

**The State of New Hampshire**  
**Public Utilities Commission**  
**DW 17-062**

**RE: Aquarion Water Company of New Hampshire**

**RENEWAL OF THE TOWN OF HAMPTON'S PETITION TO INTERVENE**

NOW COMES the Town of Hampton in the above entitled matter and petitions the Commission to allow it to intervene in these proceedings as a party and in support of said Petition says as follows:

1. In accordance with PUC Rule 203.17 and N.H. RSA 541-A:32, the Town of Hampton seeks to intervene in the present proceeding, which is a reopening of the docket that was opened back in 2017 based upon the filing of a "Petition to Charge Seasonal Rates for Emergency Interconnection."
2. At that earlier time, the Town of Hampton also filed a Petition to Intervene, but the Commission deferred ruling upon same in its Order #26,016 dated May 10, 2017 until Aquarion Water Company of New Hampshire, Inc. (hereinafter, "Aquarion") made the request to implement a permanent interconnection with Wiggin Way, which is now part of what is being sought.
3. Aquarion's Petition now goes far beyond the prior petition that initiated this docket in that Aquarion now seeks approval to expanding its franchise into Stratham as well as to acquire the assets of the Wiggin Way Homeowners Association water system.

4. The Town of Hampton includes about three-quarters of the residential customers who are served by Aquarion, and the Town of Hampton's Fire Department utilizes more than half of the public fire hydrants for which Aquarion ensures the availability of water.
5. At this point, the Town of Hampton has a number of concerns that need to be addressed in the course of the Commission's consideration of Aquarion's "Petition for Approval of Franchise Expansion, Acquisition of Assets, and Application of Existing Rates" that include, but may not be limited to, the following:

- a. Is there an adequate supply of water to serve both existing franchise communities as well as a portion of Stratham? Since the Water Council proceedings concluded, a severe drought situation has occurred. Moreover, while the Department of Environmental Services has since approved in early 2020 a large groundwater withdrawal permit for Aquarion from a new Well 22, the approved volume of withdrawal is not quite as high a volume as Aquarion desired. Also, the output from the new Well 22 offsets the lack of output from existing Well 6, which is turned on only periodically due to the presence of a higher than allowed concentration of one of the four PFAS chemicals now regulated by statute in the state of New Hampshire.

- b. Will there be any cost to the existing customer base by virtue of Aquarion's acquiring the assets of the Wiggin Way water system?

It is represented that all costs involved in the acquisition of the Wiggin Way water distribution system will be borne by Wiggin Way and not by the current customers of Aquarion. The DES Order dated March 29, 2017 that was appealed to the Water Council and upheld there, did not require Aquarion

either to acquire these assets nor to serve the homes in this development through individual meters. There was evidence in the record in the Water Council Services proceedings that are referenced in the Petition that back in 1999 when the Wiggin Way system was constructed that this system was not well designed. Aquarion's acquiring these assets may mean that in too short an amount of time this system may have to be entirely replaced, an expense that would fall mostly upon Aquarion's current customers in Hampton, North Hampton, and two Rye Water Districts. Hampton also has concerns that once the distribution lines to the individual homes in the Wiggin Way system are pressurized directly with Aquarion water directly that there will be experienced, as has been encountered in another community, a number of individual homes' water appliances malfunctioning or bursting that may end up costing Aquarion to fix at a cost that might also end up being mostly borne by Aquarion's current customer rate base..

- c. What does it mean for this franchise to be extended into Stratham? Right now, the franchise of Aquarion consists of Hampton, with about 75% of Aquarion's residential customers, North Hampton, and two Rye Water Districts. What would the addition of Wiggin Way as a "limited franchise" in Stratham mean? Would this give the Stratham Selectmen the same right as its current customer Towns to advocate before the PUC as existing customers? Stratham has been looking into the development of a Town wide water system for itself and if Aquarion begins to serve the Wiggin Way development on a permanent basis, will there be other subdivisions nearby to Wiggin Way that

could also seek to become part of the Aquarion system? Would any further extension of the limited franchise in Stratham require additional DES and PUC approvals?

6. Intervention by Hampton is needed now in order for Hampton to be kept fully informed of Aquarion's intentions and the Commission's proceedings thereon and to be in a position to voice the Town's concerns in a timely and meaningful way before the Petition is ruled upon.
7. The Town of Hampton has participated in all recent rate cases before this Commission that have been filed by Aquarion.

WHEREFORE, the Town of Hampton requests that the Commission:

- A. Allow the Town of Hampton to intervene as a party in this matter;
- B. Notify the Town of Hampton in advance of any further proceedings herein and allow the Town to be heard before any Orders are issued; and
- C. Grant such other and further relief as may be just.

Respectfully submitted,  
Town of Hampton  
By its Town Attorney



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Certificate of Service

I hereby certify that on this 8th day of December 2020, I have e-mailed the foregoing Renewal of the Town of Hampton's Petition to Intervene to the service list electronically.



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Mark S. Gearreald, Esq.