

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DW 23-024

Pennichuck East Utility, Inc.

**Petition of Pennichuck East Utility, Inc. for Approval of
Refinancing of a CoBank, ACB Balloon Maturity (T4) Note**

Motion to Amend or Modify Order *Nisi* No. 26,824

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PENNICHUCK EAST UTILITY, INC.

Petition of Pennichuck East Utility, Inc. for Approval of
Refinancing of a CoBank, ACB Balloon Maturity (T4) Note
Docket No. DW 23-024

MOTION TO AMEND ORDER *NISI* NO. 26,824 APPROVING THE PETITION TO
REFINANCE A COBANK, ACB BALLOON MATURITY (T4) NOTE

NOW COMES Pennichuck East Utility, Inc. (“PEU” or “Company”), a corporation duly organized and existing under the laws of the State of New Hampshire and operating therein as a public utility subject to the jurisdiction of the New Hampshire Public Utilities Commission (the “Commission”), that hereby moves the Commission, pursuant to PUC 203.07 and RSA 365:28, to amend or modify Order No. 26,824 dated May 18, 2023 which was an Order *Nisi* issued by the Commission approving PEU’s petition to refinance a CoBank, ACB balloon maturity note in the amount of \$1,025,000 in Docket No. DW 23-024. Specifically, the Company requests that the Commission amend the publication requirements to remove the obligation to deliver the order via billing insert in the next billing cycle to all customers of the Company following the issuance of the order. The Order *Nisi* also sets forth a deadline for completing this notification, in addition to publication on the Company’s website by May 19, 2023 and publication in a statewide newspaper of general circulation or circulation to those portions of the state where the Company operates by May 24, 2023, with an affidavit filed by June 13,

2023. The Company asserts that it has already complied with the website publication and will complete the publication of the Order *Nisi* in a statewide newspaper by May 24, 2023. However, the Company does not believe it can fulfill the obligation to complete billing inserts in the next billing cycle to all customers by June 13, 2023 since the Company's customers are billed each month over a period of four (4) weeks and not all at one time, and its further asserts that the increased costs of such additional publication will increase the impact upon its ratepayers. The Company requests that the Commission amend the Order *Nisi* to remove the obligation to provide the order via bill inserts to all customers because the Company will provide reasonable notice of the Commission's Order *Nisi* via its website and newspaper publication. An amendment or modification of the Order *Nisi* to eliminate the additional billing insert publication other leave in place all remaining obligations. In support of this request, the Company states the following:

1. PEU filed a petition for approval to refinance a CoBank, ACB balloon maturity note in the amount of \$1,025,000 on March 8, 2023.
2. The complete docket of this proceeding can be found at the Commission's website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-024.html>
3. On March 10, 2023, the Commission issued a Letter of Acknowledgement in receipt of the Company's petition.
4. On March 14, 2023, the Department of Energy ("Department") filed a notice of appearance including a notice of service list change.
5. On March 15, 2023, the Company filed a notice of service list change.
6. On March 17, 2023, the Company filed joint proposed procedural schedule for Docket No. DW 23-024.

7. On March 23, 2023, the Commission issued a procedural order approving the proposed procedural schedule and requested a recommendation from the Department be filed by April 20, 2023.

8. On March 24, 2023, the Department filed a notice to request a service list change.

9. On April 19, 2023, the Company made a supplemental filing to its petition providing evidence of approval of the proposed CoBank note refinance by the City of Nashua.

10. On April 20, 2023, the Department filed the Technical Statement of Anthony J. Leone which included the Department's review and analysis of the proposed financing and analysis of whether the proposed financing was consistent with the public good and routine.

11. On April 21, 2023, the Department filed a cover letter and attachments in support of its Technical Statement filed on April 20, 2023.

12. On May 18, 2023, the Commission issued Order *Nisi* No. 26,824 in Docket No. 23-024 ("Order *Nisi*") authorizing the proposed financing and granting the Company's motion for protective treatment. See Order *Nisi* No. 26,824 (May 18, 2023) at 5, 7, 8.

13. The Order *Nisi* also contained following order for publication by the Company:

FURTHER ORDERED, that Pennichuck East Utility, Inc. shall cause a copy of this order to be published on its website by no later than the close of business on May 19, 2023; and through bill inserts in the next billing cycle after the issuance of this order, and once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than May 24, 2023, and to be documented by affidavit filed with this office on or before June 13, 2023;...See Order *Nisi* No. 26,824 at 8.

14. On May 18, 2023, the Company caused a copy of the order to be published on its website by the deadline of May 19, 2023. See the attached Exhibit A. The Company also forwarded a copy of the Order *Nisi* by letter to the Union Leader via electronic mail requesting the order be published no later than May 24, 2023 and received confirmation that the order will be published on May 22, 2023. See the letter dated May 18, 2023, and email from Ms. Gonzales at the Union Leader dated May 19, 2023 attached as Exhibit B.

15. The Company represents that it bills customers monthly for water consumption but issues bills to customers over a four (4) week period. On May 18, 2023, based upon the print-house timing to print the five (5) double-side page insert, it would not be available for insertion in the May 25, 2023 bills. The inserts could be available for insertion in the June 9, 2023, June 16, 2023, June 23, 2023, and completed with the June 29, 2023 billing cycle. The billing insert could not therefore be mailed to all customers prior to June 13, 2023. See Affidavit of Tara King at 5.

16. The Company estimates that the printing costs for the five (5) page insert will be approximately three thousand six hundred dollars (\$3,600.00). See Affidavit of Tara King at 6. The total cost for the billing insert mailed to all customers would be approximately three thousand six hundred dollars (\$3,600.00). See Affidavit of Tara King at 7. The overall cost of the proposed financing would be \$27,915. See Order *Nisi* at 2, Petition at Bates 29. Therefore, the additional postage and printing costs will add approximately 12.9% to the overall impact of the approved financing.

17. Finally, the cost to publish the Order *Nisi* No. 26,824 in the Union Leader will be two thousand eight hundred dollars seventy-eight dollars and sixty cents (\$2,878.60). See Exhibit B.

18. Given that the Order *Nisi* requires publication on the website by May 19, 2023, billing insert in the next billing cycle, and publication in a statewide newspaper by May 24, 2023, with an affidavit to be filed by June 13, 2023, the Company cannot complete distribution by billing insert to all customers prior to June 13, 2023. The Company further asserts that publication of the Order *Nisi* on its website and in a statewide newspaper of general circulation should provide adequate notice of the Order *Nisi* in compliance with PUC 203.12(b).

19. The Company appreciates the Department's and Commission's expedited review and approval of the Company's petition for refinance. The Company also recognizes the Commission may require publication of the Order *Nisi* by such other method as the Commission deems appropriate and advisable in order to ensure reasonable notification to interested parties. See PUC 203.12(b). However, given the additional cost of the billing insert and inability of the Company to print and mail to all customers by June 13, 2023, and the underlying purpose of the proposed financing is to minimize the impacts of any default or adverse action upon the Company's credit or debt facility which could increase the costs of borrowing and further impact its customers.

20. Therefore, the Company respectfully requests that the Commission amend the order to eliminate the additional requirement to include the order as a billing insert to its customers. The Company will ensure reasonable notification to its customers by posting the Order *Nisi* on its website (see Exhibit A) and publication in the Union Leader by May 24, 2023; without the additional rate impacts upon its customers for additional costs for postage and printing the billing inserts.

21. The Company further states that the Commission may suspend, set aside, or modify any order pursuant to RSA 365:28. RSA 365:28 provides:

At any time after the making and entry thereof, the commission may, after notice and hearing, alter, amend, suspend and set aside, or otherwise modify any order made by it. This hearing shall not be required when any prior order made by the commission was made under a provision of law that did not require a hearing and a hearing was, in fact, not held. See RSA 365:28.

Applying RSA 365:28, here would be appropriate in this matter for the Commission to suspend, set aside or otherwise modify the Order *Nisi* pursuant to RSA 365:28 as it has in the past issued orders by order *nisi*. See RSA 365:28, see also, Public Service Company of New Hampshire d/b/a Eversource Energy, 2018 WL 6048264 (NH PUC Docket 17-160, Order 26,191 at 4). Indeed, the Commission issued Order No. 26,824, the subject order of this motion, as an Order *Nisi*, without a merits hearing. PEU consulted with the Department of Energy (Department) regarding its motion, and the Department takes no position on the motion and the requested relief.

WHEREFORE, the Company respectfully requests that the Commission amend or modify Order *Nisi* No. 26,824 to remove the requirement for billing inserts, for the reasons set forth above.

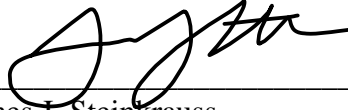
Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: May 19, 2023

By: 

James J. Steinkrauss

NH Bar # 273631

One Capital Plaza

Concord, NH 03302-1500

603-410-4314

jjis@rathlaw.com

Certificate of Service

I hereby certify that a copy of this motion was provided via electronic mail to the individuals included on the Commission's service list for this docket.

Dated: May 19, 2023



James J. Steinkrauss