

Before the New Hampshire Public Utilities Commission

Docket No. DW 23-020

By: The Hampstead Area Water Company, Inc. (HAWC) - Petitioner  
54 Sawyer Ave., Atkinson, NH 03811

**OBJECTION TO PETITION OF KAREN STEELE FOR INTERVENTION**

The Hampstead Area Water Company, Inc. (HAWC or the Company) respectfully Objects to the Petition of Karen Steele for Intervention filed with the New Hampshire Public Utilities Commission (NHPUC or Commission) dated March 20, 2023. In support of this objection, the Company states the following.

1. This matter arises out of the Company's rate case petition filed in Docket No. DW 20-117.
2. On June 10, 2022, the NHPUC issued revised Order No. 26,635 in Docket No. DW 20-117 approving a settlement agreement reached between the Company, the New Hampshire Department of Energy (NHDOE), the Office of the Consumer Advocate (OCA), the Town of Atkinson, and the Town of Hampstead. The approved settlement agreement included the establishment of permanent rates and for two step adjustments to permanent rates based on financial information to be submitted by the Company, both subject to audit by the NHDOE Audit Division.
3. Petitioner filed a petition for intervention in Docket No. DW 20-117 on April 9, 2021 which the Commission granted on condition that: "Atkinson [who also petitioned to intervene] and Ms. Steele shall participate jointly in this docket to the extent possible. See RSA 541-A:32, III(c)." While Ms. Steele did work with the Town of Atkinson and its counsel at times, at other times she appeared to be working independently of the Town of Atkinson. This is particularly so where the Town of Atkinson joined in the

Company's and NH DOE's settlement agreements for permanent rates and the Step I adjustment to permanent rates in Docket DW 20-117. Ms. Steele objected to both settlement agreements.

4. The Step I adjustment was submitted by the Company and reviewed by the NHDOE Audit Division. A settlement agreement has been filed by the Company with the NHPUC and the NHDOE, the Town of Atkinson, and the Town of Hampstead joined in the settlement. The Petitioner objected. The hearing on the proposed Step I settlement agreement is scheduled for April 12, 2023, pursuant to the Commission's Procedural Order dated March 8, 2023.
5. For its Step II adjustment to permanent rates, the Commission opened this docket, and the Company filed a petition with attached supporting schedules prepared by its outside consultant, Stephen P. St. Cyr.
6. The Petitioner's sole basis to intervene is on her being a HAWC customer by way of being a citizen of the Town of Atkinson, so-called taxpayer jurisdiction. See paragraph two of the pending Petition. This was same basis Ms. Steele intervened in Docket No. DW 20-117, and while the Company recognizes the discretion conferred to the Commission in RSA 541-A:32 through Puc 203.17, this Petition should either be denied or limited pursuant to RSA 541-A:32(III)(C).
7. The Company notes that Petitioner actively participated in Docket No. DW 20-117 including issuing data requests, participating in technical sessions, and objecting to the settlement agreements fellow intervenor Town of Atkinson joined. Although this is a new Docket, it necessarily derives from DW 20-117 and specifically Order No. 26,635

in which the Commission approved settlement of permanent rates including the framework for the Step II adjustment in permanent rates.

8. It is also important to note that this Petition for Step II adjustment of rates does not seek any adjustment of municipal fire protection rates, unlike the settlement of permanent rates approved by the Commission in Order No. 26,635, thus nullifying Petitioners argument that merely being a taxpayer is sufficient to grant intervention.
9. RSA 541-A:32 I(b) states the Commission shall grant a petition to intervene if: “[t]he petition states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.” Here Petitioner no longer has the connection to the municipal fire protection rates as she did in the Petition from Docket No. DW 20-117, thus weakening the argument that her “rights, duties, privileges immunities or other substantial interest” are being adversely affected by these proceedings.
10. RSA-A:32 I(c) states the Commission shall grant a petition to intervene if: “[t]he presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” In addition, RSA-A:32 II states the Commission may grant a petition to intervene if it determines such intervention: “...would be in the interests of justice and not impair the orderly and prompt conduct of the proceedings.” As the Company points out above, Ms. Steele took a position opposite to the Town’s on settlement for permanent rates and the Step I adjustment to permanent rates. For most of the proceedings of Docket No. DW 20-117 the Town of Atkinson was represented by counsel who was a former

commissioner of the NHPUC in addition to the active participation of its town administrator and various members of the Board of Selectmen. In light of this, Ms. Steele has failed to demonstrate how her status merely as a taxpayer of the Town would serve the interest of justice and not impair the Town's capable representation, particularly where municipal fire protection rates are not part of this Step II petition.

11. For these reasons, the Company Opposes the Petitioner's Petition and respectfully requests the Commission deny the Petition, or alternatively require more than mere taxpayer status to allow Petitioner to intervene into this Docket where the Town of Atkinson is already involved.

WHEREFORE, The Hampstead Area Water Company, Inc. prays that the Commission:

- A. Deny the Petition for Intervention.
- B. Alternatively, require Petitioner to demonstrate more than mere taxpayer status to allow Intervention into this Docket.
- C. That the Commission make such further findings and orders as may be appropriate under the circumstances.

Dated this 21<sup>st</sup> day of March 2023.

Respectfully submitted,

THE HAMPSTEAD AREA WATER COMPANY, INC.

*/s/ Anthony S. Augeri*

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