

June 7, 2019

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Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301

**Re: Docket No. DW 19-065, Complaint of the Town of Hampton
Response of Aquarion Water to Town of North Hampton Water Commission's
Petition to Intervene docketed on May 28**

Dear Director Howland:

On May 28, 2019, the Commission docketed a "Petition to Intervene" from the Town of North Hampton Water Commission ("NHWC") in Docket No. DW 19-065. This docket involves a Complaint received on March 27, 2019 from the Town of Hampton ("Hampton") against Aquarion Water Company of New Hampshire, Inc. ("Aquarion") concerning Aquarion's return on equity and snow removal from fire hydrants.

Aquarion responded to that initial Complaint on April 16, 2019. A month later, on May 16, 2019, the Town of Hampton made a filing noting that it was dissatisfied with Aquarion's response. Also on May 16, the Office of the Consumer Advocate ("OCA") made a filing expressing its opinion regarding the Complaint, Aquarion's response thereto, and the Town's dissatisfaction with Aquarion's response. Aquarion filed an additional response to Hampton and OCA's filings on May 21. NHWC's filing followed.

NHWC's Petition merely repeats the same issues contained in Hampton's original Complaint. NHWC (per its cover letter) seeks intervenor status in this docket under Puc 203.17.

Hampton's Complaint was docketed as a formal complaint pursuant to RSA 365:1 and 365:2 and N.H. Code Admin Rules Puc 204. See Secretarial Letter of April 2, 2019. Per Puc 204.01(b), "The provisions of Puc 203 shall not apply to complaints filed pursuant to this rule unless the commission institutes adjudicative proceedings pursuant to Puc 204.05." As no such adjudicative proceedings have been commenced, a petition for intervention under Puc 203.17 is not applicable and the Commission should not rule on NHWC's Petition.

In addition, the remedies sought in NHWC's Petition effectively seek to undo the Settlement Agreement approved by Order *Nisi* No. 26,245 in Docket Nos. DW 18-054 and DW 18-161. As that Order *Nisi* set a deadline of May 17, 2019 for comments or to file a written request for a hearing, NHWC's May 28 filing is untimely. Order No. 26,245 became effective on June 1 and the rates established by that Order have taken effect.

Since the substantive matters set forth by both Hampton and NHWC are identical, Aquarion's prior responses address the substance of NHWC's filing.

Thank you for consideration of this response. Again, as noted in Aquarion's filing of May 21, the Office of the Consumer Advocate and Aquarion agree, "Hampton's complaint is devoid of merit and should be dismissed rather than committed to further proceedings pursuant to RSA 365:4." As NHWC addresses the same issues in its filing, the same result should ensue.

Please let me know if you have any questions.

Sincerely,

**AQUARION WATER COMPANY OF
NEW HAMPSHIRE, INC.**

By its attorney:



Robert A. Bersak
Chief Regulatory Counsel
Eversource Energy Service Company

cc: Service List (via email)

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