

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

Docket No. DW 22-070

Pennichuck Water Works, Inc.  
Petition to Approve Special Contract with Town of Milford

**MOTION FOR WAIVER OF NISI PERIOD**

NOW COMES, Pennichuck Water Works, Inc. (PWW), in accordance with N.H. Admin. Rule Puc 203.04 and Puc 203.07 and hereby moves the New Hampshire Public Utilities Commission (Commission) to waive or shorten the Commission's customary *nisi* period in any order approving the settlement agreement and special contract in this proceeding. In support of this motion, PWW states as follows:

1. Contemporaneous with this motion, PWW is filing a settlement agreement between PWW and the Department of Energy (Department).
2. The settlement agreement concerns PWW's proposed special contract with the Town of Milford.
3. PWW has a current contract (Current Contract) with the Town of Milford that expires February 5, 2023. PWW and the Town of Milford propose that the third contract (Proposed Contract) become effective February 6, 2023 so as to allow a seamless transition from the Current Contract to the Proposed Contract.
4. PWW and the DOE have requested that the Commission approve the settlement agreement and special contract without an additional hearing. The Commission has issued orders approving special contracts in the past without additional hearing and, importantly, without a *nisi* period. See, e.g., *Pennichuck Water Works, Inc.*, Docket No. DW 17-071, Order

No. 26,049 (August 23, 2017) (order approving special contract with Pennichuck East Utility, Inc.). The Commission has also issued orders approving special contracts without a merits hearing and has issued those orders with a *nisi* period. See, e.g., *Pennichuck Water Works, Inc.*, Docket No. DW 15-133, Order No. 25,800 (July 28, 2015) (order *nisi* approving a special contract with the Town of Tyngsborough). In such *nisi* orders, the Commission has delayed the effect of the order so as to allow interested persons to request a hearing. See for example, *Pennichuck Water Works, Inc.*, Docket No. DW 21-115, Order No. 26,647 (July 1, 2022).

5. In this case, PWW argues that the Commission should approve the settlement agreement and the special contract through a regular order with no associated *nisi* period. PWW avers that no *nisi* period is needed because the Commission noticed the proceeding on the Commission's website and PWW posted the notice on its web site, the Commission received no petitions for intervention, all parties in the proceeding are signatories to the settlement agreement, and there is no rate effect on customers taking service under PWW's current tariff.

6. If the Commission determines to approve the settlement agreement and special contract through an order *nisi*, the Company requests the Commission to set a *nisi* effective date that falls prior to February 5, 2023. PWW is concerned that if the Commission approves the settlement agreement with a *nisi* order where the *nisi* period runs beyond the February 5, 2023 expiration date of the Current Contract, the transition between the Current Contract and the Proposed Contract would be disrupted.

7. PWW believes it prudent to file this motion, to the extent it is needed, so that the record reflects PWW's position that a seamless transition between the Current Contract and the Proposed Contract is in the public interest. The Proposed Contract's effective date was agreed to by PWW and Milford to provide Milford with certainty in knowing the rates for service and to

provide PWW and its customers with the certainty of revenues. The Commission's grant of relief requested in this motion would also alleviate PWW's additional expense in billing Milford the general tariff rate after February 5, 2023 though whatever time the order ultimately takes effect under a possible *nisi* order scenario.

8. PWW contacted the Department in advance of this filing to solicit positions on the relief requested. The Department supports the relief requested.

WHEREFORE, Pennichuck Water Works, Inc. respectfully requests the Commission:

- A. Approve the settlement agreement and special contract by regular order or with a *nisi* period that expires prior to February 5, 2023; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

PENNICHUCK WATER WORKS, INC.

By its Attorney,

N.H. Brown Law, PLLC

Date: January 4, 2022

By: Marcia A. Brown  
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Certificate of Service

I hereby certify that a copy of this motion has been emailed to the Docket-Related Service List for this proceeding.

Date: January 4, 2022

Marcia A. Brown  
Marcia A. Brown, Esq.