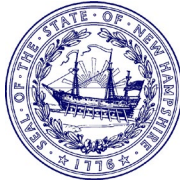


COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.



DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

December 16, 2024

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

Re: DW 24-109 – Nancy Monks; Petition Appealing DOE’s Final Decision on CPT 2024-0006 Against Pennichuck Water Works, Inc. – DOE Position Statement

Dear Chairman Goldner:

On November 1, 2024, Ms. Monks filed a Petition with the New Hampshire Public Utilities Commission (“PUC” or “Commission”) requesting that the PUC resolve through an adjudicative proceeding the New Hampshire Department of Energy’s (“DOE” or “Department”) Final Decision on Complaint No. CPT 2024-006 against Pennichuck Water Works, Inc. (“PWW” or “Company”). On November 25, 2024, the PUC issued an order commencing an adjudicative proceeding and determined that the filing presented two issues: “1) whether PWW improperly billed Ms. Monks for the time period of April 29 through June 3, 2024, and 2) if PWW violated meter testing provisions of En 605.04 and RSA 370, and if so, should PWW be subject to fines pursuant to RSA 365:41.” In this same order, the PUC requested the DOE to file its position regarding the petition “including the reasons” on or before December 16, 2024. The requested DOE position statement is as follows.

Regarding issue #1, whether PWW improperly billed Ms. Monks for the time period between April 29 through June 3, 2024, the DOE has no further comments beyond what it provided in its decision issued on October 21, 2024. The Company tested the meter, and the meter was functioning within acceptable parameters. The DOE has offered to be present for a subsequent referee test of the meter, which PWW has preserved, but Ms. Monks did not avail herself of this option. NH DOE Decision p. 3-4. Regarding this issue, the DOE recommends that the PUC require PWW to be a mandatory party to this proceeding, pursuant to RSA 374.

Regarding issue #2, the DOE has no comment beyond what was included in the DOE decision. As stated in the DOE’s decision on Ms. Monks’s complaint, PWW violated En 605.04(c) by failing to test the meter within ten years as required. The

Department will not pursue fines against PWW at this point, although it may do so following a Departmental investigation into PWW's meter testing practices.¹

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Sincerely,

/s/ *Molly M. Lynch*

Molly M. Lynch, Esq.
Hearings Examiner

cc: Service List.

¹ The plain language of RSA 365:41 allows the *Commission* to impose a fine for a violation of a PUC or DOE "order, direction or requirement." "Such penalties shall be applied to the benefit of the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the commission to be insignificant on a per customer basis, to programs that benefit low-income ratepayers." RSA 365:41.

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