

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 11-018

**Pennichuck Water Works, Inc. Special Contract #4
with Anheuser- Busch, LLC**

DW 21-115

**Pennichuck Water Works, Inc. Special Contract #5
with Anheuser- Busch, LLC**

Order *Nisi* Approving Extension of Special Contract #4

ORDER NO. 26,496

July 7, 2021

In this order the Commission approves an extension of the Pennichuck Water Works, Inc.'s fourth special contract with Anheuser-Busch, LLC, during the pendency of the Commission's review of the parties' proposed, fifth special contract.

Pennichuck Water Works, Inc.'s (PWW's or the Company's) Motion to Extend the Fourth Special Contract with Anheuser-Busch, LLC, (AB), Commission Staff, now Department of Energy (Staff) Recommendation, and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2011/11-018.html>.

I. BACKGROUND AND PROCESS

On June 4, 2021, PWW filed a request for approval of its fifth special contract with AB (the Fifth Contract) in docket DW 21-115. The currently effective fourth special contract between PWW and AB (the Fourth Contract) expired on June 30, 2021. On June 14, 2021, PWW filed a motion (the Motion) requesting a temporary extension of the expiration date of the terms

of the Fourth Contract, from June 30, 2021 to the date the Commission issues its decision on the Fifth Contract.¹

In support of the Motion, the Company indicated that before the Fifth Contract can be approved the Commission will be reviewing (1) a new cost of service (COS), (2) whether the rates PWW proposes to charge AB support the costs, and (3) the contract itself. The extension would provide “ample review opportunity,” enabling the Commission to ensure the contract is consistent with the public interest.

PWW believes an extension satisfies RSA 378:18 and asserts it is in the public interest that PWW deviate from the general rate schedules during the extension period because AB is a critical, large customer of PWW² and has invested in the infrastructure used to obtain water from PWW.

II. STAFF RECOMMENDATION

Staff filed its recommendation on June 16, 2021, in which it agreed that an extension of the Fourth Contract is necessary in order to allow the Commission sufficient time to complete the review process of the proposed Fifth Contract. Because AB is PWW’s largest customer in terms of consumption, Staff found that an extension of the currently effective Fourth Contract meets the requirement of RSA 378:18. Staff, therefore, recommended that the Commission grant PWW’s motion for a temporary extension of the Fourth Contract.

¹ PWW filed its motion in Docket DW 11-018. The petition to approve the fifth special contract between the Company and AB was filed in DW 21-115.

² According to Testimony of Donald L. Ware, p 10, ln. 6-10, Anheuser-Busch is “far and away PWW’s largest customer in terms of demand.” Mr. Ware indicated that in calendar year 2020, AB used 265,881 1000/gals of PWW water, “or about 6.3% of PWW’s total average daily usage in 2020.”

III. STANDARD OF REVIEW

The Commission may, by order, allow utilities to charge rates which depart from their standard tariffs when special circumstances exist “which render such departure from the general schedules just and consistent with the public interest ...” RSA 378:18. We find the facts of this case render an extension of this existing Fourth Contract between PWW and AB just and consistent with the public interest. 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.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Pennichuck Water Works, Inc.’s fourth special contract with Anheuser-Busch, LLC, is hereby extended as set forth herein above, and it is

FURTHER ORDERED, that, Pennichuck Water Works, Inc. shall cause a copy of this order to be published on its website within one business day of the issuance of this order, such publication shall be documented by an affidavit filed with this office on or before July 12, 2021; and it is

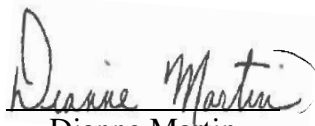
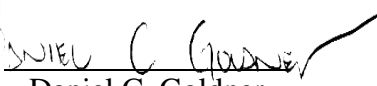
FURTHER ORDERED, that, the clerk shall cause a copy of this order to be published on the Commission website within two business days of the issuance of this order; and it is

FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than July 16, 2021, for the Commission’s consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than July 21, 2021; and it is

FURTHER ORDERED, that this order shall be effective July 23, 2021, unless the Movant fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

By order of the Public Utilities Commission of New Hampshire this seventh day of July, 2021.

	
Dianne Martin Chairwoman	Daniel C. Goldner Commissioner

Attested by:



Lori A. Davis
Administrative Assistant

Service List - Docket Related

Docket# : 11-018

Printed: 7/7/2021

Email Addresses

ExecutiveDirector@puc.nh.gov
johna@ranspell.com
stephen.r.eckberg@energy.nh.gov
sarah.knowlton@libertyutilities.com
jayson.p.laflamme@energy.nh.gov
amanda.o.noonan@energy.nh.gov
scott.j.rubin@gmail.com

Service List - Docket Related

Docket# : 21-115

Printed: 7/7/2021

Email Addresses

ExecutiveDirector@puc.nh.gov
mab@nhbrownlaw.com
robyn.j.descoteau@energy.nh.gov
david.n.goyette@energy.nh.gov
jayson.p.laflamme@energy.nh.gov
anthony.j.leone@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
christopher.r.tuomala@energy.nh.gov