

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 24-109

NANCY MONKS

**Petition Appealing New Hampshire Department of Energy's Final Decision on
Complaint No. CPT 2024-006 Against Pennichuck Water Works, Inc.**

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF
PREHEARING CONFERENCE AND FINAL HEARING**

On November 1, 2024, Nancy Monks (Monks) filed a petition appealing the decision of the New Hampshire Department of Energy (DOE) on complaint No. CPT 2024-006 against Pennichuck Water Works, Inc. (PWW). In support of her petition, Monks filed supporting documents. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-109.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

On July 12, 2024, Ms. Monks filed a complaint with the DOE alleging that PWW improperly billed her in the amount of \$267.65 for the period of April 29 through June 3, 2024, stating the June 13, 2024 bill reflected a higher than normal usage at a time she was not at home. Ms. Monks also argued that PWW should have allowed her the option of an independent test of her meter or offered to test the meter in her presence.

The DOE reviewed the complaint and determined that while PWW was in violation of testing provisions of En 605.04, Ms. Monks could not correlate the violation to the spike in her bill. The DOE investigation did not result in the monetary relief that Ms. Monks had requested. Pursuant to RSA 365:4, Ms. Monks filed this petition for the Commission to open an adjudicatory docket on this matter.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issues: 1) whether PWW improperly billed Ms. Monks for the time period of April 29 through June 3, 2024, and 2) if PWW violated meter testing provisions of En 605.04 and RSA 370 and if so, should PWW be subject to fines pursuant to RSA 365:41. The Commission has authority to review complaints made to the DOE pursuant to RSA 365:4. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA 541-A, RSA 365:4, RSA 370, and RSA 365:41 and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a **prehearing conference**, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on **December 18, 2024, at 9:00 a.m.** at

which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that the Commission will hold a final hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on **January 28, 2025, at 9:00 a.m.** Three hours shall be allotted for this hearing. We assign Attorney Sarah Fuller, a Senior Advisor to the Commission, to serve as an examiner for the hearing and pre-hearing conference, to report the facts, and draft a recommended final order. Any party may request that this hearing be held “by the full commission, or a majority thereof” so long as that request is made 5 days before the date of the hearing or pre-hearing conference. RSA 363:17; and it is

FURTHER ORDERED, that the New Hampshire Department of Energy is requested to file its position regarding Ms. Monks’s petition, including the reasons for this position, on or before December 16, 2024; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party’s own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Ms. Monks and any other parties on the service list, on or before December 6, 2024. The petition shall state the facts demonstrating how the petitioner’s rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before December 16, 2024; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

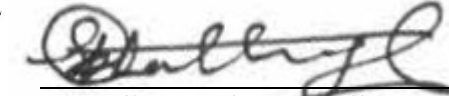
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Pennichuck Water Works shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before December 4, 2024. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this twenty-fifth day of November, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket : 24-109

Printed: 11/25/2024

Email Addresses

ClerksOffice@puc.nh.gov
Energy-Litigation@energy.nh.gov
nmonks@gmail.com
ocalitigation@oca.nh.gov