

**STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Aquarion Water Company of New Hampshire, Inc. and Eversource Energy
Request for Approval of Acquisition

Docket No. DW 17-114

PETITION OF REPRESENTATIVE ROBERT RENNY CUSHING TO INTERVENE

Pursuant to RSA 541-A:32, Representative Robert Renny Cushing (“Representative Cushing”) hereby files this petition requesting to intervene in the above captioned **Aquarion Water Company of New Hampshire, Inc. and Eversource Energy Request for Approval of Acquisition**, and in support of this petition says as follows:

1. Representative Robert Renny Cushing is a customer of Aquarion, a resident, property owner and taxpayer of the Town of Hampton, and an elected member of the New Hampshire House of Representatives representing Rockingham District 21, whose home address is 395 Winnacunnet Road in Hampton, New Hampshire 03842. As an Aquarion ratepayer, as a Hampton property owner, as a taxpayer, and as an elected official representing the people of Hampton, he seeks to represent the rights, duties, privileges, immunities and other substantial interests of himself and the people he represents which are substantially impacted by the proposed sale of Aquarion to Eversource.

2. It is the position of Representative Cushing that the proposed acquisition of Aquarion by Eversource will adversely affect rates, terms, service, public health and safety, and other operations of the public water utility and its 9400 customers in Hampton, North Hampton and Rye, will do net harm to Aquarian customers and does not meet the legal requirements for commission approval under RSA 369:8, II(b)(3).
3. It is the position of Representative Cushing that the transfer of complete ownership and control of the Aquarian water utility franchise to Eversource does not meet the requirement that such an acquisition be lawful, proper and in the public interest as required under RSA 374:33 and will result in net harm to Aquarian customers.
4. If the Transaction is approved, it will mark the 4th change in ownership of the Hampton, North Hampton and Rye water monopoly franchise in 15 years. In each of the previous transfers, the findings by the Commission in approving the change in ownership that the change would result in no net harm to Aquarion customers proved to be incorrect as each transfer of ownership has resulted in increased water bills for customers to the extent that now Aquarion customers have some of the highest water rates in the state of New Hampshire. Further churning of assets as proposed by this Transfer will only benefit stockholders and have an adverse impact upon customers.
5. Macquarie Utilities, in its acquisition of Aquarion Water Company of New Hampshire (formerly Hampton Water Works) from Kelda (Docket No. DW 06-094), stated it “will keep the company (Aquarion-NH) for a minimum of twelve years.” Contrary to the

promise made to customers when it sought to acquire Aquarion, less than 11 years have passed and now Maquarie is attempting to cash out early and dump its ownership of Aquarion onto Eversource at an inflated price. Absent a compelling reason that would result in net benefits to Aquarion customers, the Transaction should be rejected as an untimely request that is inconsistent with Order No 24691, Order Approving Acquisition in DW 06-094 and not considered until November 2018 at the earliest.

6. Eversource has no experience in providing clean, safe and affordable drinking water for residential and commercial customers and it is not in the public interest or public good that people of the towns of Hampton, North Hampton and Rye be forced become the guinea pigs for an Eversource experiment in operating a water utility.
7. Eversource has no experience operating a complex fire suppression system and it is not in the interest of public safety or town treasuries for Eversource to own and operate fire suppression systems.
8. Eversource has one of the most, if not the most, powerful political lobbyists team in the state of New Hampshire. The taxpayers of the towns of Hampton, North Hampton, Rye and other communities in the state have been saddled with a mandate from the state that provides a sweetheart deal exempting some utility property from paying property taxes and forcing the property tax bills of other taxpayers to increase to make up for the revenue loss. This state-mandated and town-funded corporate welfare scheme has cost the Town of Hampton tens of millions of dollars in revenue over the past couple

decades. For a number of years, the Town of Hampton has led the way in support of efforts to repeal RSA 72:12-A, and it has been Eversource that has led the effort in the State House to defeat that legislation. It is not in the public good to have the water supply and distribution systems of Hampton, North Hampton, and Rye owned by the most powerful lobby in the state and at the same time have Eversource continue to spend thousands of dollars on lobbying money to defeat legislation that would benefit the towns by eliminating tax loopholes and making utilities pay their fair share of property taxes so towns can reduce taxes.

9. At the same time Eversource is attempting to take over the public water system in the seacoast, the company is attempting to force the controversial Northern Pass Project on the communities of the north country over the concerns and objections of the residents and businesses of that part of the state. It does not make financial sense and is not in the public good to have Eversource acquiring Aquarion at the same time it pursues building Northern Pass.

10. Eversource customers pay some of the highest electric rates in the nation. It is not in the public good to have Eversource in the position of being able to do to water consumers in Hampton, North Hampton and Rye what it has done to New Hampshire electric customers—pay never ending rate increases.

11. Perfluorocarbons (PFCs) above the limit for safe drinking water have been discovered in Aquarion wells. Eversource has no experience with PFC's and nothing in the proposed Transaction addresses the problems with contaminants and plans to protect the health and safety of Aquarion customers.

12. The failure to disclose PFC's in Aquarion wells in the Request for Approval of Acquisition was a material omission that masked a very serious liability. On information and belief, the proposed Acquisition price does not reflect full extent of the problems with the degradation of Aquarion water, and if approved, would result in a windfall for MacQuarie at the expense of Aquarion customers, and thus is not in the public good.

13. For all the foregoing reasons, the Transaction as proposed will result in no net benefit to Aquarion customers and will result in net harm and an adverse effect on rates, terms, service or operation of Aquarion customers and is inconsistent with RSA 369:8, and is not lawful, proper and in the public interest and is inconsistent with RSA 374:33.

WHEREFORE, Representative Robert Renny Cushing respectfully request that the Commission:

- A. Grant this Petition to Intervene.

- B. Determine that the proposed indirect acquisition of Aquarion-NH by Eversource, will result in "net harm" to him and all other customers of Aquarion-NH.

- C. Deny the Transaction as filed in accordance with RSA 369:8, II(b), and RSA 374:33; and

- D. Issue such other and further orders as may be just and reasonable and consistent with the public interest.

Respectfully submitted this 15 day of August 2017, by



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I hereby certify that I have today submitted seven copies of this Petition to Debra Howland, Executive Director of the Commission, a copy to Aquarion Water Company of New Hampshire, and a copy to other parties on the listserve of Docket DW 17-114.



Rep. Robert Renny Cushing

August 15, 2017