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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

June 9, 2021 - 10:05

[Remote Hearing conducted via Webex]

RE: DW 20-184
AQUARION WATER COMPANY OF NEW
HAMPSHIRE, INC.
Request for Change in Rates
(Hearing)

PRESENT: Chairwoman Dianne H. Martin, Presiding
Commissioner Kathryn M. Bailey
Commissioner Daniel C. Goldner

Jody Carmody, Clerk
Corrine Lemay, PUC Remote Hearing Host

APPEARANCES: Reptg. Eversource Energy:
Matthew J. Fossum, Esq.
Jessica A. Chiavara, Esq.

Reptg. Town of North Hampton:
Justin C. Richardson, Esq.

Reptg. Town of Hampton:
Mark S. Gearreald, Esq.

Reptg. Office of the Consumer Advocate
D. Maurice Kreis, Esq.

Reptg. PUC Staff:
Eric Wind, Esq.
F. Anne Ross, Esq.

Court Reporter: Susan J. Robidas, NH LCR No. 44

I N D E X

WITNESS PANEL: DEBRA A. SZABO
 ROBYN J. DESCOTEAU

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EXHIBITS

PAGE

1	Settlement Agreement re: Temporary Rates	PREMARKED
2	Aquarion 2019 Annual Report	PREMARKED
3	Aquarion Affidavit of Publication	PREMARKED
4	Direct Prefiled Testimony of Debra A. Szabo	PREMARKED
5	Aquarion Schedules for Proposed Temporary Rates	PREMARKED

P R O C E E D I N G S

1
2 CHAIRWOMAN MARTIN: Let's go on the
3 record. We're here this morning in Docket DW
4 20-184 for a hearing regarding the Aquarion
5 Water Company of New Hampshire,
6 Incorporated's Request for Temporary Rates.
7 We have to make the necessary findings for a
8 remote hearing.

9 As Chairwoman of the Public
10 Utilities Commission, I find that due to the
11 State of Emergency declared by the Governor
12 as a result of the COVID-19 Pandemic, and in
13 accordance with the Governor's Emergency
14 Order 2020-04, this public body is authorized
15 to meet electronically. Please note that
16 there is no physical location to observe and
17 listen contemporaneously to this hearing
18 which was authorized pursuant to the
19 Governor's Emergency Order. However, in
20 accordance with the Emergency Order, I am
21 confirming that we are utilizing Webex for
22 this electronic hearing. All members of the
23 Commission have the ability to communicate
24 contemporaneously during this hearing, and

1 the public has the access to
2 contemporaneously listen and if necessary
3 participated. We previously gave notice to
4 the public of the necessary information for
5 accessing the hearing in the Order of Notice.
6 If anyone has a problem during the hearing,
7 please call (603)271-2431. In the event the
8 public is unable to access the hearing, the
9 hearing will be adjourned and rescheduled.

10 Okay. We have to take a roll call
11 attendance of the Commission. My name is
12 Dianne Martin. I am the Chairwoman of the
13 Public Utilities Commission, and I am alone.

14 Commissioner Bailey.

15 COMMISSIONER BAILEY: Good morning,
16 everyone. Kathryn Bailey, Commissioner at
17 the Public Utilities Commission. And my
18 mother, Sheila Moser, is with me in the
19 house.

20 CHAIRWOMAN MARTIN: Okay. Thank
21 you.

22 Commissioner Goldner.

23 COMMISSIONER GOLDNER: Hello, this
24 is Dan Goldner, Public Utility Commission

1 Commissioner, and I am alone.

2 Okay. Let's take appearances,
3 starting with Mr. Fossum.

4 MR. FOSSUM: Good morning,
5 Commissioners. And for the first time, good
6 morning, Commissioner Goldner. Matthew
7 Fossum, here for Aquarion Water Company of
8 New Hampshire, along with co-counsel Jessica
9 Chiavara, and with Debra Szabo this morning,
10 on behalf the Company.

11 CHAIRWOMAN MARTIN: Okay. Thank
12 you. And Mr. Kreis.

13 MR. KREIS: Good morning,
14 Commissioners, colleagues. I am Donald
15 Kreis, the Consumer Advocate, here pursuant
16 to RSA 363:28, on behalf of residential
17 customers.

18 CHAIRWOMAN MARTIN: All right.
19 Thank you.

20 Mr. Richardson.

21 MR. RICHARDSON: Good morning,
22 Commissioners. Good morning, everyone.
23 Justin Richardson with NH Water Law, here on
24 behalf of the Town of North Hampton.

1 CHAIRWOMAN MARTIN: All right.

2 Thank you.

3 And Mr. Gearreald. You're on mute.

4 MR. GEARREALD: How's that?

5 CHAIRWOMAN MARTIN: That's better.

6 Thank you.

7 MR. GEARREALD: Thank you. Good
8 morning. Mark Gearreald, and I am the town
9 attorney for the Town of Hampton.

10 CHAIRWOMAN MARTIN: Thank you.

11 And for Staff, who is --

12 MR. WIND: Good morning, Chairwoman
13 Martin, Commissioner Bailey and Commissioner
14 Goldner. My name is Eric Wind, appearing on
15 behalf of Commission Staff. Also entering
16 appearances is Anne Ross, and we are joined
17 by Robyn Descoteau of the Gas and Water
18 Division.

19 CHAIRWOMAN MARTIN: Excellent.

20 Thank you.

21 Okay. For preliminary matters, I
22 have Exhibits 1 through 5 premarked and
23 prefiled for identification. Is there any
24 issue related to exhibits that we need to

1 discuss?

2 [No verbal response]

3 CHAIRWOMAN MARTIN: Okay. Seeing
4 none, any other preliminary matters? Mr.
5 Richardson.

6 MR. RICHARDSON: Yes. Thank you,
7 Madam Chairwoman. I just want to point out
8 that I have a sick dog that's -- I had to
9 take to the emergency room at four in the
10 morning. If that happens, I may jump off.
11 You may not see me on the screen. But I do
12 not plan on asking any questions, and I can
13 defer to Attorney Gearreald for the Town of
14 Hampton as to closing statements or anything
15 like that. So I just didn't want the
16 proceeding to have to stop if I have to turn
17 my screen off, and I wanted to make the
18 Commissioners aware of that. Thank you.

19 CHAIRWOMAN MARTIN: Thank you. I
20 appreciate you letting us know and, as I
21 understand it, that we can proceed even if we
22 can't see you on our screen.

23 MR. RICHARDSON: That is correct.

24 CHAIRWOMAN MARTIN: Okay. And I

1 hope that your dog is okay.

2 MR. RICHARDSON: Thank you. He's
3 treated. He should be. And I don't expect
4 anything to happen, but it did happen in
5 another Zoom meeting yesterday. It was
6 fairly difficult to answer questions with a
7 dog behind me that is in distress. Thank
8 you.

9 CHAIRWOMAN MARTIN: That's
10 completely understandable. Thank you for
11 letting us know.

12 Okay. Anything else before we have
13 the witnesses sworn in?

14 [No verbal response]

15 CHAIRWOMAN MARTIN: All right. Ms.
16 Robidas, can you please swear in the
17 witnesses.

18 (WHEREUPON, DEBRA A. SZABO AND ROBYN J.
19 DESCOTEAU were duly sworn and cautioned
20 by the Court Reporter.)

21 DEBRA A. SZABO, SWORN

22 ROBYN J. DESCOTEAU, SWORN

23 CHAIRWOMAN MARTIN: Thank you. And
24 are we taking the witnesses as a panel today?

1 MR. WIND: Yes.

2 CHAIRWOMAN MARTIN: Who is going
3 first for direct?

4 MS. CHIAVARA: I'll be going first
5 for direct with Ms. Szabo.

6 CHAIRWOMAN MARTIN: Okay.
7 Excellent. Go ahead, Ms. Chiavara.

8 DIRECT EXAMINATION

9 BY MS. CHIAVARA:

10 Q. Ms. Szabo, could you please state your full
11 name, your title, and your responsibilities
12 and your role with Aquarion?

13 A. (Szabo) Sure. My name is Debra Szabo. I'm
14 the director of rates and regulation for
15 Aquarion Water Company of Connecticut. In my
16 role, I handle compliance with various
17 regulatory requirements of Aquarion
18 Connecticut and its affiliates, including
19 Aquarion Water Company of New Hampshire. And
20 most recently I've overseen both the
21 temporary and permanent rate filings that
22 we're discussing here today.

23 Q. Thank you. And have you ever testified
24 before this Commission?

1 A. (Szabo) Yes. I have testified in our water
2 infrastructure and conservation adjustment
3 filings.

4 Q. Okay. Turning to the exhibits. Are you
5 familiar with the Settlement Agreement that
6 was filed in this docket on June 3rd, and
7 have you reviewed all of its necessary terms?

8 A. (Szabo) Yes.

9 Q. Is the Company or an agent of the Company a
10 signatory to this Agreement?

11 A. (Szabo) Yes.

12 Q. Thank you. Turning to Exhibit 2. Are you
13 familiar with the document titled "Aquarion
14 Water Company of New Hampshire, 2019 Annual
15 Report," marked as Exhibit 2?

16 A. (Szabo) Yes.

17 Q. Is this report a routine filing by the
18 Company?

19 A. (Szabo) Yes, it is.

20 Q. And would you mind, if you could briefly
21 describe the contents of the report marked as
22 Exhibit 2.

23 A. (Szabo) Sure. So the annual report provides
24 both financial and operational information

1 applicable to the Company's 2019 performance.

2 Q. Thank you. Moving to Exhibit 3, did you
3 complete Aquarion's Affidavit of Publication
4 of Order 26,449, dated February 4th, 2021,
5 which is marked as Exhibit 3?

6 A. (Szabo) Yes, I did.

7 Q. And could you please describe the purpose
8 served by Exhibit 3.

9 A. (Szabo) Sure. Exhibit 3 demonstrates that
10 Aquarion provided notice by promptly
11 publishing the Commission's order on its web
12 site consistent with its direction of the
13 commencement of this proceeding. The
14 affidavit of that publication, marked as
15 Exhibit 3, affirms that publication took
16 place on February 1st, 2021. This supports
17 that February 1st is the date designated in
18 the Settlement Agreement for the temporary
19 and permanent rates to be set and reconciled
20 to.

21 Q. Thank you. Now looking at Exhibits 4 and 5.
22 Did you file testimony in this docket on
23 December 18th, 2020, which is marked as
24 Exhibit 4, and did you also file schedules

1 for the proposed temporary rates in your
2 testimony, marked as Exhibit 5?

3 A. (Szabo) Yes, I did.

4 Q. And were the testimony and the schedules
5 prepared by you or at your direction?

6 A. (Szabo) Yes.

7 Q. Do you have any corrections to make to your
8 testimony or the schedules at this time?

9 A. (Szabo) No, I do not.

10 Q. And do you adopt your testimony and the
11 supporting rate schedules today as they were
12 written and submitted?

13 A. (Szabo) Yes, I do.

14 Q. Thank you, Ms. Szabo.

15 Now, could you please explain what the
16 Company is requesting that the Commission
17 approve for temporary rates in the Settlement
18 Agreement?

19 A. (Szabo) Yes. It's pretty straightforward.
20 We have proposed in the Settlement Agreement
21 that temporary rates be held at our current
22 rates. We feel the existing rates are fair
23 and sufficient for the duration of the
24 proceeding. Additionally, we were aware of

1 financial hardships of our customers due to
2 the COVID pandemic and felt that holding
3 rates at our current rates was appropriate.

4 Q. Thank you. Looking at your testimony, you
5 recommended something a bit different;
6 specifically, that the existing water
7 infrastructure and conservation adjustment,
8 or WICA charge, be folded into the rate base,
9 but that the overall rate would remain
10 unchanged just with the WICA set at zero.
11 Can you explain your reasoning behind this
12 recommendation a little bit and also tell us
13 why this is not being recommended today in
14 the Settlement Agreement?

15 A. (Szabo) Yes. So our initial recommendation
16 proposed rolling the WICA surcharge into base
17 rates, as we felt that that would provide
18 greater transparency to the customer,
19 allowing them to see a clearer picture of the
20 rate impact that would solely occur as a
21 result of the permanent rate proceeding.
22 However, during the discovery process, Staff
23 had raised a concern that this proposal was
24 less efficient than the alternative of

1 proposing that we just keep our current
2 tariff as our temporary rate tariff and asked
3 if we would consider this alternative. Since
4 there's no impact to the customer rates in
5 either alternative, the Company had no
6 objection to moving ahead with the WICA
7 remaining as a surcharge and using its
8 current tariff as its temporary tariff.

9 Q. Thank you. Now, there is another matter
10 pending before this Commission regarding the
11 pending permanent interconnection of the 40
12 or so residents of the Wiggin Way Subdivision
13 in Stratham. Right now those customers are
14 paying Aquarion's existing seasonal rates.

15 Why were these customers excepted from
16 the terms of the Settlement Agreement for
17 temporary rates in favor of their continued
18 payment of seasonal rates?

19 A. (Szabo) As you mentioned, the Wiggin Way
20 matter is still pending. And the date for
21 concluding that proceeding is unclear at this
22 point. So we thought it wasn't appropriate
23 at this time to sweep them into the
24 Settlement, and keep them at their current

1 seasonal rates. It would also eliminate
2 another reconciliation that would need to be
3 done, keeping things more straightforward.
4 And their contribution to the revenue
5 requirement is insignificant as well.

6 Q. Great. Thank you. And is it your position
7 that the Company -- and the Company's
8 position, that the Settlement Agreement in
9 Exhibit 1 is fair and appropriate and that
10 the rates to be charged under the Settlement
11 are just and reasonable?

12 A. (Szabo) Yes, it is.

13 Q. All right. Thank you, Ms. Szabo.

14 MS. CHIAVARA: That's all I have
15 for this witness.

16 CHAIRWOMAN MARTIN: Okay. With
17 that, Mr. Wind.

18 MR. WIND: Thank you.

19 DIRECT EXAMINATION

20 BY MR. WIND:

21 Q. Good morning, Ms. Descoteau. Can you please
22 state your name and position at the
23 Commission for the record.

24 A. (Descoteau) My name is Robyn J. Descoteau,

1 and I'm a utility analyst for the PUC in the
2 Gas and Water Division.

3 Q. Thank you. And how long have you held your
4 current position for?

5 A. (Descoteau) I have held my current position
6 for seven years.

7 Q. And what are your primary responsibilities as
8 an analyst in the Gas and Water Division?

9 A. (Descoteau) As an analyst in the Gas and
10 Water Division, my primary responsibilities
11 include the review of petitions for changes
12 in rates, franchise expansions, financing
13 requests and/or proposals for economic
14 accounting and operational changes affecting
15 regulatory -- regulated utility revenue
16 requirements. This includes the
17 recommendation of changes in revenue levels
18 that are based on the Company's books and
19 records on file with the Commission and
20 conform to regulatory methodologies. I also
21 represent Staff in meetings with company
22 officials, outside attorneys and accountants
23 relative to filing matters, as well as the
24 Commission's rules, policies and procedures.

1 Q. Thank you. In your capacity as an analyst,
2 did you examine Aquarion's petition for
3 temporary rates in this proceeding?

4 A. (Descoteau) Yes, I did.

5 Q. And would you describe your involvement in
6 this docket in a little more detail.

7 A. (Descoteau) Regarding Aquarion Water
8 Company's petition for temporary rates, I
9 reviewed the filing to ensure it was based on
10 the books and records on file with the
11 Commission and it adhered to the Commission's
12 rules, policies and procedures.

13 Additionally, I participated in two rounds of
14 discovery questions and settlement
15 discussions.

16 Q. Thank you. Do you have Exhibit 1 in front of
17 you?

18 A. (Descoteau) Yes, I do.

19 Q. Are you familiar with this exhibit?

20 A. (Descoteau) Yes, I am.

21 Q. And so Exhibit 1 is the Settlement Agreement
22 on temporary rates; is that correct?

23 A. (Descoteau) Yes, it is.

24 Q. Are you aware of any material changes or

1 corrections that need to be made to
2 Exhibit 1?

3 A. (Descoteau) I am not.

4 Q. Ms. Descoteau, is Aquarion Water Company of
5 New Hampshire's 2019 Annual Report on file
6 with the Commission?

7 A. (Descoteau) Yes, it is.

8 Q. And is that the same report that the Company
9 presented as Exhibit No. 2?

10 A. (Descoteau) Yes, it is.

11 Q. Based on your review of the Company's
12 temporary rate request, the Company's 2019
13 annual report and the settlement presented
14 today and marked as Exhibit 1, do you believe
15 that the proposed temporary rates set at
16 current rates are just and reasonable?

17 A. (Descoteau) Yes. Setting temporary rates at
18 current rates is just and reasonable.

19 Q. Thank you. And with reference to RSA 378:27,
20 namely, the standard that temporary rates
21 shall be sufficient to yield not less than a
22 reasonable return on the cost of the property
23 of the utility used and useful in public
24 service less accrued depreciation, as shown

1 by the reports of the utility filed with the
2 Commission, do you agree that the Settlement
3 Agreement adequately addresses the relevant
4 statutory standards?

5 A. (Descoteau) Yes, I do.

6 Q. Okay. Thank you. And based on what you've
7 heard this morning, do you have anything else
8 to add?

9 A. (Descoteau) Not at this time.

10 Q. Okay. Thank you.

11 MR. WIND: Madam Chair, that is all
12 I have for direct.

13 CHAIRWOMAN MARTIN: Okay. Mr.
14 Kreis, are you going to be conducting cross?

15 MR. KREIS: I have no questions,
16 Madam Chairwoman.

17 CHAIRWOMAN MARTIN: Mr. Richardson,
18 you indicated you have no questions?

19 MR. RICHARDSON: Thank you, Madam
20 Chairwoman. I have no questions.

21 CHAIRWOMAN MARTIN: Okay. And Mr.
22 Gearreald.

23 MR. GEARREALD: Yes, I have no
24 questions either. Thank you.

1 CHAIRWOMAN MARTIN: Okay.
2 Commissioner Bailey.

3 COMMISSIONER BAILEY: Thank you.

4 INTERROGATORIES BY COMMISSIONERS:

5 BY COMMISSIONER BAILEY:

6 Q. Ms. Szabo, can you look at Exhibit 2, Bates
7 Page 14. Let me know when you're there.

8 A. (Szabo) Yes, I'm here. On the Statement of
9 Income?

10 Q. Yes. So this shows that your net income was
11 a positive \$1 million; correct?

12 A. (Szabo) That's correct.

13 Q. Okay. And so that is the number that you
14 used in your testimony to calculate that you
15 achieved rate of return is 6.6 percent?

16 A. (Szabo) Yes. So if you look to, finding the
17 page here, Page 74 of the same exhibit --

18 Q. Okay.

19 A. (Szabo) -- the return on rate base starts
20 with the net income value of the \$1,093,000,
21 which agrees to the number that we just
22 referenced on the earlier page. And there
23 are adjustments that are made to it to derive
24 the utility operating income, which is the

1 value that's been applied to the rate base to
2 come up with the rate of return.

3 Q. And what was the last authorized rate of
4 return that you had?

5 A. (Szabo) Was 9.6 percent.

6 Q. Was that the rate of return or the return on
7 equity?

8 A. (Szabo) Oh, I'm sorry, that was the return on
9 equity. Let me see. The authorized rate of
10 return was 7.49 percent.

11 Q. Okay. Thank you. Did you -- did the Company
12 take out a PPP loan?

13 A. (Szabo) We did not.

14 Q. Okay. Thank you.

15 COMMISSIONER BAILEY: That's all
16 the questions I have.

17 CHAIRWOMAN MARTIN: Commissioner
18 Goldner.

19 COMMISSIONER GOLDNER: I have no
20 questions.

21 CHAIRWOMAN MARTIN: And I have no
22 questions. So we will go back to see if
23 there's any redirect from either counsel.

24 [No verbal response]

1 CHAIRWOMAN MARTIN: Not seeing any.
2 Okay. All right. Anything else we need to
3 do then before we hear closing arguments?

4 [No verbal response]

5 CHAIRWOMAN MARTIN: Okay. Also
6 seeing none --

7 MR. WIND: I suppose we should
8 strike I.D. on exhibits before closing.

9 CHAIRWOMAN MARTIN: That's what I
10 was just doing.

11 Without objection, I'll strike I.D.
12 on Exhibits 1 through 5 and admit them as
13 full exhibits. And we will start closings
14 with Mr. Kreis.

15 MR. KREIS: Thank you, Madam Chair.
16 As the Commission is aware, the standard for
17 approval of temporary rates is pretty
18 differential to the interests of the Company.
19 And in this case, the utility has quite
20 reasonably suggested simply setting temporary
21 rates at their current level. And there
22 certainly was no good reason on behalf of
23 residential utility customers to stand in the
24 way of that very reasonable result. So we

1 with Mr. Kreis's statement and Mr.
2 Richardson's, and note that the Settlement
3 Agreement on Page 2 indicates that the
4 Settling Parties reserve all rights as to
5 whether the Company in fact under-earned
6 during the test year when taking into account
7 all appropriate factors with respect to just
8 and reasonable permanent rates, subject to
9 reconciliation, as provided in RSA 378:27 to
10 29. And with that reservation, all parties
11 signing, we approve also and thank you.

12 CHAIRWOMAN MARTIN: Okay. Thank
13 you. And Mr. Wind.

14 MR. WIND: Thank you. Staff
15 supports setting temporary rates at current
16 rates effective February 1, 2021 in this
17 docket. Staff believes that the Company's
18 petition for temporary rates meets the
19 applicable requirements of RSA 378:27 and
20 that appropriate customer rates will result
21 when permanent rates are ultimately approved
22 and temporary rates are reconciled at the
23 conclusion of this proceeding.

24 Staff further believes that the

1 Company did indeed provide adequate notice to
2 its customers of the proposed temporary rate
3 impact.

4 And lastly, based on its
5 preliminary review of the petition filings
6 and books and records, Staff recommends that
7 the Commission find that the temporary rate
8 proposal contained in the Settlement
9 Agreement to be just and reasonable and in
10 the public interest. Thank you.

11 CHAIRWOMAN MARTIN: Thank you.

12 And lastly, Ms. Chiavara, are you
13 doing the closing?

14 MS. CHIAVARA: I am, yes. Thank
15 you.

16 Aquarion is strongly in support of
17 the Settlement Agreement in front of the
18 Commission today. Not only is it
19 straightforward in its content, it is also a
20 fair and uncomplicated approach to applying
21 temporary rates for the duration of
22 Aquarion's permanent rate case. Setting
23 temporary rates at current rates is a way for
24 the Company to provide predictability and

1 stability to its customers, and it is also a
2 sufficient rate for the Company to collect
3 for the duration of this proceeding.

4 Aquarion recommends the Commission
5 promptly approve the Settlement Agreement to
6 resolve the matter of temporary rates and
7 allow for focus to be turned to advancing the
8 permanent rates portion of this docket.
9 Thank you.

10 CHAIRWOMAN MARTIN: All right.
11 Thank you, everyone. With that, we will
12 close the record and take this matter under
13 advisement, and we are adjourned for the day.
14 Have a good day.

15 (Whereupon the hearing was adjourned at
16 10:28 a.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

(ORIGINAL CERTIFICATION FILED WITH
PUBLIC UTILITIES COMMISSION)

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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