

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DW 17-062

Aquarion Water Company of New Hampshire, Inc.

Petition to Charge Seasonal Rates for Emergency Interconnection

PETITION TO INTERVENE OF TOWN OF NORTH HAMPTON

Now comes Board of Water Commissioners and the Select Board of the Town of North Hampton (“North Hampton”), pursuant to RSA 541-A: 32 and N.H. Administrative Rules, Puc 203.17, respectfully petitions for leave to intervene in the above captioned proceeding before the New Hampshire Public Utilities Commission. In support of this petition, the Town of North Hampton states as follows:

1. On April 14, 2014, Aquarion Water Company of New Hampshire (“Aquarion”) filed a Petition to Charge Seasonal Rates for Emergency Interconnection. That petition seeks the Commission’s approval for a temporary interconnection and permission to charge seasonal rates for water usage by the Wiggins Way Home Owners Association (“Wiggins Way”).
2. Aquarion is a regulated water utility providing water service in the Towns of North Hampton, Hampton and Rye, New Hampshire.
3. Aquarion’s water supply source includes ten (10) wells located in North Hampton.
4. Wiggins Way consists of home owners in a 48 single family home subdivision located in Stratham, New Hampshire. Stratham, New Hampshire is not in Aquarion’s current service area.
5. At times during 2016, the demand for water by residents of North Hampton, Hampton and Rye was nearly equal to Aquarion’s capacity. Aquarion has not increased its water supply capacity.
6. North Hampton is concerned that allowing this interconnection, except on a short term, emergency basis to allow Wiggins Way to install the required arsenic treatment for its water system, will negatively impact service to existing Aquarion customers in North Hampton. Expanding Aquarion’s area of service to Stratham may also limit its ability to provide adequate service for anticipated residential and commercial growth in North Hampton, Hampton and Rye.
7. It is North Hampton’s intention to appeal New Hampshire Department of Environmental Services (“NHDES”) Administrative Order No. 17-006 WD, authorizing the temporary

interconnection between Aquarion and Wiggins Way and requiring Aquarion and Wiggins Way to begin the process of establishing a permanent interconnection and transferring ownership of the Wiggins Way water system to Aquarion. North Hampton believes that NHDES exceeded its authority in ordering an interconnection between Aquarion and Wiggins Way when there were other, more reasonable alternatives available to address Wiggins Ways intentional failure to remedy its water system's quantity and quality issues. The alternative remedies would have no impact on Aquarion's current customers.

8. The New Hampshire Administrative Procedure Act provides that an administrator agency shall grant intervention when:
 - (a) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of hearing, at least three days before the hearing;
 - (b) The petition states facts demonstrating that the petitioner's rights, duties, immunities or other substantial interest may be affected by the proceedings or that the petitioner qualifies as an intervener under any provision of the law; and
 - (c) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

RSA 541-A: 32, I.

The statute also permits the Commission to allow intervention, "at any time upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." RSA 541-A: 32, II. The Commission's rules adopt the standards set forth in RSA 541:32. N.H. Code of Administrative Rules, Puc 203.17.

9. North Hampton has a substantial interest in these proceedings as many of its residents and commercial establishments are served by Aquarion. Adding customers from outside Aquarion's current service area will further deplete Aquarion's water resources, impacting current customers of Aquarion in North Hampton.
10. North Hampton's participation in this matter will be in the interests of justice and will aid the Commission's decision making.
11. North Hampton has participated in all rate cases filed with this Commission filed by Aquarion.
12. North Hampton seeks full intervener status. The Town's participation will neither delay nor disrupt the proceedings.
13. Counsel for North Hampton has contacted Aquarion's counsel who consents to this motion.

WHEREFORE, North Hampton respectfully requests that the Commission grant it full intervener status in the proceedings or grant such further relief as the Commission deems just and equitable.

Respectfully submitted,

The Board of Water Commissioners and
Select Board of the Town of North
Hampton

By Their Attorneys,

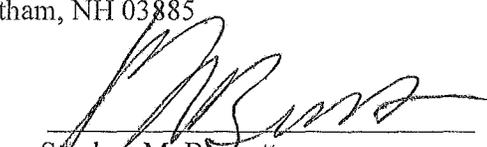


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Dated April 24, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2017, a copy of the foregoing Petition has been sent by electronic mail to Attorney Marsha A. Brown, counsel for Aquarion Water Company, mab@nhbrownlaw.com; Attorney George Moore, counsel for the Town of Hampton, gmoore@devinemillmet.com; Michael Magnant, Administrator for the Town of Rye, magnant@town.rye.nh.us, ; Robert Landman, Co-Chair North Hampton Water Commission rlandman@hlinstruments.com <<mailto:rlandman@hlinstruments.com>>; Carl McMorran, Aquarian Water Company of New Hampshire, cmemorran@aquarionwater.com; NH Office of Consumer Advocate, ocalitigation@oca.nh.gov, by first class mail to Henry Fuller, Co-Chair North Hampton Water Commission, 86 North Road, North Hampton, 03862, and Wiggins Way Home Owners Association, c/o Stephen Cook, Vice President 55 Bunker Hill Avenue, Stratham, NH 03885



Stephen M. Bennett