

KEEGAN WERLIN LLP

ATTORNEYS AT LAW
99 HIGH STREET, SUITE 2900
BOSTON, MASSACHUSETTS 02110

(617) 951-1400

TELECOPIER:
(617) 951-1354

July 15, 2021

Chairwoman Dianne Martin
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301

**Re: Docket No. DW 21-090
Verified Joint Petition for Approval of the Acquisition of Abenaki Water Company
by Aquarion Company – Joint Petitioners’ Report on Abenaki Rate Request**

Dear Chairwoman Martin:

On July 9, 2021, the Public Utilities Commission (“Commission”) issued Order No. 26,497 approving the request of Abenaki Water Company (“Abenaki”) and Aquarion Company (“Aquarion”) (together, the “Joint Petitioners”) to extend the deadline under RSA 369:8, II for a preliminary determination on adverse impact of Aquarion’s proposed acquisition of Abenaki by 30 days, until August 8, 2021.¹ As noted in the request, the concerns on timing relate to Abenaki’s pending rate case in Docket No. DW 20-112 and the potential complexity that brings to the Commission reaching its determination of no adverse effect under RSA 369:8, II within 60 days, rather than any predisposition of Aquarion’s proposed acquisition of Abenaki.²

With the additional time provided by the Commission’s Order, the Joint Petitioners have determined it is in the best interest of all parties to withdraw Abenaki’s rate request as an impediment to the Commission’s preliminary determination on adverse impact under RSA 369:8, II. Although Abenaki has an urgent and demonstrated need for rate relief, customers are better served by allowing the proposed acquisition to move forward at this time without the added consideration of Abenaki’s pending rate request. Withdrawal of the rate case will enable the Commission to determine categorically that there will be no adverse effects to rates, terms, service, or operations of Abenaki as a result of Aquarion becoming its new parent company.

¹ The request was filed after the evidentiary hearing on June 28 and 29, at which the Commission Staff (now Department of Energy Staff), the Office of the Consumer Advocate, and other intervenors expressed concerns with respect to the 60-day timeline of RSA 369:8, II, in this case.

² In the request, the Joint Petitioners also noted that the extension would be beneficial because it would enable Aquarion to evaluate issues associated with Abenaki’s rate request in light of information gathered at the recent hearings; and also enable Aquarion to explore alternatives for resolution of this proceeding.

Therefore, Abenaki shall withdraw its rate request in Docket No. DW 20-112 effective upon the Commission issuing a determination of no adverse impact under RSA 369:8, II, on or before August 8, 2021. Abenaki will submit a filing in that docket to formalize the request for withdrawal.

Lastly, the Joint Petitioners are pleased to report that they have consulted with the OCA with respect to this filing and that, based on withdrawal of the Abenaki rate case, OCA strongly supports the proposed acquisition based on a determination of no adverse impact under RSA 369:8, II, and will file a letter with the Commission to this effect.³

Please contact me if there are any questions with respect to this filing. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Venora". The signature is written in a cursive style with a large initial 'D'.

Daniel P. Venora

cc: Service List

³ The Joint Petitioners were unable to consult with counsel for the Department of Energy Staff prior to this filing but will do so promptly during the week of July 19, 2021.