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April 10, 2023

Chairman Daniel C. Goldner
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, New Hampshire 03301

Re: DW 23-042, Mill Brook Village Water System; Request for Change in Rates

Dear Chairman Goldner:

Pursuant to RSA 12-P:2, IV, please accept this letter as the New Hampshire Department of Energy's (DOE) recommendation to the Commission in the above-referenced matter.

On March 31, 2023, Mill Brook Village Water System (Mill Brook), located in Thornton, NH, submitted a proposed Third Revised Page 6 to its tariff for approval by the Commission. Mill Brook made its submission per a Stipulation Agreement approved by Commission Order No. 25,754 (January 14, 2015) in Docket No. DW 14-176. Specifically, Section II.E., titled "Adjustment to Rate Without Rate Proceeding," of the approved Stipulation Agreement states:

"... the Settling Parties agree and recommend that, in the event any new customers connect to the system and begin taking service, Millbrook Village agrees to file a revised tariff rate page within 15 days of any customer being connected. A new water service rate shall be calculated and filed using the revenue requirement recommended in this Settlement Agreement, \$23,568, divided by the new number of customers, and then divided by four for the new quarterly rate. This new rate is to be effective for service rendered on and after the first day of the quarter within which one or more new customers are connected. The Settling Parties agree and recommend that the revenue requirement in this stipulation will not change as a result of this provision, and that Millbrook Village is not entitled to seek recovery of any additional costs it may have occurred [sic] since the January 1, 2015 effective date of rate recommended herein. For clarification, the Settling parties intend that the customer rate under this provision will change in the future solely based on the number of customers taking service. Nothing in this provision precludes Millbrook Village from filing a full rate proceeding at any time, consistent with applicable law and regulations of the Commission."¹

¹ Tab 12, Docket No. DW 14-176

In its order approving the Stipulation Agreement, the Commission noted that the rate adjustment provision of, “timely re-allocating the revenue requirement across a greater number of customers without any other adjustments,” was unique, but was, “a just and reasonable resolution given the circumstances of this very small water system.”²

This is only the second tariff revision that Mill Brook has filed since the original tariff authorized by the Commission in Docket No. 14-176. Mill Brook’s previous tariff revision resulting in Second Revised Page 6 was accepted by the Commission through a Staff Letter of Compliance issued on January 28, 2016.³ That tariff revision was determined based on 38 customers and resulted in a quarterly rate of \$155.05 ($\$23,568 \div 38 \div 4$). Mill Brook’s proposed Third Revised Page 6 is based on 43 customers and results in a quarterly rate of \$137.02 ($\$23,568 \div 43 \div 4$). The DOE confirmed Mill Brook’s current customer count against its recently filed 2022 NHPUC Annual Report.⁴ As such, based upon that and Section II.E. of the approved Stipulation Agreement in DW 14-176, the DOE affirms that the proposed rate of \$137.02 indicated in the proposed Third Revised Page 6 is appropriate.

The DOE recommends that, pursuant to Section II.E of the Stipulation Agreement and Commission Order No. 25,754 approving the terms of the agreement, the Commission approve the proposed Third Revised Page 6 and close this docket.

Sincerely,

/s/ Jayson P. Laflamme

Jayson P. Laflamme
Director – Water Group
Regulatory Support Division
New Hampshire Department of Energy

cc: Service List

² See Commission Order No. 25,754 (January 14, 2015), Tab 15, Docket No. DW 14-176

³ See Tabs 24 and 25, Docket No. DW 14-176

⁴ See Page 6, Schedule A-6, Mill Brook Village Water System 2022 NHPUC Annual Report

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