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July 29, 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’ Commitment on Abenaki Rate Request**

Dear Chairwoman Martin:

On July 15, 2021, Abenaki Water Company (“Abenaki”) and Aquarion Company (“Aquarion”) (together, the “Joint Petitioners”) informed the Public Utilities Commission (“Commission”) they had determined that 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 on Aquarion’s proposed acquisition of Abenaki. The purpose of the withdrawal is to remove the rate case as an impediment to the Commission’s determination on adverse impact under RSA 369:8, II. On July 16, 2021, Abenaki submitted a filing in Docket No. DW 20-112 to formalize the request for withdrawal contingent upon such determination.

In the Joint Petitioners’ July 15 letter, the Joint Petitioners reported that they had consulted with the OCA prior to the 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. OCA subsequently filed a letter with the Commission on July 15, 2021 stating its support. The Joint Petitioners also reported they were unable to consult with counsel for the Department of Energy (“DOE”) representatives prior to their filing but would do so promptly during the week of July 19, 2021. The Joint Petitioners have since had the opportunity to consult with DOE representatives and are writing to provide an update related to the Abenaki rate case.

In determining to withdraw the Abenaki rate case, the Joint Petitioners did not address the potential timing of a future rate case filing by Abenaki. Abenaki’s filing in Docket No. 20-112 stated simply that its withdrawal would be “without prejudice, pending the Commission’s final determination on the joint petition . . . in Docket No. DW 21-090.”<sup>1</sup> The Joint Petitioners

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<sup>1</sup> Docket No. DW 20-112, Contingent Notice of Withdrawal (July 16, 2021).

have evaluated the timing of a future rate case filing for Abenaki in the event the Commission issues the requested determination of no adverse impact under RSA 369:8, II and the proposed acquisition is consummated *on or before* December 31, 2021. In such an event, the Joint Petitioners hereby commit that a subsequent Abenaki rate case filing for the Belmont, Bow, Tioga Gilford and Tioga Belmont water systems, and the Belmont sewer system, would be based on a test year with 12 months actual cost data – on a calendar year basis – under Aquarion ownership, meaning that a rate case would not be filed until at least one calendar year after the date of closing.

If the Commission issues such determination and the acquisition is consummated *after* December 31, 2021, the Joint Petitioners will make a good faith effort to use a calendar test year in the future rate case filing. However, in any event, the future rate case filing would be based on 12 months actual costs under Aquarion ownership and would not be filed until the completion of one year after the date of closing.<sup>2</sup> In addition, although the rate case in Docket No. DW 20-112 did not include the Rosebrook system, this commitment also applies to a future rate case for the Rosebrook system.

The DOE representatives authorized the Joint Petitioners to report that based on this commitment, DOE representatives support the proposed acquisition on a determination of no adverse impact under RSA 369:8, II, and will file a letter with the Commission to this effect in the coming days.

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

Sincerely,



Daniel P. Venora

cc: Service List

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<sup>2</sup> On July 16, 2021, the intervenors on behalf of the Bow and Tioga Belmont water systems filed a letter in response to the Joint Petitioners' July 15 filing on the rate case withdrawal, stating that they "find this proposal agreeable" if the Joint Petitioners would agree to five additional terms, one of which was "Agreement that subsequent rate case would be filed no sooner than 1 year after Aquarion takes full ownership of Abenaki to allow for a complete year of test data under the new ownership." The commitment in this letter is consistent with that request. However, the four other additional terms are outside the scope of the petition in this docket and immaterial to the Commission's determination of no adverse impact under RSA 369:8, II.