

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Aquarion Water Company of New Hampshire

Petition for Franchise Expansion, Acquisition of Assets and Application of Existing Rates

Docket No. DW 21 – 093

MOTION FOR RULING ON INTERVENTION WITHOUT FORMAL ORDER

NOW COMES the Town of North Hampton (“North Hampton”), by and through NH Water Law, requests that the Commission rule on North Hampton’s petition to intervene as follows:

1. North Hampton moved to intervene in the original DW 17 – 062 docket on April 25, 2017 and thereafter requested a hearing on March 1, 2021. Pursuant to the Commission’s Order of Notice, North Hampton petitioned to intervene in this proceeding on July 26, 2021. Aquarion filed an objection on July 28, 2021. During the pre-hearing conference on July 28, 2021, the Commission heard argument and took petitions to intervene under advisement.

2. The Department of Energy has submitted data requests to Aquarion Water to evaluate the expansion of Aquarion’s franchise and related information. North Hampton has prepared proposed discovery requests in order address its concerns. However, under Puc 203.09, discovery requests are available only to parties.

3. In order to participate in this proceeding and to avoid delay, North Hampton requests that the Presiding Officer grant its request to intervene without a formal order of the Commission based on the following:

- a. RSA 363:17-b specifies requirements for “final orders.” However, granting of a petition to intervene is not a “final order” of the Commission.

- b. RSA 541-A:32, V provides that “[t]he presiding officer shall render an order granting or denying each petition for intervention, specifying any conditions and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification.” (emphasis added).
- c. Rule Puc 203.14 provides that the chair of the commission “shall serve as presiding officer” and is authorized to rule on “procedural matters which may arise during the course of the proceeding.”
- d. Taken together, RSA 541-A:32, V and Puc 203.14 authorize the Chair as Presiding Officer to grant intervention by order “briefly” without a formal order.
- e. An expedited ruling by the Presiding Officer or by Secretarial Letter would promote the interests of justice and the orderly conduct of this proceeding as discovery has already commenced.

7. North Hampton sought the assent of the parties to an expedited ruling by email on August 11, 2021. Counsel for Aquarion advised that it has “no particular position on how the Commission rules on the intervention requests, so long as there is appropriate process.” Other parties had not responded as of this date.

WHEREFORE North Hampton requests that the Presiding Officer grant North Hampton’s intervention without a formal order as provided by RSA 541-A:32 and Puc 203.14 and grant such other relief as justice may require.

Respectfully submitted,

TOWN OF NORTH HAMPTON

By its Counsel,

NH WATER LAW



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Dated: August 13, 2021

CERTIFICATE OF SERVICE

I certify that a complete copy of the foregoing is being sent this day to all persons on the Commission's official service list for this proceeding.



Justin C. Richardson, Esq.