

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

RE: PENNICHUCK WATER WORKS, INC.

DOCKET NO. DW 11-\_\_

**MOTION TO CONSOLIDATE**

Pennichuck Water Works, Inc. (“PWW” or the “Company”) hereby moves the New Hampshire Public Utilities Commission to consolidate this docket in which the Company seeks Commission approval of a Fourth Special Contract with Anheuser-Busch with the Company’s pending rate case. In support of this motion, PWW states as follows:

1. On May 7, 2010, PWW filed a request for a permanent increase in its rates, which case is currently under consideration in Docket DW 10-091. As part of its rate case filing, the Company submitted a cost of service study which recommended a substantial increase in the rates charged by the Company to Anheuser-Busch under an existing special contract with the Company. In response to that rate filing, Anheuser-Busch notified the Company that it would be terminating its special contract. Since that termination notice, there has been discovery in DW 10-091 relating to the existing Anheuser-Busch special contract, and it is expected that there will be testimony filed by rate design experts regarding the proposed changes as they relate to Anheuser-Busch.

2. In an effort to amicably resolve the issues relating to the existing Anheuser-Busch special contract, on January 18, 2011, the Company and Anheuser-Busch entered into a Fourth Special Contract which establishes new proposed terms and conditions for the Company’s provision of water service to Anheuser-Busch. Contemporaneous with the filing of this motion, the Company is submitting to the Commission a Petition for Approval of Special Contract with

Anheuser-Busch, Incorporated, in which PWW seeks Commission approval of this Fourth Special Contract (the “Fourth Contract”). As explained in the pre-filed direct testimony of Donald L. Ware filed in support of the Fourth Contract, the new rates proposed for Anheuser-Busch are broken into three charges: a monthly meter charge, a base monthly fixed fee, and a volumetric rate. The volumetric rate, the monthly meter charge and the base fixed monthly fee as specified in the Fourth Contract, are subject to the Commission’s determination in DW 10-091.

3. Given that the terms of the proposed Fourth Contract are intertwined with the outcome of the Company’s rate case, the Company is requesting that the Commission consolidate DW 10-091 with the docket to be opened in which the Petition for Approval of Special Contract with Anheuser-Busch, Incorporated will be considered. The Company believes that consolidation is appropriate given that the two matters are factually and legally interconnected. Fundamentally, the rates to be charged to Anheuser-Busch will have a direct effect on the rates charged to the Company’s other customers. Thus, the two matters must proceed in tandem in order for permanent rates to be set for all PWW customers. In addition, there has been a factual record developed in the PWW rate case that is highly relevant to the Commission's consideration of the proposed Fourth Contract. As a result, consolidation of these two dockets would result in an efficient use of Commission resources and resources of the parties.

4. Consolidation of these two dockets would not disrupt the orderly proceeding of DW 10-091 and would allow for prompt consideration of the Fourth Contract. Anheuser-Busch intervened in DW 10-091 and has actively participated in that docket. The Company believes that consideration of the Fourth Contract can occur within the timeframe of DW 10-091, which is

scheduled for a final hearing on May 3 and 4, 2011. The Company would be amenable to revising the existing procedural schedule in DW 10-091 to provide for discovery on the Fourth Contract and would work with the parties in DW 10-91 to establish a proposal to the Commission in that regard.

5. For these reasons, the Company request that the Commission consolidate the two dockets and maintain the existing procedural schedule in DW 10-091.

6. Staff, the Office of Consumer Advocate and Anheuser-Busch assent to the proposed consolidation.

WHEREFORE, PWW respectfully requests that the Commission:

- A. Grant this Motion to Consolidate; and
- B. Such other relief as is just and equitable.

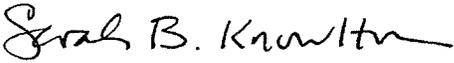
Respectfully submitted,

Pennichuck Water Works, Inc.

By Its Attorneys

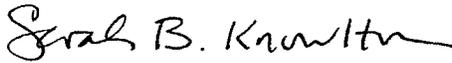
MCLANE, GRAF, RAULERSON &  
MIDDLETON, P.A.

Dated: January 21, 2011

By:   
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Certificate of Service

I hereby certify that a copy of this Motion has been forwarded to the parties in DW 10-091 and the Consumer Advocate by electronic mail on January 21, 2011.

  
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Sarah B. Knowlton