

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PENNICHUCK EAST UTILITY, INC.

2024 Petition for Approval of Financing from CoBank, ACB

Docket No. DW 24-064

REVISED MOTION TO AMEND THE PETITION

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, to amend the Petition filed on April 19, 2024 in Docket No. DW 24-064. Specifically, the Company requests that the Commission accept the Amended Petition to revise the relief sought to adjust the amount of the loan, as well as revised Direct Testimony of George Torres, revised Exhibit GT 1-4, revised Exhibit GT-9, and new Exhibits GT-10 and GT-11. This motion requests the Commission to accept the amended petition, testimony, and exhibits so the Commission has the most accurate information in consideration of the Company’s petition. In support of this motion, the Company states the following:

1. PEU filed a petition for approval of financing from CoBank, ACB for a term loan on April 19, 2024.
2. The complete docket of this proceeding can be found at the Commission’s website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-064.html>

3. On April 19, 2024, the Commission issued a Letter of Acknowledgement in receipt of the Company's petition.

4. On April 22, 2024, the Department filed a notice of appearance including a notice of service list change.

6. On April 22, 2024, the Company filed a notice of service list change.

7. On April 23, 2024, the Department filed an Assented-to Proposed Procedural Schedule in Docket No. DW 24-064.

8. On April 23, 2024, the Office of Consumer Advocate ("OCA") filed a letter of participation.

9. On May 9, 2024, the Department served the first set of discovery requests upon the Company in accordance with the proposed procedural schedule.

10. On May 13, 2024, the Commission issued a Procedural Order approving the proposed procedural schedule and requesting that the Department file a technical statement on June 28, 2024 that includes analysis of whether the Company's proposed financing is "routine."

11. On May 21, 2024, the Company answered the Departments first set of discovery requests. The Company submitted supplemental answers on May 23, 2024 and May 24, 2024.

12. On May 30, 2024, the Department, Company and representatives from the OCA held a technical session to discuss the petition and discovery responses.

13. On May 31, 2024, the Department submitted its second set of discovery requests to the Company, which the Company answered on June 6, 2024.

14. On June 12, 2024, the Department submitted its third set of discovery requests to the Company, which the Company answered on June 14, 2024.

15. On June 18, 2024, the Company submitted an Assented to Motion to Amend the Petition with updates to the petition, testimony, exhibits and new exhibits to provide the Commission with updated information as a result of the discovery with the Department.

16. On June 27, 2024, the Department submitted its Technical Statement and position regarding the Company's petition and relief sought for the requested loan with CoBank, as well as whether the financing would be routine.

17. On July 8, 2024, by Procedural Order the Commission denied the Company's Motion to Amend without prejudice with instructions for the Company to revise its motion to clarify the relief sought. Any such motion must be filed by July 22, 2024.

18. The Company submits this Revised Motion to Amend the Petition to correct errors regarding the date at which the Company first filed a request for authorization for the City of Nashua for the CoBank loan petition. The Company filed its first request for authorization from the City of Nashua on March 1, 2024, not April 17, 2024, which is corrected in the attached Amended Petition (Bates 006), in the revised, Direct Testimony of George Torres (Bates 023), and revised Exhibit GT-9.

19. The Company through this motion also adds Exhibit GT-10 providing a copy of the City of Nashua Resolution 24-024 authorizing PEU to seek the term loan with CoBank approved on March 26, 2024.¹

20. This motion also seeks the Commission to accept the Amended Petition that now includes information regarding the date of consent for the loan granted by TD Bank, NA and authorization to proceed granted by the City of Nashua. The Amended Petition (Bates 007) and revised Direct Testimony of George Torres (Bates 023) reflects this information and dates

¹ Exhibit GT-10 – Approval was recommended to the Pennichuck Water Special Committee on March 4, 2024, however, Resolution 24-024 was approved by vote of the full Board of Alderman on May 26, 2024.

of approval. The Company's motion also seeks incorporation of a new Exhibit GT-11 in the Amended Petition to include an electronic mail from TD Bank, NA as evidence of its consent to the CoBank loan.

21. The Company, in responses to the Department's discovery requests, updated Exhibits GT 1-4 including the related schedules filed with the petition and the amount of the loan sought. The Company's motion seeks authorization for the Amended Petition to revise the relief sought for authorization of a lower loan amount of \$1,890,931 (instead of \$2,068,544) from CoBank (Bates 002-005, 008), amended Direct Testimony of George Torres (Bates 013, 017, and 021) and inclusion of the amended Exhibits GT 1-4 that provide the Commission with the most up-to-date and corrected schedules.

22. The Company has included an Amended Petition, revised Direct Testimony of George Torres, revised Exhibits GT 1-4, revised Exhibit GT-9, and new Exhibits GT-10 and GT-11 for the Commission's review.

23. The Company therefore requests that the Commission accept the Amended Petition, revised testimony, revised and new exhibits submitted to the Commission provides updated information related to the pending petition and acceptance of this motion and amended petition will encourage a just resolution of the proceeding and will not cause undue delay consistent with PUC Rule 203.10(a)(2).

24. The Company consulted with the Department and OCA, and the Department does not object to this motion and OCA assents to this revised motion requesting amendments to the petition.

WHEREFORE, the Company respectfully requests that the Commission approve this Revised Motion to Amend and accept the Amended Petition, revised Direct Testimony of George Torres, revised Exhibit GT 1-4, revised Exhibit GT-9, and new Exhibits GT-10 and Exhibits GT-11.

Respectfully submitted,

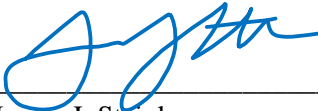
PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: July 15, 2024

By: _____



James J. Steinkrauss
One Capital Plaza
Concord, NH 03302-1500
603-410-4314
jjs@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: July 15, 2023



James J. Steinkrauss