

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 24-109

NANCY MONKS

**Petition Appealing New Hampshire Department of Energy's Final Decision
on Complaint No. CPT 2024-006 Against Pennichuck Water Works, Inc.**

SUPPLEMENTAL ORDER OF NOTICE

On November 1, 2024, the petitioner, Nancy Monks, filed a petition contesting the New Hampshire Department of Energy's (DOE) decision on her complaint against Pennichuck Water Works, Inc. (PWW) regarding her June 13, 2024 water bill for the period of April 29 through June 3, 2024. In support of her petition, Ms. Monks filed several attachments, including a copy of the DOE's decision and a PWW water consumption history report. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at www.puc.nh.gov/regulatory/Docketbk/2024/24-109.html.

I. BACKGROUND AND PROCEDURAL HISTORY

In her petition, Ms. Monks claimed that her June 13, 2024 PWW water bill in the amount of \$267.65 is too high, because it shows a high level of water consumption for May 14-18, 2024, a period during which she asserted that she was away on vacation, and the valve and controller for her irrigation system were turned off. Ms. Monks stated that PWW failed to test her meter within 10 years, as required by New Hampshire Code of Administrative Rules, En 605.04(c), and did not give her a chance to be present, contrary to En 605.04(f), when it tested her meter on June 17, 2024.

Ms. Monks filed a complaint against PWW with the DOE, docketed as No. CPT 2024-006. After conducting its investigation, the DOE issued a decision on October 21, 2024, in which it declined to initiate proceedings before the Commission for

customer remuneration. Attachment 2. In its decision, the DOE stated that: PWW's test showed that Ms. Monks' meter was working within the required parameters, the DOE could not confirm that Ms. Monks' outside irrigation valve and controller were in the "off" position during the time in question, and Ms. Monks' historic water usage showed periodic spikes. *Id.* at 4-5. Although the DOE found that PWW had violated En 605.04(c) and (f), it stated that there was no remedy in its rules for these violations, and that Ms. Monks was not harmed by them. *Id.* at 2-3, 5. However, the DOE advised that it intended to conduct a general investigation regarding PWW's violation of En 605.04(c) in a future proceeding and, "if necessary, consider whether fines may be appropriate in this regard in accordance with RSA 365:41." *Id.* at 5.

By filing a petition with the Commission, Ms. Monks requested resolution of this matter through an adjudicative proceeding. The Commission issued an order of notice on November 25, 2024, which scheduled a prehearing conference on December 18, 2024 and a hearing on January 28, 2025. On December 17, 2024, the Commission issued a procedural order cancelling the December 18 prehearing conference because PWW did not receive adequate notice. The Commission has determined that PWW is a mandatory party in this proceeding and directs the Clerk's Office to add PWW to the docket service list.

The prehearing conference has been rescheduled to January 28, 2025, at 9:00 a.m. The final hearing will not go forward on January 28, as previously scheduled, but has been rescheduled to March 6, 2025, at 9:00 a.m.

II. ADDITIONAL ISSUE PRESENTED

The filing presents, *inter alia*, in addition to the issue of whether Ms. Monks' June 13, 2024 water bill was accurate, the following issue: whether Ms. Monks is

entitled to any relief if PWW failed to comply with En 605.04(c) and En 605.04(f). These issues will be addressed in this adjudicative proceeding.

The Commission will be conducting any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that PWW is now a mandatory party in this proceeding and shall be added to the docket service list; and it is

FURTHER ORDERED, that this adjudicative proceeding will review and resolve the foregoing additional issue pursuant to RSA chapter 541-A, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on January 28, 2025, at 9:00 a.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that the Commission will hold a final hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on March 6, 2025, at 9:00 a.m. Three hours shall be allotted for this hearing; and it is

FURTHER ORDERED, Attorney Sarah Fuller, a Senior Advisor to the Commission, is assigned to serve as an examiner for the prehearing conference and hearing, to report the facts, and to draft a recommended final order. Any party may request that the prehearing conference and/or hearing be held “by the full commission, or a majority thereof” provided that request is made 5 days before the date of the hearing or prehearing conference. *See* RSA 363:17; and it is

FURTHER ORDERED, that PWW shall file its position regarding Ms. Monks’ November 1, 2024 filing, including the reasons for this position, on or before January 21, 2025; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party’s own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Ms. Monks and any other parties on the service list, including PWW, on or before January 14, 2025. The petition shall state the facts demonstrating how the petitioner’s rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before January 24, 2025; and it is

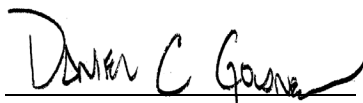
FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

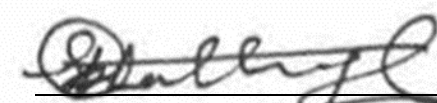
FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that the Clerk shall send a copy of this order of notice to all parties on the service list and publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the previously issued hearing guidelines.

So ordered, this twenty-fourth day of December, 2024.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Mark W. Dell'Orfano
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket#: 24-109

Printed: 12/24/2024

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