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May 13, 2021

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: Docket No. DW 21-093  
Aquarion Water Company of New Hampshire, Inc.  
Petition for approval of franchise expansion, acquisition of assets, and application of existing rates**

Director Howland:

In accordance with the Commission's Order of Notice dated May 10, 2021 and pursuant to Puc rule 203.12(d), Aquarion Water Company of New Hampshire, Inc. published a copy of said Order of Notice for the above-captioned docket on the Company's website on May 10. Attached is an affidavit of publication as well as a copy of the publication itself.

Following the March 17<sup>th</sup> letter of the Commission this petition is being filed electronically only; paper copies will not follow. If you have any questions, please contact me. Thank you for your assistance with this matter.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Chiavara', is written over the typed name.

Jessica A. Chiavara  
Counsel, Eversource Energy  
o/b/o Aquarion Water Company of New  
Hampshire, Inc.

Attachment  
cc: Service List

**AFFIDAVIT OF DEBRA A. SZABO**

**I, Debra A. Szabo, being duly sworn, do hereby depose and state as follows:**

1. I am employed by Aquarion Water Company of Connecticut (“Aquarion CT”) as Director of Rates and Regulation.

2. As part of my duties and responsibilities for Aquarion CT I handle compliance with various regulatory requirements of Aquarion CT and its affiliates including Aquarion Water Company of New Hampshire, Inc. (“Aquarion”).

3. On Monday, May 10, 2021, the New Hampshire Public Utilities Commission issued an Order of Notice for Aquarion’s petition for franchise expansion, acquisition of assets and application of existing rates, and opened Docket No. DW 21-093. In part, that Order of Notice required that “Aquarion shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order on its company website within one day of this order, such publication to be documented by affidavit filed with the Commission on or before July 23, 2021.” Order of Notice at 3-4.

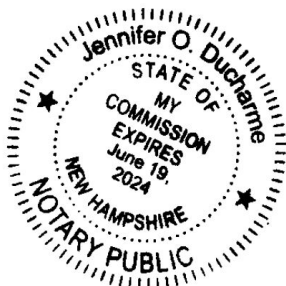
4. On May 10, 2021, the same day the Order of Notice was issued, a copy of the Notice was published on Aquarion’s website. Attached is a screenshot from May 10, 2021 of Aquarion’s newsroom page showing a copy of the Order of Notice to verify that the notice was published on May 10, 2021.

Dated this 13<sup>th</sup> day of May 2021

Debra A. Szabo  
Debra A. Szabo

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

Sworn to and subscribed before me this 13<sup>th</sup> day of May 2021.



Jennifer Ducharme  
Notary Public/Justice of the Peace  
My Commission Expires



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## STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION – DW21-093 – AQUARION WATER COMPANY OF NEW HAMPSHIRE, INC. – Petition for Approval of Franchise Expansion, Acquisition of Assets, and Application of Existing Rates

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May 10, 2021 by Debra A. Howland [New Hampshire](#)

5/10/21

### ORDER OF NOTICE

On November 20, 2020, Aquarion Water Company of New Hampshire, Inc. (Aquarion or the Company) filed a Petition for Approval of Franchise Expansion, Acquisition of Assets, and Application of Existing Rates (Petition).

In the Petition, the Company requests Commission approval of: (1) expansion of Aquarion’s franchise into a limited area in the Town of Stratham; (2) a contract between Aquarion and the Wiggin Way/Winterberry Homeowners’ Association (Wiggin Way) for the acquisition of water distribution infrastructure, pursuant to RSA 374:30; and (3) application of Aquarion’s existing tariffed rates. In support of its requests, Aquarion provided, among other things, a New Hampshire Department of Environmental Services (DES) order and Water Council decision on appeal, letters of support, and the proposed asset transfer agreement between the Company and Wiggin Way. DES filed a letter in support of the proposed franchise expansion and permanent interconnection between Aquarion and Wiggin Way.


Petitions for intervention were filed by the Town of Hampton (Hampton), to which Aquarion objected, and Wiggin Way. The Town of North Hampton previously filed a petition to intervene in Docket No. DW 17-062, upon which the Commission deferred decision until the filing of the present petition, but the Town of North Hampton did not file an updated petition for intervention. *See Aquarion Water Company of N.H.*, Order No. 26,016 at 5 (May 10, 2017).

On March 1, 2021, the Town of North Hampton (North Hampton) filed a Request for Hearing on Change in Rates, to which the Company and Wiggin Way both objected.

The Petition and subsequent filings raise, *inter alia*, issues related to whether Aquarion should be allowed to expand its franchise into the requested service area, under RSA 374:22; whether Aquarion has presented evidence of suitable and adequate water supply, under RSA 374:22, III; whether the requested franchise expansion is “for the public good,” under RSA 374:26; whether Commission approval of Aquarion’s acquisition of the Wiggin Way water infrastructure is required under RSA 374:30; whether consideration of the future rate impact of a franchise expansion upon a water utility’s current customers is contemplated under RSA 374:22 and RSA 374:26; whether current customers who are not residents of the proposed franchise expansion service area have standing, under RSA 541-A:32, I; whether rate schedules required during full rate proceedings, under N.H. Admin. R., Part Puc 1600, are required to be filed in connection with a franchise expansion request under RSA 374:22 and RSA 374:26;

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whether application of a different but existing tariff rate, such as changing from seasonal rates charged during an emergency connection to permanent rates, represents a change in rate contemplated by RSA 378:7; and whether a franchise expansion request, pursuant to RSA 374:22 and RSA 374:26, and the implementation of existing tariffed rates in connection with the proposed franchise expansion, require detailed examination of possible rate subsidization or preference, under RSA 378:10.

The parties and prospective intervenors should be prepared to address the proper scope of the proceeding, including, but not limited to, the impact of future rates in the context of a franchise expansion proceeding, as described above. The Commission will also require the Town of North Hampton to file an updated petition for intervention, as Aquarion filed its franchise expansion request nearly three years after the Commission approved an emergency interconnection and the application of seasonal rates in Order No. 26,106 in Docket No. 17-062.

The Commission held Docket No. 17-062 open pending receipt of a petition to expand Aquarion's franchise. That petition has now been filed. The Petition, and subsequent filings related to the Petition, shall be administratively transferred from Docket No. DW 17-062 to this docket, and we will now close Docket No. DW 17-062.

Based upon the foregoing, it is hereby

ORDERED, that, consistent with Governor Christopher T. Sununu's Emergency Order #12, the Commission will hold a web-enabled remote prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, on July 28, 2021, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the Petition and any of the issues set forth in N.H. Admin. R., Puc 203.15. Members of the public who wish to access the prehearing conference may do so [by clicking here](#). If you have any difficulty obtaining access to this remote event, please notify the Commission by calling (603) 271-2431 as soon as possible. Parties will be provided with additional instructions prior to the prehearing conference; and it is

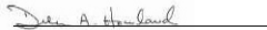
FURTHER ORDERED, that, immediately following the prehearing conference, Aquarion, Commission Staff, the Office of the Consumer Advocate, and any intervenors or prospective intervenors hold a web-enabled remote technical session to review the Petition, allow Aquarion to provide any amendments or updates to its filing, discuss the need for a procedural schedule, and discuss potential settlement of relevant issues; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Aquarion shall notify all persons desiring to be heard at this hearing by publishing a copy of this order on its company website within one day of this order, such publication to be documented by affidavit filed with the Commission on or before July 23, 2021. The Commission will also publish this order on its website at <https://www.puc.nh.gov/Regulatory/ordersofnotice.htm>; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any party seeking to intervene in this proceeding, including the Town of North Hampton, shall submit to the Commission a Petition to Intervene with electronic copies sent to Aquarion and the Office of the Consumer Advocate on or before July 26, 2021, such petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17. Pursuant to the secretarial letter issued on March 17, 2020, see; <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, any party seeking to intervene may elect to submit its filing in electronic form; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said objection on or before July 28, 2021.

By order of the Public Utilities Commission of New Hampshire this tenth of May, 2021.



Debra A. Howland

Executive Director

Service List - Docket Related

Docket# : 21-093

Printed: 5/10/2021

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## About Aquarion Water Company

Aquarion Water Company is the public water supply company for more than 625,000 people in 53 cities and towns throughout Connecticut, as well as serving customers in Massachusetts and New Hampshire. It is the largest investor-owned water utility in New England and among the seven largest in the U.S. Based in Bridgeport, CT, it has been in the public water supply business since 1857. Across its operations, Aquarion strives to act as a responsible steward of the environment and to assist the communities it serves in promoting sustainable practices. Aquarion Water Company is a wholly-owned subsidiary of [Eversource](#).

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