

STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

Docket No. DW 21-_____

PENNICHUCK WATER WORKS, INC.

PETITION FOR APPROVAL OF SPECIAL CONTRACT
WITH ANHEUSER-BUSCH

The Pennichuck Water Works, Inc. (PWW) requests Commission approval, pursuant to RSA 378:18, to deviate from its general tariff and enter into a special contract with Anheuser-Busch, LLC (AB) for water service to the AB's Merrimack, New Hampshire facility in Merrimack, New Hampshire. In support of this request, PWW states as follows:

1. PWW is authorized by the Commission to provide water service in the City of Nashua and towns of Amherst, Bedford, Derry, Epping, Hollis, Merrimack, Milford, Newmarket, Plaistow, and Salem, New Hampshire as well as in Tyngsboro, Massachusetts.

2. AB is a New Hampshire business registered with the N.H. Secretary of State to do business in the State. AB owns and operates a facility in Merrimack. AB has been a long-time customer of PWW and has received service largely under special contracts. The first contract for water service was dated March 3, 1969. A second contract between AB and PWW was dated July 1, 1995. A third contract between AB and PWW was dated October 5, 2004. The present, fourth contract was dated January 18, 2011. All of these prior and existing contracts have been approved by the Commission.

3. AB and PWW have determined that the most suitable means of supplying AB with water service is to continue with a special contract arrangement. The fifth special contract is attached as Attachment A. Testimony of Donald L. Ware in support of the contract is attached

as Attachment B. A cost of service study supporting the proposed rates in the fifth contract is attached to Mr. Ware's testimony as Attachment DLW-1.

4. Pursuant to RSA 378:14, no public utility "shall charge or receive a greater or different compensation for any service rendered to any person, firm, or corporation than the compensation fixed for such service by the schedules on file with the Commission and in effect at the time such service is rendered." PWW has a tariff and rate schedules on file with the Commission that depict the rates and terms of service.

5. Pursuant to RSA 378:18, the Commission may deviate from RSA 374:14 and approve special rates for utility service if it finds that "special circumstances exist which render such departure from the general schedules just and consistent with the public interest..." RSA 378:18.

6. As explained in the attached statement of special circumstances (Attachment C), and accompanying testimony of Mr. Ware (Attachment B), PWW believes special circumstances exist which render a departure from PWW's general schedules.

7. Because the parties were unable to complete the cost of service study and update the fourth special contract to the proposed fifth special contract in time to provide the Commission with more than thirty days review, the parties propose that the Commission approve a temporary extension of the existing fourth special contract and allow the parties to reconcile the difference between the fourth and fifth contracts after the Commission approves the special contract. PWW believes the Commission has authority pursuant to RSA 378:7 and RSA 378:27 and 29 to provide this requested rate relief. This reconciliation is further explained on pages 9-10 of Mr. Ware's testimony.

8. Lastly, because the parties were unable to file the proposed special contract at least 30 days before the proposed effective date pursuant to Puc 1606.02(a)(1) and Puc 202.03, PWW requests waiver under Puc 201.05(a). PWW states that the waiver will serve the public interest in that, as explained in the testimony of Mr. Ware, the underlying special contract will provide benefits of stable sales of large amounts of water supply that will, in turn, benefit ratepayers, PWW, and AB. Furthermore, the waiver will not disrupt the orderly and efficient resolution of this proceeding because PWW and AB propose a reconciliation feature that will result in the rates approved in the fourth special contract to be, effectively, charged during the term of the fourth contract and the rates proposed for the fifth special contract to be, effectively, charged during the term of the fifth contract. Therefore, the parties will be made whole irrespective of the date the proposed fifth contract is approved. The reconciliation feature will also provide time for the Commission to review the proposed contract because whenever the presumed Commission approval occurs, the billing can be seamlessly adjusted to the effective dates of the respective special contracts.

WHEREFORE, PWW respectfully requests the Commission:

A. Approve the proposed special contract between Pennichuck Water Works, Inc. and Anheuser-Busch, LLC; and

B. Grant such other and further relief as may be just and reasonable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By its Attorney,

Date: June 4, 2021

By: Marcia A. Brown
Marcia A. Brown, NH Bar #11249
NH Brown Law, PLLC
20 Noble Street
Somersworth, NH 03878
(603) 219-4911
mab@nhbrownlaw.com

Certificate of Service

I hereby certify that a copy of the foregoing petition and supporting materials have been emailed this day to the Office of the Consumer Advocate.

Marcia A. Brown
Marcia A. Brown