

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-112

Abenaki Water Company, Inc.
Permanent Rate Proceeding

MOTION TO TEMPORARILY SUSPEND PROCEDURAL SCHEDULE

NOW COMES, Abenaki Water Company, Inc.'s (Abenaki) pursuant to Puc 203.07, and hereby requests the Commission suspend the procedural schedule in this proceeding. In support of this request, Abenaki states as follows:

1. On September 15, 2020 and on October 30, 2020, Abenaki filed tariff rate schedules to increase its rates to cover its increased costs and investments in its Lakeland, White Rock, and Tioga water systems. Abenaki also filed full rate case schedules as required by PART Puc 1604. On November 30, 2020, the Commission suspended the taking effect of Abenaki's rate increases and on December 22, 2020 and on December 24, 2020, issued order of notices of its intent to investigate the rate increases pursuant to its authority under RSA 378:5 and 6.
2. Subsequent to a prehearing conference and technical session, the parties filed a proposed procedural schedule, which, on February 23, 2021, the Commission approved. That schedule governed discovery, technical sessions, and hearings for both temporary and permanent rates.
3. On June 2, 2021, the parties requested the Commission suspend the June 24, 2021 deadline for filing a settlement agreement on permanent rates and cancel the hearing set for July 1, 2021. On June 9, 2021, the Commission approved these changes but left the remainder of the

procedural schedule in effect. The remaining procedural schedule includes a litigation track which, among other things, has parties' testimony due August 31, 2021.

4. Since filing for rate relief, Abenaki has become involved in an acquisition proceeding, Docket DW 21-090. As noted in its July 16, 2021 filing in the instant proceeding, Abenaki stated its willingness to withdraw the instant rate case, without prejudice, contingent upon the Commission approving Aquarion Company's acquisition of Abenaki's parent, New England Service Company, Inc. Abenaki's position was in light of statements made in the acquisition docket by Staff (now DOE), OCA, and individual intervenors, that it was unusual and difficult to evaluate the proposed acquisition due to the pending rate request and that it was difficult to discern what the rate impacts of the transaction would be if rates were expected to change in the near term. See, Docket DW 21-090 June 28, 2021 AM Tr. at 72 and June 28, 2021 PM Tr. at 53-55. This concern was intimated by the Commission (Docket DW 21-090 June 29, 2021 Tr. at 210.

5. Also, on August 6, 2021, the Commission issued a preliminary determination in the acquisition docket that the proposed acquisition will have an adverse impact. *Abenaki Water Company and Aquarion Company*, Docket DW 21-090, Order No. 26,506 at 11. This determination has the effect of extending the investigation in that docket. RSA 369:8. It also delays the condition precedent triggering Abenaki's withdrawal of this rate case.

6. In light of the continued activity in DW 21-090, Abenaki avers that temporarily suspending the remainder of the procedural schedule would promote the orderly and efficient conduct of this proceeding because it would avoid unnecessary time and effort by parties and the Commission if Abenaki ultimately withdraws this rate case.

7. On August 16, 2021, Abenaki has requested positions of the parties on the relief requested. The Department of Energy assented to the relief requested on the condition that “[i]n the event that the Company does not withdraw its rate filing, the Company expects to propose a revised procedural schedule for Commission approval after collaboration with the parties.” Richard Rudolf assented to the relief requested. Village Shore Estates Association and the Office of the Consumer Advocate opposed the motion. No additional positions were obtained by the time of this filing.

WHEREFORE, Abenaki respectfully requests the Commission:

- A. Suspend the remainder of the procedural schedule on a temporary basis until the Docket DW 21-090 is resolved; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Abenaki Water Company, Inc.

By its Attorney,
NH BROWN LAW, PLLC

Dated: August 26, 2021

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Certificate of Service

I hereby certify that a copy of the foregoing objection has been emailed this day to the docket-related service list.

Marcia A. Brown
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