

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

AQUARION WATER COMPANY OF NEW HAMPSHIRE

Petition to Charge Seasonal Rates for Emergency Interconnection

Docket No. DW 17-062

AQUARION WATER COMPANY OF NEW HAMPSHIRE'S
OBJECTION TO RENEWED PETITION TO INTERVENE OF
THE TOWN OF HAMPTON

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA chapter 541-A, Aquarion Water Company of New Hampshire (“Aquarion” or the “Company”) hereby objects to the Renewal of The Town of Hampton’s Petition to Intervene (“Petition”) filed by the Town of Hampton (“Hampton” or the “Town”) on December 8, 2020 in the above-captioned docket. In support of its objection, Aquarion states the following:

1. On November 11, 2020, Aquarion did what has long been anticipated by the Commission and filed its Petition for Approval of Franchise Expansion, Acquisition of Assets, and Application of Existing Rates in this docket to complete the formal process of permanently interconnecting the customers of the Wiggin Way/Winterberry subdivisions in the Town of Stratham to Aquarion’s water distribution system. Presently, those customers are served indirectly by a temporary interconnection that the New Hampshire Department of Environmental Services (“NHDES”) has ordered be made permanent. As stated in Aquarion’s November 20 filing, to accomplish this permanent interconnection and serve these customers directly, it is necessary for Aquarion to expand its existing franchise into the Town of Stratham, acquire certain existing water distribution

infrastructure assets already in place, and apply its existing tariff rates to these new customers.

2. On December 8, 2020, the Town filed the Petition to renew its prior request to intervene, but upon which the Commission had deferred any action until Aquarion's permanent interconnection filing was made. Pursuant to RSA 541-A:32, I, and Puc 203.17, the Commission shall grant intervention if the petitioner states facts demonstrating that its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding and the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. Further, under RSA 541-A:32, II the Commission may grant a petition to intervene if the intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings. The Town's Petition does not identify any rights, duties, privileges, immunities or other substantial interests that it has at stake in this proceeding and otherwise provides no meaningful basis for its participation in this proceeding. Accordingly, and for the reasons set out below, Aquarion objects to Hampton's intervention.
3. In the Petition, the Town identifies three bases for its intervention all of which it includes under an umbrella of "concerns" that it professes to have. As an initial matter, the fact that Hampton may be "concerned" about certain issues does not, in itself, justify its participation in this docket. Being concerned does not mean that any rights, duties, privileges, immunities or other substantial interests of Hampton are at stake. Further, in submitting this petition Aquarion is doing what NHDES has ordered and the fact that Hampton may raise these concerns, when none of them bear upon issues in the docket,

indicates that its participation would likely impair the orderly and prompt conduct of these proceedings to fulfill that order.

4. With respect to the specific bases offered by Hampton, it first raises questions about the adequacy of the water supply once the interconnection becomes permanent. This concern is not relevant to this docket or the Commission's analysis and it ignores existing facts. The quantity and quality of the water supply is a matter within the purview of NHDES, which has already ruled on the matter. Thus, there is nothing for the Commission to decide. Further, the Petition ignores that the Wiggin Way/Winterberry customers are already being served by Aquarion, as they have been for years. The only change that would occur as a result of this proceeding is that rather than serving the customers indirectly through a temporary interconnection, the service will be more direct when the interconnection becomes permanent. The permanent interconnection will not change anything about the quantity of water being delivered to the Wiggin Way/Winterberry customers or to any other customers.
5. Second, the Town expresses some general concern about hypothetical future costs associated with repairs to the system assets in place in the Wiggin Way/Winterberry subdivisions. As an initial issue here, the Town complains that some of the hypothetical future costs may be borne by "Aquarion's current customers in Hampton, North Hampton, and two Rye Water Districts," Petition at 3, but there is nothing presented by the Town that indicates that it represents, or is authorized to represent, the interests of Aquarion's customers in Hampton (other than the Town itself), nor those in North Hampton or Rye. Accordingly, in reviewing Hampton's request, it must be acknowledged that it does not speak for entities other than the Town and its departments.

6. Furthermore, the Town's unsupported speculation that there would be costs relating to this system in some hypothetical future does not provide any basis for intervening in this proceeding. It is inevitable that the Company will incur costs to operate and maintain its water system in all communities it serves. When the Company incurs costs in Hampton, North Hampton, Rye, and potentially Stratham, those costs will be addressed by the Commission consistent with the manner the Commission has always dealt with such costs. There is nothing special about the costs of the system at issue this docket that implicates Hampton's rights or interests. The fact that some costs may, at some unknown future date, be spread across the entirety of Aquarion's customer base does not mean that the Town's rights or interests are implicated by this proceeding.
7. Lastly, the Town speculates that expanding Aquarion's franchise into Stratham as requested may lead to future further expansions into Stratham. The Town then poses a series of rhetorical questions about a hypothetical future that it believes might come up in the event of such expansion. Again, Hampton's rank speculation about some hypothetical future state or change does not mean that its rights or interests are at stake in this proceeding.
8. Further, the issues of the franchise expansion about which Hampton professes to be concerned are issues that are irrelevant to the Commission's considerations in this docket. For example, Hampton posits "Would this give the Stratham Selectmen the same right as its current customer Towns to advocate before the PUC as existing customers?" Petition at 3. To the extent that Aquarion serves customers in Stratham, those customers, or their authorized representatives, may or may not choose to participate in Commission proceedings in the future. That bare fact, however, is not a relevant consideration of

Hampton in this docket, and does nothing to show that the rights or interests of Hampton are affected by this proceeding. None of the issues raised by the Town satisfy the standard for intervention.

9. For the reasons set out above, Hampton's Petition does not demonstrate that its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, but it does demonstrate that its participation would impair the orderly and prompt conduct of the proceedings. Accordingly, the Petition should not be granted.
10. Finally, Aquarion notes that under RSA 541-A:32, III, and Puc 203.17, the Commission may limit an intervention to, among other things, "designated issues in which the intervenor has a particular interest." In light of the above, Aquarion hereby requests that if the Commission grants the Town's Petition, it limit Hampton's intervention to the issues in which the Town may have a particular interest and over which the Commission has jurisdiction.

WHEREFORE, Aquarion respectfully requests that the Commission:


- (1) Deny the Town's Petition or limit the Town's participation if its Petition is granted; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

Aquarion Water Company of New Hampshire, Inc.

____December 18, 2020____
Date

By: _____



Matthew J. Fossum
Senior Regulatory Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961
Matthew.Fossum@eversource.com

Jessica A. Chiavara
Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2972
Jessica.Chiavara@eversource.com

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

____December 18, 2020____
Date



Matthew J. Fossum

