

STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

Docket No. DW 11-018

Docket No. DW 21-115

PENNICHUCK WATER WORKS, INC.

Review of Fifth Special Contract

**ASSENTED-TO SUPPLEMENTAL MOTION TO EXTEND
FOURTH SPECIAL CONTRACT
WITH ANHEUSER-BUSCH**

NOW COMES, Pennichuck Water Works, Inc. (PWW) and requests that the Commission approve, pursuant to RSA 378:18, a second extension of the fourth special contract between PWW with Anheuser-Busch, LLC (AB). 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 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. A fourth special contract (Fourth Contract), dated January 18, 2011, was approved by the Commission in DW 11-018 by Order No. 25,230 (June 9, 2011). The Fourth Contract expired June 30, 2021.

3. On June 4, 2021, PWW filed a petition for approval of a proposed fifth special contract between AB and PWW (Fifth Contract). In support of the Fifth Contract, PWW filed

the testimony of Donald L. Ware. On July 7, 2021, the Commission approved an extension of the Fourth Contract pending the Commission's review of the proposed Fifth Contract. See, *Pennichuck Water Works, Inc.*, Docket No. DW 11-018 and Docket No. 21-115, Order No. 26,496 (July 7, 2021).

4. On November 10, 2021, PWW filed an update to the petition and testimony for the Commission's consideration. This update included a revised cost of service model and revised special contract that adjusted the cost AB would pay. As explained in the updated testimony, the costs proposed in the Fifth Contract changed due to changes in service taken by PWW's other large customers since the filing of the initial Fifth Contract. The petition and update are currently under review in Docket No. DW 21-115.

5. When the Commission approved the temporary extension of the Fourth Contract in Order No. 26,496 (eff. July 23, 2021), the Commission approved the extension for a period of six months as follows:

“We therefore approve an extension of the Fourth Contract until a Commission determination is made on the proposed Fifth Contract in docket DW 21-115 or six months from the effective date of this order, whichever is sooner. If determination has not been made within six months, PWW will be required to request an additional extension.” (emphasis added)

6. The Fifth Contract is still under review and investigation by the Commission. Therefore, as directed in Order No. 26,496, PWW files this additional extension request. PWW bases this request on the same reasons expressed in PWW's first motion. Specifically, PWW believes this additional temporary extension request satisfies RSA 378:18 and that it is in the public interest that PWW deviate from the general rate schedules because: (1) AB has paid for infrastructure to obtain water service from PWW; (2) AB is a critical large customer of PWW;¹

¹ See, DR 95-046, Order No. 21,564 (3/7/1995); DW 04-228, Order No. 24,441 (3/4/2005); DW 11-018, Order No. 25,230 (6/9/2011).

(3) the updated cost of service study indicates AB should pay rates that are less than the general tariff rates; and (4) the proposed reconciliation mechanism between the Fourth and Fifth Contracts will protect customers, the public, PWW, and AB from over or under payments once the Fifth Contract is ultimately approved.

7. The Department of Energy assents to this motion. AB supported the last motion to extend but did not respond with its position on this motion as of the time of this filing. There are no other parties to these dockets.

WHEREFORE, PWW respectfully requests the Commission:

- A. Approve a second temporary extension of the fourth special contract until the Commission approves the fifth special contract; and
- B. Grant such other and further relief as may be just and reasonable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By its Attorney,

Date: December 28, 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 motion has been emailed this day to the Docket Related Service List for these dockets.

Marcia A. Brown
Marcia A. Brown