

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 21-090

**ABENAKI WATER COMPANY, INC.
AND
AQUARION COMPANY**

**Joint Petition for Approval of the Acquisition of Abenaki Water Company by
Aquarion Company**

ORDER OF NOTICE

On April 30, 2021, Abenaki Water Company, Inc., and Aquarion Company (Abenaki and Aquarion, respectively, or collectively, the Companies) filed a joint verified petition pursuant to RSA 369:8 II and RSA 374:33 for approval of Aquarion's indirect acquisition of Abenaki, or, alternatively, for a determination that Commission approval is not required.

Abenaki operates in New Hampshire as a regulated public water utility, as defined in RSA 362:2. Abenaki serves approximately 720 customers in Bretton Woods, Bow, Gilford, and Belmont, New Hampshire. Abenaki is wholly owned by its parent company, New England Service Company (NESC), which is a Connecticut corporation. Abenaki currently has a petition pending to increase its rates in Docket No. DW 20-112. N.H. Admin. R., Puc 203.27(a)(2).

Aquarion is a Delaware corporation and the parent company of Aquarion Water Company. Aquarion Water Company is a Connecticut corporation and the parent company of Aquarion Water Company of New Hampshire, Inc. Aquarion Water Company of New Hampshire, Inc., operates in New Hampshire as a regulated public water utility as defined in RSA 362:2. That water utility serves approximately 9,400 customers in the Towns of Hampton, North Hampton, and Rye.

On April 7, 2021, Abenaki and Aquarion entered into an agreement and plan of merger by which Aquarion will acquire, through a merger, all of the issued and outstanding common stock of NESC. According to the petition, upon the satisfaction of all conditions for the closing, including approval by the Commission, Aquarion will be the holding company and sole stockholder of NESC, and NESC will be a wholly owned direct subsidiary of Aquarion. Abenaki will be an indirect, wholly owned subsidiary of Aquarion.

The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2021/21-090.html>.

The filing raises, inter alia, issues related to RSA 369:8, II(b)(1) which provides that Commission approval for the acquisition shall not be required if the Companies demonstrate “that the transaction will not adversely affect rates, terms, service, or operation of the public utility within this state”; RSA 374:33, which provides that no public utility or utility holding company shall directly or indirectly acquire more than 10 percent, or more of the stocks or bonds of any other public utility or public utility holding company doing business in this state “unless the commission finds that such acquisition is lawful, proper and in the public interest”; and whether the contemplated transaction requires approval pursuant to RSA 374:30, which provides that before any “public utility may transfer or lease its franchise, works, or system” the Commission “shall find that it will be for the public good.” Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that, consistent with Governor Christopher T. Sununu's Emergency Order #12, the Commission will hold a web-enabled remote prehearing conference, pursuant to N.H.

Admin. R., Puc 203.15, on May 14, 2021 at 2:00 p.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. R., Puc 203.15. Members of the public who wish to access the prehearing conference may do so [by clicking here](#). **If you have any difficulty obtaining access to this remote event, please notify the Commission by calling (603) 271-2431 as soon as possible.**

Parties will be provided with additional instructions prior to the prehearing conference; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, Aquarion, Abenaki, the Staff of the Commission, and any intervenors hold a web-enabled remote technical session to review the petition and discuss the possibility of a procedural schedule; and it is

FURTHER ORDERED, that, pursuant to, RSA 369:8(II)(b)(4), the Commission hereby extends the time period to make a preliminary determination of adverse effects on rates, terms, service, or operation of a public utility by an additional 30 days; and it is

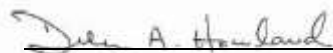
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Aquarion and Abenaki shall notify all persons desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than one business day after the date of issue. In addition, the Executive Director shall publish this order of notice on the Commission's website no later than one business day after the date of issue; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Aquarion, Abenaki, and the Office of the Consumer Advocate on or before May 11, 2021, such petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding,

consistent with N.H. Admin. R., Puc 203.17. 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>, any party seeking to intervene may elect to submit this filing in electronic form; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before May 14, 2021.

By order of the Public Utilities Commission of New Hampshire this fourth day of May, 2021.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, 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#: 21-090

Printed: 5/3/2021

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