

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DW 21-093**

**AQUARION WATER COMPANY OF NEW HAMPSHIRE, INC.**

**Petition for Approval of Franchise Expansion, Acquisition of Assets,  
and Application of Existing Rates**

**ORDER OF NOTICE**

On November 20, 2020, Aquarion Water Company of New Hampshire, Inc. (Aquarion or the Company) filed a Petition for Approval of Franchise Expansion, Acquisition of Assets, and Application of Existing Rates (Petition).

In the Petition, the Company requests Commission approval of: (1) expansion of Aquarion's franchise into a limited area in the Town of Stratham; (2) a contract between Aquarion and the Wiggin Way/Winterberry Homeowners' Association (Wiggin Way) for the acquisition of water distribution infrastructure, pursuant to RSA 374:30; and (3) application of Aquarion's existing tariffed rates. In support of its requests, Aquarion provided, among other things, a New Hampshire Department of Environmental Services (DES) order and Water Council decision on appeal, letters of support, and the proposed asset transfer agreement between the Company and Wiggin Way. DES filed a letter in support of the proposed franchise expansion and permanent interconnection between Aquarion and Wiggin Way.

Petitions for intervention were filed by the Town of Hampton (Hampton), to which Aquarion objected, and Wiggin Way. The Town of North Hampton previously filed a petition to intervene in Docket No. DW 17-062, upon which the Commission deferred decision until the filing of the present petition, but the Town of North Hampton did not file an updated petition for intervention. *See Aquarion Water Company of N.H.*, Order No. 26,016 at 5 (May 10, 2017). On

March 1, 2021, the Town of North Hampton (North Hampton) filed a Request for Hearing on Change in Rates, to which the Company and Wiggin Way both objected.

The Petition and subsequent filings raise, *inter alia*, issues related to whether Aquarion should be allowed to expand its franchise into the requested service area, under RSA 374:22; whether Aquarion has presented evidence of suitable and adequate water supply, under RSA 374:22, III; whether the requested franchise expansion is “for the public good,” under RSA 374:26; whether Commission approval of Aquarion’s acquisition of the Wiggin Way water infrastructure is required under RSA 374:30; whether consideration of the future rate impact of a franchise expansion upon a water utility’s current customers is contemplated under RSA 374:22 and RSA 374:26; whether current customers who are not residents of the proposed franchise expansion service area have standing, under RSA 541-A:32, I; whether rate schedules required during full rate proceedings, under N.H. Admin. R., Part Puc 1600, are required to be filed in connection with a franchise expansion request under RSA 374:22 and RSA 374:26; whether application of a different but existing tariff rate, such as changing from seasonal rates charged during an emergency connection to permanent rates, represents a change in rate contemplated by RSA 378:7; and whether a franchise expansion request, pursuant to RSA 374:22 and RSA 374:26, and the implementation of existing tariffed rates in connection with the proposed franchise expansion, require detailed examination of possible rate subsidization or preference, under RSA 378:10.

The parties and prospective intervenors should be prepared to address the proper scope of the proceeding, including, but not limited to, the impact of future rates in the context of a franchise expansion proceeding, as described above. The Commission will also require the Town of North Hampton to file an updated petition for intervention, as Aquarion filed its

franchise expansion request nearly three years after the Commission approved an emergency interconnection and the application of seasonal rates in Order No. 26,106 in Docket No. 17-062.

The Commission held Docket No. 17-062 open pending receipt of a petition to expand Aquarion's franchise. That petition has now been filed. The Petition, and subsequent filings related to the Petition, shall be administratively transferred from Docket No. DW 17-062 to this docket, and we will now close Docket No. DW 17-062.

**Based upon the foregoing, it is hereby**

**ORDERED**, that, consistent with Governor Christopher T. Sununu's Emergency Order #12, the Commission will hold a web-enabled remote prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, on July 28, 2021, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the Petition and any of the issues set forth in N.H. Admin. R., Puc 203.15. Members of the public who wish to access the prehearing conference may do so [by clicking here](#). **If you have any difficulty obtaining access to this remote event, please notify the Commission by calling (603) 271-2431 as soon as possible.** Parties will be provided with additional instructions prior to the prehearing conference; and it is

**FURTHER ORDERED**, that, immediately following the prehearing conference, Aquarion, Commission Staff, the Office of the Consumer Advocate, and any intervenors or prospective intervenors hold a web-enabled remote technical session to review the Petition, allow Aquarion to provide any amendments or updates to its filing, discuss the need for a procedural schedule, and discuss potential settlement of relevant issues; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. R., Puc 203.12, Aquarion shall notify all persons desiring to be heard at this hearing by publishing a copy of this order on its company website within one day of this order, such publication to be documented by affidavit

filed with the Commission on or before July 23, 2021. The Commission will also publish this order on its website at <https://www.puc.nh.gov/Regulatory/ordersofnotice.htm>; and it is

**FURTHER ORDERED**, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any party seeking to intervene in this proceeding, including the Town of North Hampton, shall submit to the Commission a Petition to Intervene with electronic copies sent to Aquarion and the Office of the Consumer Advocate on or before July 26, 2021, such petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17.

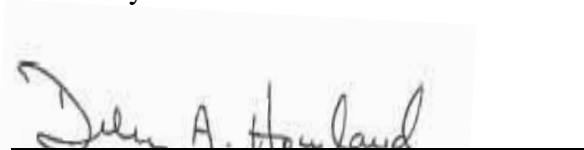
Pursuant to the secretarial letter issued on March 17, 2020, see;

<https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, any party seeking to intervene may elect to submit its filing in

electronic form; and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said objection on or before July 28, 2021.

By order of the Public Utilities Commission of New Hampshire this tenth of May, 2021.



Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket# : 21-093

Printed: 5/10/2021

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