



DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

July 30, 2021

Dianne Martin, Chairwoman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

Re: Docket No. DW 21-090 (Abenaki Water Company and Aquarion Water)
Petition for Approval of the Acquisition of Abenaki Water Company by Aquarion Company
Department of Energy Support of Proposed Acquisition

Dear Chairwoman Martin:

On July 29, 2021, the Joint Petitioners in the above-mentioned matter, filed an update clarifying the timing of the potential refiling of the Abenaki Water Company, Inc. (Abenaki) rate case. The Joint Petitioners previously notified the Public Utilities Commission (Commission), on July 15, of its intent to withdraw Abenaki's underlying rate case (Docket No. DW 20-112) in order facilitate the Commission review of possible adverse impact of the acquisition. *See* RSA 369:8, II (b)(3) (“[i]f the commission within 30 days, and after an opportunity for a public hearing, issues a preliminary written determination that such a merger or acquisition will have an adverse effect on rates, terms, service, or operation of the public utility in the state, the commission shall allow the utility at least 30 days to amend its filing in order to address the commission's preliminary determination”).

In the July 29 filing, the Joint Petitioners commit to refiling a subsequent Abenaki rate case after the completion of one calendar year of ownership by Aquarion Water Company, provided that the merger transaction is finalized by end of 2021. In the event that the merger is not completed until after December 31, 2021, the Joint Petitioners commit to making a good faith effort to use a calendar test year in the future rate case filing. However, in any event, the Joint Petitioners committed that Abenaki's 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. The Joint Petitioners, furthermore, stated that its timing commitment extends to its one sewer system and all of its water systems, including Carroll (also known as Rosebrook).

After review of the filings and discovery in the above-mentioned, and as noted in the Joint Petitioners July 29 filing, the Department of Energy, Division of Regulatory Support (DOE) supports the Joint Petitioners proposed acquisition. The DOE agrees with the Office of the Consumer Advocate's filing in support of the acquisition, filed on July 15, which notes that the proposed acquiring company, Aquarion, possesses the managerial, financial, and technical capabilities of running the water systems. The DOE, furthermore, agrees that the Joint Petitioners' commitment to allow for a full calendar year

of operation of the utilities by the acquiring party will be most beneficial to the ratepayers as it will give a much clearer indication of the costs and potential savings with Aquarion as owner.

With the removal of the Abenaki rate case from consideration at this time, the DOE contends that there is no impact on rates, terms, service, or operation. The DOE, therefore, asserts that the Commission need not issue a preliminary written determination of adverse impact, pursuant to RSA 369:8, II (b)(3), allowing the acquisition to proceed.

Thank you for your attention to this matter.

Sincerely,

/s/ Christopher R. Tuomala

Christopher R. Tuomala, Esq.
Hearings Examiner/Department Attorney

Cc: Service List (Electronically)