

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

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 certain amendments to the Petition, Direct Testimony of George Torres, Exhibit GT 1-4, Exhibit GT-9, and Exhibits GT-10 and GT-11 to reflect updated information as a result of the Company’s responses and supplemental responses to the New Hampshire Department of Energy (“Department”) discovery requests sets one dated May 9, 2024 and set two dated May 31, 2024. This motion requests amendment of the 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. The responses and supplemental responses to the Department's first set of discovery requests discovered an error 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 will be corrected in the petition (Bates 006) and direct testimony of George Torres (Bates 023) and revised Exhibit GT-9. The Company also submits a Exhibit GT-10 providing a copy of the City of Nashua Resolution 24-024 approved on March 26, 2024¹ authorizing PEU to seek the term loan with CoBank.

16. The responses also provided supplemental information regarding the date of consent for the loan by TD Bank, NA and authorization to proceed by City of Nashua resolution. The petition (Bates 007) and direct testimony of George Torres (Bates 023) has been amended to reflect that date. The Company also submits a new Exhibit GT-11 with an electronic mail from TD Bank, NA consenting to the CoBank loan.

17. The responses to the Department's second and third set of discovery requests included updates to Exhibits GT 1-4 including the related schedules filed with the petition. The Company hereby files amended copies of Exhibits GT 1-4 to provide the Commission with the most up-to-date and corrected schedules.

18. The Company has included both redlined and clean versions of the Petition, Direct Testimony of George Torres, a revised Exhibits GT 1-4, Exhibit GT-9, and Exhibits GT-10 and GT-11 for the Commission's review.

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.

19. The Company therefore requests that the Commission accept the amended Petition, Direct Testimony of George Torres, and revised exhibits as the proposed amendments and supplemental information provides the Commission with updated information related to the pending petition and will not cause undue delay.

20. The Company consulted with the Department and OCA, and the Department and OCA both agree and assent to this motion requesting amendments to the petition.

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

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Dated: June 18, 2024

By: _____

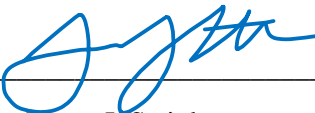


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Certificate of Service

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: June 18, 2023



James J. Steinkrauss