

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-187

**Lakes Region Water Company, Inc.
Request for Change in Rates**

DW 22-068

**Lakes Region Water Company, Inc.
Petition for Step Adjustment**

Order Denying Motion to Consolidate Dockets

O R D E R N O. 26,728

November 18, 2022

On November 4, 2022, Lakes Region Water Company, Inc. (Lakes Region or the Company) filed a partially assented-to motion (Motion) pursuant to Commission Rule Puc 203.19, requesting consolidation of Docket No. DW 20-187, concerning its request for a change in rates, and Docket No. DW 22-068, concerning its petition for approval of a step adjustment in rates. The Company's motion was assented to by the New Hampshire Department of Energy (DOE). The Lake Ossipee Village homeowners, who were granted party status in Docket No. DW 20-187 did not respond to the Company's query regarding their position on the motion. No other parties appeared in either docket.

Commission Rule Puc 203.19 regarding the consolidation of hearings provides, in relevant part, as follows:

(a) When more than one application or petition seeks the same or similar relief, the commission shall consolidate the cases to be heard on a common record if it determines that to do so will promote the orderly and efficient conduct of the proceeding.

In its motion, Lakes Region argues that opening a new docket for consideration of the step adjustment proposed in Docket No. DW 20-187 creates a procedural issue

to the extent that the notice and hearing requirements of RSA 378:7 with respect to the step adjustment were satisfied in that docket, and therefore the dockets should be consolidated. The Company further argues that consolidation of the dockets is warranted under Puc 203.19. Accordingly, Lakes Region requests that Docket No. DW 22-068 regarding its petition for approval of a step adjustment be considered “a continuation of the record (and service list) in Docket No. DW 20-187 in which the statutory requirements for notice and hearing were met.” Motion at 2.

The Commission denies the motion. We note that, while the proposal for a step adjustment to follow the Company’s general rate case proceeding was presented in the Settlement Agreement (Settlement) approved in Docket No. DW 20-187, it was neither presented in full nor subject to review in detail in that proceeding. The Settlement included, at page 5, a proposed timeline for the review and approval of the step adjustment with a separate filing for a separate audit and review of the step following approval of the Settlement and permanent rate request (emphasis added):

1. Hearing on Permanent Rates – May 5 and 6, 2022
2. Commission Order #1 – Approves Settlement Agreement, including Permanent Rate Revenue Requirement, but delays its date of implementation (allows the Company to continue charging its temporary rates)
3. Company files for rate case expenses within 30 days of Commission Order #1, which DOE will begin to review, subject to possible discovery requests
4. *Company files Step I request for all completed projects;*
5. *DOE Audit Division conducts audit of Step I and submits report to the parties;*
6. *DOE submits final report, after review and in cooperation with the Settling Parties, to the Commission seeking approval of Step I increase in revenue requirement and resulting rates . . .*

The petition for the step adjustment filed in Docket No. DW 22-068 includes full schedules in support of the Step 1 adjustment, as well as supporting testimony.

We are not persuaded that consolidation of Docket Nos. DW 20-187 and DW 22-068 will promote the orderly and efficient conduct of this proceeding. Because the proposed step adjustment is a separate and distinct request for a change in rates based on separate and distinct data, we find that a new proceeding will permit a more


focused and efficient record. Having a record relating solely to the Step 1 adjustment in Docket No. DW 22-068 will be less likely to lead to confusion. To the extent that administrative notice is required, we note that the proposed Step 1 adjustment stems from the Settlement reached in Docket No. DW 20-187 and therefore take administrative notice of the record in that proceeding.

Accordingly, we deny the motion for consolidation.


Based upon the foregoing, it is hereby

ORDERED, that the motion to consolidate Docket Numbers DW 20-187 and DW 22-068 is DENIED.

By order of the Public Utilities Commission of New Hampshire this eighteenth day of November, 2022.



Daniel C. Goldner
Chair



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 20-187

Printed: 11/18/2022

Email Addresses

ClerksOffice@puc.nh.gov
douglas.brogan@gmail.com
Energy-Litigation@energy.nh.gov
robyn.j.descoteau@energy.nh.gov
david.n.goyette@energy.nh.gov
budhadley@hotmail.com
jayson.p.laflamme@energy.nh.gov
anthony.j.leone@energy.nh.gov
lrwh2oserv@yahoo.com
rmasse49@gmail.com
karen.j.moran@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
justin@nhwaterlaw.com
stephenpstcyr@yahoo.com
carlo@mychibay.com
christopher.r.tuomala@energy.nh.gov
leah@Lakesregionwater.com

Service List - Docket Related

Docket#: 22-068

Printed: 11/18/2022

Email Addresses

ClerksOffice@puc.nh.gov
douglas.brogan@gmail.com
Energy-Litigation@energy.nh.gov
david.n.goyette@energy.nh.gov
jayson.p.laflamme@energy.nh.gov
ocalitigation@oca.nh.gov
justin@nhwaterlaw.com
christopher.r.tuomala@energy.nh.gov