

**STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Abenaki Water Company and Aquarion Company
Request for Approval of Acquisition

Docket No. DW 21- 090

MOTION FOR APPROVAL OF BRIEFING SCHEDULE

Aquarion Company and Abenaki Water Company (together, the “Joint Petitioners”) hereby request the New Hampshire Public Utilities Commission (“Commission”) to approve a briefing schedule in accordance with its Procedural Order Re: Proposed Amended Procedural Schedule issued on October 15, 2021 (the “Procedural Order”) in the above-captioned docket. In support of this motion, the Joint Petitioners state as follows:

1. On October 5, 2021, the Joint Petitioners filed a request for the Commission to approve a proposed amended procedural schedule for this docket, which included provisions for post-hearing written comments and briefs.
2. The Procedural Order determined that the proposed amended procedural schedule was in the public interest and approved the schedule subject to three changes, including: (i) that the technical session shall be held on October 25, 2021; (ii) that any written comments must be filed by November 10, 2021 and limited to 5 pages in length; and (iii) that “any party who believes briefing is necessary should file a motion with the Commission by October 27, 2021, along with a proposed timeline providing for briefs and any responses to be filed no later than the November 10 hearing date” (Procedural Order, at 2).
3. The Joint Petitioners seek to establish a briefing schedule that would allow any parties who wish to submit briefs the opportunity to do so prior to the November 10, 2021 hearing. Consistent with the Commission’s procedural rules, briefs in this matter will assist the

Commission in its determination of the issues presented.¹ In particular, pre-hearing briefs will serve to elucidate the issues now before the Commission and inform the Commission as to positions of the parties leading into the November 10, 2021 hearing, thereby providing efficiencies to the hearing process.

4. The Commission has the discretion to “set any briefing deadline or deadlines so as to permit the parties adequate time to draft their briefs and without causing undue delay in the conclusion of the proceeding,” and to “establish a briefing schedule that allows one or more parties to submit briefs in rebuttal or reply to the brief or briefs of one or more other parties when such a sequential schedule is necessary to assure due process, fairness or full discussion of the issues presented.”²
5. Based on the Procedural Order, the Joint Petitioners propose the following schedule for any parties wishing to file briefs:
 - November 1, 2021 - Simultaneous Initial Briefs; and
 - November 8, 2021 – Simultaneous Reply Briefs.

Given the November 10, 2021 hearing and the statutory deadline for the Commission’s decision in this matter, the Joint Petitioners’ proposal is consistent with the Commission’s procedural rules and serves the public interest.

6. Prior to filing this motion, the Joint Petitioners consulted with counsel for the Department of Energy (“DOE”) and the Office of the Consumer Advocate (“OCA”) with respect to the

¹ Puc 203.32(a) states: “Upon the request of a party or on its own motion, the commission shall allow parties to submit briefs at any point in an adjudicative proceeding if the commission determines that such briefing would assist the commission in its determination of the issues presented.”

² Puc 203.32(b) and (c).

proposed briefing schedule. Neither DOE nor OCA assent to this motion. Given this result, the Joint Petitioners did not consult with the other docket participants regarding this proposal.

For the above stated reasons, the Joint Petitioners respectfully request that the Commission grant this motion for approval of a briefing schedule.

[signature page follows]

**Respectfully submitted as of Oct. 20, 2021, by
AQUARION COMPANY**

By its attorneys,



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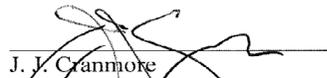


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Certificate of Service

I hereby certify that on October 20, 2021, a copy of this motion has been electronically forwarded to the service list in this docket.

A handwritten signature in blue ink that reads "Jessica Buno Ralston". The signature is written in a cursive style with a large initial 'J'.

Jessica Buno Ralston