

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-080

PENNICHUCK EAST UTILITY, INC. AND TOWN OF SALEM

Petition to Transfer Service Territory and Assets and to Commence Business

**SUSPENSION OF ORDER NO. 26,509; COMMENCEMENT OF ADJUDICATIVE
PROCEEDING; AND NOTICE OF HEARING**

On May 21, 2020, Pennichuck East Utility, Inc. (PEU) and the Town of Salem (Salem) filed a joint petition requesting the Commission to approve the transfer of portions of PEU's service territory to Salem and thereafter to permit Salem to provide water service to the Town of Windham. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are accessible on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-080.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

On August 16, 2021, the Commission issued Order No. 26,509, an order *nisi*, approving PEU's transfer of a portion of its franchise and certain PEU assets to Salem. In Order No. 26,509, the Commission also granted Salem an exemption from public utility status and Commission rate regulation for its proposed water service outside its municipal boundaries. The Order, which would be effective on September 16, 2021, required interested parties to request a hearing by September 2, 2021.

Ramos Real Estate, LLC filed a request on September 2, 2021 for a hearing in this matter. On September 9, 2021, PEU filed a response opposing the request.

In light of Ramos Real Estate, LLC's request for a hearing, Order No. 26,509 is suspended and will not go into effect on September 16, 2021. Instead, the Commission will schedule a hearing on the petition.

II. ISSUES PRESENTED

The filing presents the following issues: issues related to whether the proposed transfer of a portion of PEU's service territory to Salem is in the public good and should be approved pursuant to RSA 374:30; whether Salem's proposed provision of water service to the Town of Windham would be for the public good and should be approved pursuant to RSA 374:22, I and RSA 374:26; and whether Salem's provision of water service to the Town of Windham is subject to regulation by the Commission pursuant to RSA 362:4. Accordingly, an adjudicative proceeding will be convened to address these issues.

Although the state of emergency declared as a result of the COVID-19 pandemic has lapsed, the Commission is aware that not all potential parties, including regulated utilities, have returned to full in-person work environments. Therefore, and for the foreseeable future, the Commission intends to continue providing a hybrid approach to its proceedings in order to accommodate those who wish to remain remote and those who desire to be physically present. In order to facilitate this hybrid approach, individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform. Parties and the public will be able to participate in or observe Commission proceedings in-person or remotely.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 26,509 be suspended.

FURTHER ORDERED, that an adjudicatory proceeding be commenced for the purpose of investigating and resolving the foregoing issues pursuant to RSA chapter 541-A, RSAs 374:3 - :7, and :15 - :19, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on September 27, 2021, at 9:00 a.m. Commissioners will be present in the hearing room and will use a web-enabled platform to conduct the hearing. Members of the public who wish to access the hearing remotely 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 and members of the public wishing to attend the hearing in person are encouraged to register in advance, on or before September 24, 2021, by calling (603) 271-2431; 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 PEU, the Department of Energy, the Office of the Consumer Advocate, and any other parties on the service list, on or before September 22, 2021. 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 September 24, 2021; 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

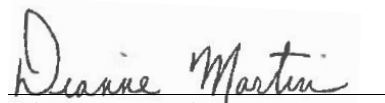
17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing 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 for relief from 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, PEU 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 September 24, 2021. 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 the hearing in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this fifteenth day of September, 2021.


Dianne Martin
Presiding Officer
Chairwoman

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.