

STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

Docket No. DW 16-_____

PENNICHUCK EAST UTILITY, INC. and MANCHESTER WATER WORKS

JOINT PETITION TO MODIFY FRANCHISE

Pennichuck East Utility, Inc. (“PEU”) and Manchester Water Works (“MWW”) hereby jointly petition the Public Utilities Commission (“Commission”) for authority, pursuant to RSA 362:4, III-a and RSA 374:22, 26, and 30, to modify PEU’s franchise in the Town of Litchfield to allow MWW to serve certain customers. In support of the request, PEU and MWW state as follows:

1. PEU is a regulated water utility pursuant to RSA 362:2 and 362:4 and provides water service to approximately 7,000 customers in the New Hampshire towns of Atkinson, Barnstead, Bow, Chester, Conway, Derry, Exeter, Hooksett, Lee, Litchfield, Londonderry, Middleton, Pelham, Plaistow, Raymond, Sandown, Tilton, Weare, and Windham. PEU is wholly-owned by Pennichuck Corporation, which is wholly-owned by the City of Nashua.

2. The Commission first granted a franchise for the entire Town of Litchfield to Hudson Water Company. *Hudson Water Company*, Order No. 11,120 (October 5, 1973). This franchise was subsequently transferred to Consumers New Hampshire Water Company, and in 1998, the franchise was transferred to PEU. See, *Consumers New Hampshire Water Company*, Docket No. DE 96-227, Order No. 22,792 (November 21, 1997) and Order No. 22,880 (March 23, 1998). PEU has provided water service within the Town of Litchfield ever since.

3. MWW is a municipal water utility that provides water service to customers in the City of Manchester and surrounding towns. The Commission has previously found that the MWW possesses the requisite technical, managerial, and financial expertise to operate a water utility and provide service within its franchise territory. See, *Manchester Water Works*, Docket No. 09-081, Order No. 24,976 (June 9, 2009). The Commission has also found that MWW satisfies the suitability and availability requirements of RSA 374:22. *Id.* The Commission conditionally exempted MWW from rate regulation in 2003. *Manchester Water Works*, Order No. 24,138 (March 14, 2003). Pursuant to that order, and consistent with the terms of the settlement agreement approved by that order, MWW continues to file its water rates with the Commission.

4. The Department of Environmental Services (“DES”) has requested PEU and MWW’s assistance in expanding public water supply in the Town of Litchfield in light of the presence of perfluorooctanoic acid (“PFOA”) in the groundwater. Three residential lots within PEU’s franchise territory have compromised groundwater and will be required to have access to a public water supply. These lots contain single-family homes and are known on the Litchfield Tax Map 23 as Lots 33, 34, and 35. A diagram of the area is attached as Attachment A.

5. While these three lots are within PEU’s franchise territory, PEU does not presently serve near these three lots. As illustrated on Attachment A, its nearest water main is on Pine Avenue. In comparison, MWW’s nearest main is on Charles Bancroft Highway and is very near the lots. Because of that proximity, PEU and MWW agree that it would be more economical and logical for MWW to serve these three lots.

6. MWW proposes to provide service to these three lots in accordance with its terms of service and at rates that are on file with the Commission.

7. Aside from the instant franchise modification request, no plant or other utility assets or rights will need to be transferred between PEU and MWW. Furthermore, PEU and MWW are exchanging no valuable consideration in connection with this franchise modification.

8. Pursuant to RSA 374:22, III, MWW represents that it has satisfied the requirements of the DES and that it has suitable and available water to serve these three lots.

9. The DES and the Town of Litchfield support the instant request. See, Attachment B.

WHEREFORE, PEU and MWW respectfully request the Commission:

A. Grant the instant petition to modify the franchise boundary between PEU and MWW;

B. Grant MWW the authority to provide water service to Litchfield Tax Map 23, Lots 33, 34, and 35 at its rates on file with the Commission;

C. Relieve PEU of the obligation to provide water service to Litchfield Tax Map 23, Lots 33, 34 and 35; and

D. Grant such other and further relief as may be just and reasonable.

Respectfully submitted,

PENNICHUCK EAST UTILITY, INC.

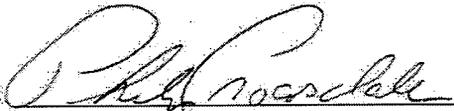
By its Attorney,

NH BROWN LAW, PLLC

Date: January 5, 2017

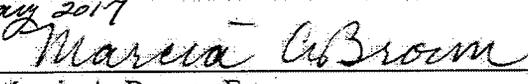
By: *Marcia A. Brown*
Marcia A. Brown, Esq.
P.O. Box 1623
Concord, NH 03302-1623
(603) 219-4911
mab@nhbrownlaw.com

MANCHESTER WATER WORKS

By: 
Philip Croasdale, Director

Certificate of Service

I hereby certify that a copy of the foregoing petition and attachments have been hand-delivered and emailed this 5th day of ~~December 2016~~ to the Office of the Consumer Advocate.

January 2017

Marcia A. Brown, Esq.