

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 21-093

AQUARION WATER COMPANY OF NEW HAMPSHIRE, INC.

**Petition for Approval of Franchise Expansion, Acquisition of Assets,
and Application of Existing Rates**

Procedural Order Re: Procedural Schedule

The Commission issued a procedural order on October 18, 2021, which directed the parties to file either a proposed agreed-upon procedural schedule or their own proposed procedural schedules by October 29, 2021. On October 29, 2021, Aquarion Water Company of New Hampshire, Inc. (Aquarion), Wiggin Way/Winterberry Homeowners' Association (Wiggin Way), and the New Hampshire Department of Energy (Energy) (collectively, the Movants) filed a joint motion requesting the Commission to schedule a hearing on a date in February 2022 agreed to by all parties without additional process.

Also on October 29, 2021, the Towns of Hampton and North Hampton (collectively, the Towns) filed a joint motion requesting the Commission to order the parties to file memoranda and/or prefiled testimony 20 days prior to the hearing date. In their motion, the Towns maintained that prefiled testimony and/or memoranda were necessary to address the issues raised in this matter. The Movants objected, arguing that prefiled testimony was not required under Chapter Puc 200 of the New Hampshire Administrative Rules, specifically Puc 203.06(a), or RSA chapter 541-A. Further, the Movants contended that requiring the parties to file memoranda and prefiled testimony would limit testimony and argument to only those matters raised therein. They requested the Commission to deny the Towns' motion and to permit the parties to offer whatever argument and

testimony they deemed reasonable and appropriate at the hearing to be scheduled regarding what they claimed were the only two issues raised by Aquarion's petition: whether Aquarion's franchise expansion into the Town of Stratham to include Wiggin Way was in the public good; and whether the rate it proposed to charge is just and reasonable.

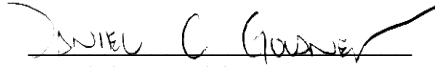
The order of notice issued by the Commission on May 10, 2021 noted that there are a number of issues to be addressed in this proceeding, including whether "the implementation of existing tariffed rates in connection with the proposed franchise expansion require detailed examination of possible rate subsidization or preference under RSA 378:10." Although prefiled testimony is not required under Puc 203.06, briefing the issues would be helpful to the Commission. *See* N.H. Admin. R., Puc 203.32(a). Therefore, the Movants' motion and the Towns' motion are both granted in part, and the following procedural schedule is established:

*Initial Brief(s) to be filed by Aquarion/Energy/Wiggin Way	January 20, 2022
*Reply Brief(s) to be filed by the Towns	February 3, 2022
*Briefs shall be limited to 10 pages each.	
Hearing on the Merits	February 23, 2022

The hearing has not been scheduled on one of the dates agreed to by the parties, because none of these dates is available on the Commission's calendar at this time.

The Wednesday, February 23, 2022 hearing will begin at 9:00 a.m. and will be conducted in person, in accordance with the attached supplemental order of notice and hearing guidelines. One day has been allotted for this hearing. If additional time will be required, the parties are requested to notify the Commission within ten days from the date of this order.

So ordered, this seventeenth day of November, 2021.

A handwritten signature in black ink, appearing to read "DANIEL C. GOLDNER", written over a horizontal line.

Daniel C. Goldner
Presiding Officer
Chairman

Service List - Docket Related

Docket# : 21-093

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