goodhue.
23 Yes, we do agree. Somehow the notice was not
24 posted as it should have been. We agree that

1 that is the right course.

2 And I guess the only question we would
3 have is, the data requests that are already in
4 process, do we proceed on those? Do we defer
5 those? What do we do as far as that part?

6 That's just an understanding of our
7 situation from my perspective.

8 HEARINGS EXAMINER SCHWARZER: Well, I
9 believe, with defective notice, you're basically
10 telling me you need to start all over again.

11 Does Staff wish to be heard on this?

12 MR. TUOMALA: Sure. I think, as far
13 Mr. Goodhue's question regarding the discovery
14 questions that Staff had forwarded to the
15 Company, we can proceed with those, because
16 discovery isn't dependent on an order of notice
17 in this, the actual prehearing conference itself.

18 So, I figure it might not have to be as
19 stringent. I'm not sure if Mr. Laflamme said
20 "ten days" or "two weeks". But we can talk at
21 the following procedural -- excuse me -- the
22 technical session, if you'd like, to see how we
23 can handle that. But we can go forward with
24 that, in conjunction with the new Order of Notice

1 and the prehearing conference.

2 HEARINGS EXAMINER SCHWARZER: Okay.

3 So, the docket remains open, but the Order of
4 Notice is apparently not effective and needs to
5 be reissued, is the recommendation.

6 If the parties don't mind if I take a
7 quick look, if there's anything else that
8 appeared vague to me, I wanted to ask you at this
9 time, since we're altogether.

10 It did come to my attention that,
11 although there do not appear to be intervenors,
12 and the OCA is not participating, a comment was
13 filed in this docket on March 13th by a member of
14 the public, Stephen Dyleski. It's in the O-book,
15 O docket drive. It's a comment saying that, in
16 his opinion, percentage of recovery should be
17 reduced from 1.1 to 1.03.

18 I don't -- are the parties aware of
19 that comment? Is Mr. -- I don't believe Mr.
20 Dyleski is here. So, he can't comment.

21 MR. TUOMALA: And, if may I may, Madam
22 Presiding Officer?

23 HEARINGS EXAMINER SCHWARZER: Yes.

24 MR. TUOMALA: Staff would read that as

1 merely a comment based on -- reflective of the
2 percentage. I think, specifically, they're
3 looking at the 1.1 percent recovery for the debt
4 service. That's only part of the QCPAC.

5 HEARINGS EXAMINER SCHWARZER: Yes.

6 MR. TUOMALA: I, as Staff, don't
7 interpret that as a request for intervention.

8 HEARINGS EXAMINER SCHWARZER: As do I.

9 MR. TUOMALA: Okay.

10 HEARINGS EXAMINER SCHWARZER: I agree.
11 I just wondered if anybody had anything else, any
12 other information about either comments or any
13 intervention?

14 MR. TUOMALA: None from Staff.

15 HEARINGS EXAMINER SCHWARZER: Yes.
16 Okay. So, I think that everything else flows
17 from what you've just said. So, there's no need
18 to proceed further.

19 I'll adjourn the hearing. And I guess
20 I can recommend to the Commissioners -- it's not
21 really clear to me what my position is here, just
22 to give, I guess, the Commissioners the
23 information that the Order of Notice was not
24 posted, and therefore the Company is going to,

1 well, will be in need of another order of notice.
2 Okay.

3 I do think, generally, when something's
4 not posted, the entity not posting it does file
5 some sort of notice into the docket. So, I would
6 ask the Company what its intent is at this time?

7 MR. STEINKRAUSS: We can file a notice
8 in the docket saying that it wasn't posted, and
9 that we request that a new order to be issued.

10 HEARINGS EXAMINER SCHWARZER: Okay.

11 MR. STEINKRAUSS: Is that sufficient?

12 HEARINGS EXAMINER SCHWARZER: That
13 makes sense to me. Sometime in the next ten
14 days?

15 MR. STEINKRAUSS: If not tomorrow, or
16 today.

17 HEARINGS EXAMINER SCHWARZER: Okay.
18 Thank you very much. I will leave you to your
19 technical session. And the prehearing conference
20 is adjourned.

21 **(Whereupon the prehearing conference**
22 **was adjourned at 3:12 p.m., and a**
23 **technical session was held thereafter.)**

24