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VIA ELECTRONIC FILING

Daniel Goldner, Chair
Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**RE: Department of Energy Complaint regarding Abenaki Water Company
Non-Compliance with DigSafe Requirements under RSA 374:48-56 and Puc 605.07**

Response of Abenaki Water Company to Complaint

Dear Chair Goldner:

On December 3, 2021, the Staff of the Department of Energy (“DOE”) submitted a complaint (the “Complaint”) to the New Hampshire Public Utilities Commission (“Commission”) in response to a prior complaint dated October 15, 2021 by the DOE’s Safety Bureau regarding alleged DigSafe violations by Abenaki Water Company (“Abenaki”). In the Complaint, the DOE Staff noted that the Safety Bureau met with representatives of Abenaki and Aquarion Company¹ (the “Companies”) in an informal conference on November 22, 2021 to discuss the alleged violations, and that in that discussion, both companies agreed to accept the Safety Bureau’s findings and proposed civil penalty. By this submission, the Companies provide a response to the Complaint.

Consistent with the statement of the DOE Staff, Abenaki accepts the findings in the Safety Bureau’s complaint, and it accepts and agrees to the civil penalty proposed. More specifically, and in line with the agreement on November 22, Abenaki accepts the “Proposed Penalty Option 2” of \$15,283 as described on page 6 of the September 9, 2021 memorandum of William Ruoff included with the materials submitted in the Complaint. Additionally, Abenaki accepts and agrees with the recommendation that the penalty be applied for the benefit of Abenaki’s customers through a credit on customers’ bills. Abenaki proposes to provide the credit by way of a single, uniform credit to each of the Abenaki water and sewer customers of record as of the date of a Commission order in this matter, unless otherwise directed by the Commission. As of today, Abenaki estimates that the credit would be approximately \$17 per customer.

In that the DOE and the Companies agree on the relevant facts and the proposed resolution surrounding the Complaint, the Companies request that the Commission address the matter by way of an

¹ On November 12, 2021 the Commission issued Order No. 26,549 in Docket No. DW 21-090, approving Aquarion Company’s acquisition of the operating companies of New England Service Company including Abenaki Water Company. That acquisition was consummated as expected on December 1, 2021.

order *nisi* or similar process confirming the agreed upon resolution and that the Commission forgo a formal hearing in this matter.

Should you have any questions concerning the foregoing, please do not hesitate to contact me.

Sincerely,



Matthew J. Fossum
Senior Regulatory Counsel

CC: Jared Chicoine, Commissioner, Department of Energy
Christopher Ellms, Deputy Commissioner, Department of Energy
Tom Frantz, Department of Energy
Paul Kasper, Department of Energy
William Ruoff, Department of Energy