

DW11-238



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MANCHESTER
CONCORD
PORTSMOUTH
WOBURN, MA

January 13, 2012

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, New Hampshire 03301

**Re: DW 11-238, Aquarion Water Company of New Hampshire, Inc.
Water Infrastructure and Conservation Adjustment (WICA)**

Dear Ms. Howland:

Enclosed for filing with the Commission are affidavits of publication stating that Order No. 25,311 was published in the Union Leader on January 4, 2012 and in the Portsmouth Herald, Exeter News Letter and Hampton Union on January 6, 2012.

Please do not hesitate to contact me with any questions regarding this filing.

Sincerely,

Donna Schesser
Assistant to Steven Camerino, Esq.

Enclosures

cc: Service List (via electronic mail)

581888

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

MC LANE GRAF
RAULERSON & MIDDLETON PA
PO BOX 326
MANCHESTER NH 03105

I hereby certify that the legal notice of AQUARION WATER CO.,
PO number:90711 was published in the New Hampshire Union Leader
and/or New Hampshire Sunday News, newspapers printed at Manchester, NH
by the Union Leader Corp.

On :

01/04/2012

State of New Hampshire
Hillsborough County
Subscribed and sworn to before me this

11th day of January, 2012

Phyllis E Manning

Notary Public



by the Mortgagee and accepted by the successful bidder(s) without any other express or implied representations or warranties whatsoever including, without limitation, representations or warranties relating to title, possession, construction or fitness for habitation, compliance with state or local codes, recitation of acreage and hazardous waste.

Reservation of Rights: The Mortgagee reserves the right to (1) cancel or continue the foreclosure sale and/or the secured party sale to such later date as the Mortgagee may deem desirable; (2) bid on and purchase the Mortgaged Premises and/or the Personality at the foreclosure sale; (3) reject any and all bids for the Mortgaged Premises and/or the Personality; (4) sell the Mortgaged Premises and the Personality together or separately, at its sole discretion, and to announce the same at the auction; (5) waive reading this notice or any portion thereof at the foreclosure sale; and (6) amend or alter the terms of sale stated in this notice by oral or written announcement made at any time before or during the foreclosure sale. Such changes or amendments shall be binding on all bidders.

For further information regarding the Mortgaged Premises or Personality, contact James R. St. Jean Auctioneers at (603) 734-4348.

Dated the 28th day of December, 2011.

Farm Credit East, ACA, successor in interest to First Pioneer Farm Credit, ACA By its Attorneys, Devine, Millimet & Branch, Professional Association By: Matthew R. Johnson, Esquire 111 Amherst Street Manchester, NH 03101 Tel. (603) 669-1000

(UL - Jan. 4, 11, 18)

Legal Notice

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 11-238
AQUARIUM WATER COMPANY OF
NEW HAMPSHIRE
Water Infrastructure and Conservation
Adjustment 2012-2014 Projects
and 2012 Surcharge
Order Nisi Granting Petition
ORDER NO. 25,311
December 30, 2011**

I. BACKGROUND

Aquarion Water Company of New Hampshire, Inc. (Aquarion) is a regulated public utility as defined by RSA 362:2 and 362:4 and provides water service to approximately 8,700 customers in the towns of Hampton, North Hampton, and Rye. On October 27, 2011, Aquarion filed a petition for approval of its 2012 Water Infrastructure and Conservation Adjustment (WICA) surcharge and proposed 2012-2014 capital projects under its WICA tariff provision. The WICA tariff provisions were approved as a pilot program in Aquarion's rate case, Docket No. DW 08-098, see Aquarion Water Company of New Hampshire, Order No. 25,019, 94 NH PUC 510, 520 (2009). The purpose of the WICA is to allow Aquarion to recover the fixed costs of certain pre-approved non-revenue producing capital improvements completed and placed in service between general rate cases. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-238.html>.

Aquarion requests approval of a surcharge on customer bills to reflect recovery of \$939,492 in 2011 WICA capital spending. These projects were approved in Docket No. DW 10-293, with a budget of \$988,012, see Aquarion Water Company of New Hampshire, Order No. 25,186 (Dec. 22, 2010). Aquarion's 2011 capital spending for WICA projects, according to its filing, included: water main replacements costing \$698,937; replacement of customer meters costing \$135,298; and replacement of services, hydrants, valves and production meters costing \$105,258. Including return, depreciation expense, and taxes, Aquarion requests new revenues of \$128,442 in addition to revenues of \$93,614 previously approved for 2010 WICA expenditures in DW 10-293. Aquarion seeks a cumulative 3.7276 percent surcharge to customer bills, for service rendered on or after January 1, 2012.

Aquarion, in conformity with the WICA provisions, also seeks Commission approval for its proposed 2012 WICA capital projects, which would be included in the WICA surcharge for service rendered on and after January 1, 2013. According to Aquarion's filing, these projects would have a construction budget in the amount of \$970,960, and, as with its 2011 WICA spending, the majority of this investment is dedicated to the replacement of water main. Furthermore, Aquarion seeks preliminary Commission approval for its proposed 2013 projects, with capital spending indicated as \$1,021,600. Aquarion also has provided a list of proposed 2014 projects for advisory purposes.

On December 21, 2011, the Town of Hampton filed a letter indicating its opposition to the proposed WICA surcharge and stated Aquarion's allowed rate of return was disturbing in light of the down economy. Hampton also stated the WICA has not reduced the frequency of rate increases and that Aquarion intends to file its next rate case in 2012. Hampton stated that it was not requesting an evidentiary hearing on Aquarion's proposed WICA surcharge.

On December 21, 2011, Staff filed a letter recommending the Commission approve Aquarion's request. Staff stated that the Office of the Consumer Advocate and the Towns of North Hampton and Rye were notified of the filing but did not partici-

is issued in this case. Staff noted that the cumulative surcharge resulting from the 2013 WICA improvements, estimated at 8.0663 percent, would otherwise exceed the overall 7.5 percent cap between general rate filings imposed by Order No. 25,019 (Sept. 25, 2009) in Docket No. DW 08-098 but that the surcharge would be reset to zero at the time of Aquarion's next rate filing, anticipated in 2012.

On December 27, 2011, Aquarion filed a response to the Town of Hampton's opposition to the proposed WICA surcharge based on Aquarion's intent to file a general rate case in 2012. Aquarion pointed out that the WICA program was also established to encourage the company to accelerate necessary improvements to its infrastructure, and to mitigate the rate shock inherent in general rate cases by recovering certain capital costs gradually. Aquarion asserted that the WICA is achieving these goals, and therefore does not believe its intent to file a rate case in 2012 provides a reasonable basis for rejecting the company's current WICA surcharge, as Hampton requests.

II. COMMISSION ANALYSIS
In Order No. 25,019, the Commission approved the WICA as a pilot program to allow Aquarion to place into rates a surcharge to recover pre-approved investment in replacing aging infrastructure. Aquarion has submitted, as amended by subsequent discovery, completed and proposed projects and associated budgets for our review. In 2011, Aquarion actually spent \$939,256 for projects approved in Order No. 25,186; for 2012, Aquarion proposes to spend \$973,350, largely for water main replacement. For 2013, Aquarion proposes a construction budget of \$1,022,590, \$782,000 of which is dedicated to water main replacement. Aquarion's filing, as well as its responses to discovery requests, shows that it continues to develop a priority list of needed improvements to its physical plant, including water mains and valves. Staff has reviewed the three-year list of WICA projects, conducted discovery, and met with Aquarion and the Town of Hampton in a technical session to discuss the filing. Staff has also corrected computational errors and recommends approval of Aquarion's request.

Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton's objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion's rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion's filing and the recommendations of Staff and Hampton, we approve Aquarion's 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent. Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby ORDERED NISI, that subject to the effective date below, Aquarion's 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is FURTHER ORDERED, that Aquarion's schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is FURTHER ORDERED, that Aquarion's schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is FURTHER ORDERED, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission's consideration; and it is FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is FURTHER ORDERED, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

By order of the Public Utilities Commission.

Road (Rte. 3A) & Cross Road owned by Paul L. & Marie P. Burnor, 5 Cross Road, Hooksett NH 03106 Prepared for MTS Associates, LLC, 561 Route 3A, Bow, NH 03304, dated February 23, 2007 Scale 1" = 50' as recorded in the Merrimack County Registry of Deeds as Plan No. 18397, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the within described lot and on the easterly side of Interstate 93 and running along Interstate 93 and a wire fence N 02° 52' 16" W a distance of 468.78 feet, to a the course of S 01° 46' 53" E a distance of 2.56 feet; thence

Turning and running, along lot 17-10, N 82° 06' 52" E a distance of 438.65 feet; thence

Turning and running, along a curve of West River Road a/k/a Route 3A, a radius of 757.30 feet and a length of 464.70 feet; thence

Continuing along West River Road S 03° 54' 42" E a distance of 74.61 feet, to a point; thence

Turning and running, along Lot 17-37, S 87° 13' 31" W a distance of 584.37 feet, to the point of beginning.

The within described premises contains 6.1248 acres, more or less, according to said plan.

The above described property is conveyed together with the following easements, as shown on the above-mentioned subdivision plan:

1. Utility easement to Public Service Company of New Hampshire over gravel drive from Cross Road.

2. Drainage easement over Lot 17-37 for the benefit of Lot 17-37-1.

3. Sign easement for the benefit of Lot 17-37-1.

4. Access, Slope and Drainage Easement from Cross Road to the westerly side of the within described Lot 17-37-1 as shown on the above described Plan, and more particularly described as follows:

Beginning on the northerly side of Cross Road and the easterly side of Interstate 93, running along Interstate 93 and the westerly side of Lot 17-37, N 02° 52' 16" W a distance of 371.25 feet, to a point; thence

Turning and running along Lot 17-37-1, N 87° 13' 31" E a distance of 131.12 feet to a point; thence

Turning and running, through Lot 17-37, S 09° 42' 59" E a distance of 265.43 feet; thence

Running S 07° 14' 12" W a distance of 107.81 feet; thence

Turning and running, along Cross Road, S 87° 07' 44" W a distance of 170.97 feet to the point of beginning.

Said Access, Slope and Drainage Easement shall be for the purposes of obtaining access to the above described Lot 17-37-1 from Cross Road, which easement may be utilized for all purposes permitted for public highways in the Town of Hooksett including without limitation access by vehicles, pedestrians and utilities, and in addition for slopes and drainage for the benefit of said Lot 17-37-1 together with the right to locate a sign within said easement area.

Meaning and intending to describe and convey a portion of the premises conveyed to the Mortgagor by deed of Paul L. Burnor and Marie P. Burnor of approximately this date and recorded in the Merrimack County Registry of Deeds.

Less any portion of the premises subject to previous release from the Mortgage.

[End of Description]

To the Mortgagor or any other person claiming a lien or encumbrance against the Mortgaged Premises: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE. Failure to institute such petition and complete such service upon the Mortgagee conducting the sale prior to sale shall thereafter bar any action or right of action of the Mortgagor based on the validity of the foreclosure.

Liens and Encumbrances: The Mortgaged Premises shall be sold subject to any and all unpaid taxes, mortgages, condominium fees, liens and other encumbrances entitled to precedence over the Mortgage and the security interest held by the Mortgagee.

Terms: To qualify to bid, bidders other than the Mortgagee must place **Fifty Thousand Dollars (\$50,000.00)** on deposit with the auctioneer in cash, by certified check or other form of payment acceptable to the Mortgagee prior to the commencement of the foreclosure sale. The successful bidder(s) will be required to execute a Memorandum of Foreclosure (the "Memorandum") at the time and place of sale, and, if the successful bidder(s) shall refuse to sign the Memorandum, that bidder's deposit shall be retained by the Mortgagee. The successful bidder shall be required to tender an additional deposit within five (5) business days (time being of the essence) of the conclusion of the auction so that the total non-refundable deposit amount held by or on behalf of the Mortgagee shall be equal to 10% of the successful bid. The failure of the successful bidder(s) to tender such additional deposit shall be a breach of the said bidder's obligations under the Memorandum, entitling the Mortgagee to all of its rights and remedies thereunder. The balance of the purchase price must be paid in full by the successful bidder(s) in cash or by certified check within thirty (30) days after the sale, on or before the close of business on February 23, 2012. If the successful bidder(s) fails to complete the purchase of the Mortgaged Premises on or before the close of business on February 23, 2012, then the Mortgagee reserves the right to exercise all of its remedies as set forth in the Memorandum. If the deposit is retained for any reason, it shall

at the foreclosure sale; and (6) amend or alter the terms of sale as stated in this Notice by oral or written announcement made at any time before or during the foreclosure sale, and such changes or amendments shall be binding on all bidders.

For further information regarding the Mortgaged Premises, contact the auctioneer, Tranzon Auction Properties, 93 Exchange Street, Portland, Maine, 04101, telephone 866-503-1212, www.tranzon.com.

December 27, 2011
TD Bank, N.A., by its Attorneys
Ford & Weaver, P.A.
10 Pleasant Street, Suite 400
Portsmouth, NH 03801
603-433-2002

By: /s/Mark F. Weaver, Esq.
Mark F. Weaver, Esq.
(UL - Dec. 28; Jan. 4, 11)

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **DOREEN M. PAWELSKI AND KENNETH J. PAWELSKI** to MORTGAGE ELECTRONIC SYSTEMS INC, AS NOMINEE FOR AMERICAN MORTGAGE NETWORK, INC., DBA AMNET MORTGAGE, its successors and assigns, as lender, dated June 23, 2005, recorded in the Hillsborough County Registry of Deeds at Book 7490, Page 686, assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION by assignment(s) recorded or to be recorded in said Registry, said Assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 74 Adams Hill Road) in Greenville, Hillsborough County, New Hampshire, at

PUBLIC AUCTION

on February 15, 2012 at 3:30 PM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Five Thousand and 00/100 Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By Its Attorneys,
HAUGHEY, PHILPOT &
LAURENT, P.A.

By Mark H. Lamper, Esquire
Haughey, Philpot & Laurent, P.A.
816 North Main Street
Laconia, NH 03246
(603) 524-4101

December 30, 2011

(UL - Jan. 4, 11, 18)

Public Notices

They're how you know! Public Notices help citizens to stay alert to what is happening in the community.

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **KATHERINE MINAHAN** to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., as nominee for FIRST MAGNUS FINANCIAL CORPORATION, AN ARIZONA CORPORATION, its successors and assigns, as lender, dated May 21, 2007, recorded in the Hillsborough County Registry of Deeds at Book 7867, Page 454, assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 35B Lund Drive) in Hudson, Hillsborough County, New Hampshire, at

PUBLIC AUCTION

on February 1, 2012 at 8:30 AM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable

notified of the filing but did not participate in the docket. Staff stated that it conducted discovery, which it attached to its letter, and met with parties in a technical session. Staff stated certain computational errors found during discovery changed the 2012 WICA surcharge to 3.7269 percent, which would generate total revenues of \$222,019; Aquarion agreed to the change. A typical residential customer taking 67,000 gallons of water annually would see an increase in their 2012 annual bill of \$10.51, or about \$0.88 per month, over the 2011 WICA surcharge.

Staff stated that the completed 2011 WICA projects are prudent and used and useful in the provision of utility service. Staff and Aquarion also recommended that the Commission approve Aquarion's 2012 WICA construction budget of \$973,350, composed primarily of main replacement. Completion of these projects would result in a \$10.20 annual increase, or about \$0.85 per month, in a typical residential customer bill above the proposed 2012 surcharge. The 2013 cumulative WICA surcharge reflecting recovery of 2010, 2011, and 2012 projects, would be 5.8224 percent. As a result, in 2013 a typical residential customer would realize a total bill impact, above 2010, of \$28.35 annually, or about \$2.36 per month, though the amount attributable to the 2012 projects would not be recovered until the Commission has reviewed and approved the actual expenditures. Staff recommended that the Commission approve Aquarion's projected 2013 WICA projects totaling \$1,022,590 on a preliminary basis. Staff stated that Aquarion has kept its customers apprised of the WICA surcharge, and that it would include information about the current surcharge with its first billing after an order

By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

Thomas B. Getz
Chairman
Clifton C. Below
Commissioner
Amy L. Ignatius
Commissioner
Attested by:
Debra A. Howland
Executive Director

(UL - Jan. 4)

Legal Notice

NOTICE OF FORECLOSURE

By virtue of the power of sale contained in a certain mortgage (the "Mortgage") given by **PM-Cross, LLC** (the "Mortgagor") to TD Banknorth, N.A., dated March 30, 2007, and recorded at the Merrimack County Registry of Deeds at Book 2976, Page 15, in execution of said power of sale and for breach of the conditions of the Mortgage, for purposes of foreclosing the same, TD Bank, N.A., fka TD Banknorth, N.A. (the "Mortgagee") will sell at

PUBLIC AUCTION

on **January 23, 2012, at 10:00 am** in Hooksett, Merrimack County, New Hampshire, on the premises located at **15 Cross Road, Hooksett, Merrimack County, New Hampshire**, as described in the Mortgage and which may be currently described as follows (the "Mortgaged Premises"):

A certain parcel of land, situate in Hooksett, Merrimack County, New Hampshire, shown as Tax Map 17 Lot 37-1 on Plan of land entitled, "Tax Map 17 Lot 37-1 Subdivision Plan, Land of Paul L. and Marie P. Burnor West River

set forth in the Memorandum, if the deposit is retained for any reason, it shall become the property of the Mortgagee, and shall not be required to be applied to the Mortgage debt. Conveyance of the Mortgaged Premises shall be by foreclosure deed. The foreclosure deed shall be delivered to the successful bidder upon the Mortgagee's receipt of the balance of the purchase price.

Exclusion of Warranties: Except for warranties arising by operation of law, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any other expressed or implied representations or warranties whatsoever including, without limitation, representations or warranties relating to title, possession or tenancies, existence of a condominium, condition of the Mortgaged Premises, construction or fitness for habitation, compliance with applicable state or local building or sanitary codes, recitation of acreage or hazardous waste at the Mortgaged Premises, or any implied or express warranties of any kind, including any warranties of merchantability and/or fitness for a particular purpose, the Mortgaged Premises being sold 'AS IS' and "WHERE IS."

Reservation of Rights: The Mortgagee reserves the right to (1) cancel or continue the foreclosure to such subsequent date or dates as the Mortgagee may deem necessary or desirable; (2) bid on, assign its bid if it is the successful bidder, and/or purchase the Mortgaged Premises at the foreclosure sale; (3) reject any and all bids for the Mortgaged Premises, the foreclosure of the Mortgaged Premises being offered WITH RESERVE; (4) sell all or only a portion of the Mortgaged Premises as the Mortgagee may deem necessary; (5) waive reading this Notice or any portion thereof

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Five Thousand and 00/100 Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

By Its Attorneys,
HAUGHEY, PHILPOT &
LAURENT, P.A.

By Mark H. Lamper, Esquire
Haughey, Philpot & Laurent, P.A.
816 North Main Street
Laconia, NH 03246
(603) 524-4101
December 19, 2011

(UL - Dec. 21, 28; Jan. 4)

AFFIDAVIT OF PUBLICATION

I hereby certify that the foregoing legal notice was published once in the Portsmouth Herald on January 6th, 2012.



Andy Ambrogio
Classified Advertising Representative

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Sworn to this 6 day of January, 2012

Before me,


Notary Public

SANDRA S. TITUS
Notary Public - New Hampshire
My Commission Expires December 3, 2013

SEACOAST

Conservation grants awarded in Rye

Odiorne Point State Park, Goss Farm get state funds

BY JOEY CRESTA
jcresta@seacoastonline.com

RYE — A pair of state Conservation Committee grants totaling \$43,000 will go toward separate conservation

projects in town. The commission recently announced it is awarding a total of \$233,167 in grant funds, which the governor and Executive Council must consider before they are awarded.

Local projects receiving funds include Odiorne Point State Park restoration, which will receive \$22,815, and \$20,280 for a Growing Green Initiative at Goss Farm. Rockingham Conservation

District manager and ecologist Lenny Lord said the Odiorne Point grant will allow them to do surveys on 32 acres of land in the park to map vegetation, assess invasive species and come up with management plans.

"We've got some of our rarest native ecosystems out there," he said. "The recreational value of the park has been diminished by invasives that have overcome much of the vegetation. It's also covering up things like historic features and things that the public can no longer appreciate."

"The recreational value of the park has been diminished by invasives that have overcome much of the vegetation. It's also covering up things like historic features and things that the public can no longer appreciate."

Lenny Lord

Rockingham Conservation District manager and ecologist

Conservation specialist Tracy Degnan said the Goss Farm grant will assist with the creation of a community garden starting this year. Many people worked throughout 2010 to improve the historic farm, which is owned by the town and placed in a conservation easement in the hands of the Rockingham Conservation District.

The grant will help pay for things such as fences, tilling

the soil and promoting partnerships with the local school, Degnan said.

Also in 2010, local resident Mel Low helped grow potatoes on the land in an effort to qualify for a federal grant. Degnan said the effort turned out well and they applied this past fall for the grant. They will not know whether they will acquire the funding until mid- to late-January, she said.

Fire crews rescue duck from frozen Salmon Falls River

ROLLINSFORD (AP) — Firefighters have rescued a duck that was frozen to the ice in a New Hampshire river.

They said some people out walking their dog in Rollinsford saw a mallard frozen to the ice on the Salmon Falls River. They called the fire department.

WMUR-TV reports crews from Rollinsford and South Berwick, Maine, came out with a boat and a man with a cold watersuit to free the duck. It took about 40 minutes.

They said the ice was so thick they had to break it around the duck. A big ice cube was stuck to its wing.

The duck was recovering at a nearby veterinary office.

Benefit for stylist moved to Feb. 13

PORTSMOUTH — A benefit fund-raiser for local hair stylist Chad Sandven set for Monday has been rescheduled to Feb. 13.

Sandven has Stage D heart failure, the most advanced stage. He recently underwent surgery for a heart pump, as his heart was only functioning at 20 percent. A transplant is the next step.

The fund-raiser will be held from 6 to 9 p.m. Monday, Feb. 13, at The Exchange, located at 95 Brewery Lane. The event will feature food prepared by chef Amie Hurd and libations poured by Chris Gansburg, both formerly of Café Mediterraneo, and tickets for a raffle of items donated by local businesses and residents.

Aaron Jones, owner of The Exchange, donated the use of the space and all proceeds to the Friends of Chad Fund.

Sandven, a longtime city resident, has been a popular hairstylist at Water Stone Hair Studio & Spa, Patrix Salon and Blue Cypress, all of Portsmouth.

The event is expected to be sold out, so early reservations are suggested. Tickets are \$100 and available at Water Stone Hair Studio & Spa, 800 Islington St.; Face Body Spirit Massage & Skincare, 875 Islington St.; and Patrix Salon, 875 Islington St. Donations can also be made by sending a check payable to Friends of Chad, c/o Water Stone Hair Studio & Spa, 800 Islington St., Portsmouth, NH 03801. Include your name, address, daytime phone number and e-mail address with the check.

To donate a raffle item, call or e-mail Avis Jones at (207) 451-7132 or seacoastorganizer@yahoo.com; Amy Anderson at 502-5422 or patrix875@comcast.net; or Claudia Sylva at 436-0900 or info@facebodyspirit.net.

RYE POLICE LOG

- Dec. 12**
 - 8:33 a.m. — Investigated a theft on Pine Street.
- Dec. 13**
 - 9:39 p.m. — Took a Portsmouth man into protective custody for alcoholism.
- Dec. 16**
 - 2:10 p.m. — Report taken of vandalism on Pine Street.
 - 8:34 p.m. — Investigated a theft on Oak Avenue.
- Dec. 20**
 - 11:11 a.m. — Responded to a car accident with injuries on Lafayette Road.
- Dec. 22**
 - 9:28 a.m. — Report taken of harassment on Hilton Drive.
 - 6:14 p.m. — Report taken of vandalism on Fern Avenue.
- Dec. 27**
 - 1:30 p.m. — A caller reported hearing gunshots in the area of Lafayette and Breakfast Hill roads.
 - 12:43 p.m. — Investigated an untimely death at Webster at Rye.

www.seacoastonline.com/spotlight

Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 11-238
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE
WATER INFRASTRUCTURE AND CONSERVATION ADJUSTMENT 2012-2014 PROJECTS
AND 2012 SURCHARGE
ORDER NISI GRANTING PETITION
ORDER NO. 25,311
DECEMBER 30, 2011

I. BACKGROUND
Aquarion Water Company of New Hampshire, Inc. (Aquarion) is a regulated public utility as defined by RSA 362:2 and provides water service to approximately 8,700 customers in the towns of Hampton, North Hampton, and Rye. On October 27, 2011, Aquarion filed a petition for approval of its 2012 Water Infrastructure and Conservation Adjustment (WICA) surcharge and proposed 2012-2014 capital projects under its WICA tariff provision. The WICA tariff provisions were approved as a pilot program in Aquarion's rate case, Docket No. DW 08-098, see Aquarion Water Company of New Hampshire, Order No. 25,019, 94 NH PUC 510, 520 (2009). The purpose of the WICA is to allow Aquarion to recover the fixed costs of certain pre-approved non-revenue producing capital improvements completed and placed in service between general rate cases. The petition and subsequent docket filings, other than information for which confidential treatment is requested or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-238.html>.

Aquarion requests approval of a surcharge on customer bills to reflect recovery of \$939,492 in 2011 WICA capital spending. These projects were approved in Docket No. DW 10-293, with a budget of \$985,012, see Aquarion Water Company of New Hampshire, Order No. 25,186 (Dec. 22, 2010). Aquarion's 2011 capital spending for WICA projects, according to its filing, included: water main replacements costing \$699,937; replacement of customer meters costing \$135,298; and replacement of services, hydrants, valves and production meters costing \$105,258. Including return, depreciation expense, and taxes, Aquarion requests new revenues of \$128,442 in addition to revenues of \$93,614 previously approved for 2010 WICA expenditures in DW 10-293. Aquarion seeks a cumulative 3.7276 percent surcharge to customer bills, for service rendered on or after January 1, 2012.

Aquarion, in conformity with the WICA provisions, also seeks Commission approval for its proposed 2012 WICA capital projects, which would be included in the WICA surcharge for service rendered on and after January 1, 2013. According to Aquarion's filing, these projects would have a construction budget in the amount of \$970,960, and, as with its 2011 WICA spending, the majority of this investment is dedicated to the replacement of water main. Furthermore, Aquarion seeks preliminary Commission approval for its proposed 2013 projects, with capital spending indicated as \$1,021,600. Aquarion also has provided a list of proposed 2014 projects for advisory purposes.

On December 21, 2011, the Town of Hampton filed a letter indicating its opposition to the proposed WICA surcharge and stated Aquarion's allowed rate of return was disturbing in light of the down economy. Hampton also stated the WICA has not reduced the frequency of rate increases and that Aquarion intends to file its next rate case in 2012. Hampton stated that it was not requesting an evidentiary hearing on Aquarion's proposed WICA surcharge.

On December 21, 2011, Staff filed a letter recommending the Commission approve Aquarion's request. Staff stated that the Office of the Consumer Advocate and the Towns of North Hampton and Rye were notified of the filing but did not participate in the docket. Staff stated that it conducted discovery, which it attached to its letter, and met with parties in a technical session. Staff stated certain computational errors found during discovery changed the 2012 WICA surcharge to 3.7269 percent, which would generate total revenues of \$222,019; Aquarion agreed to the change. A typical residential customer taking 67,000 gallons of water annually would see an increase in their 2012 annual bill of \$10.51, or about \$0.88 per month, over the 2011 WICA surcharge. Staff stated that the completed 2011 WICA projects are prudent and used and useful in the provision of utility service. Staff and Aquarion also recommended that the Commission approve Aquarion's 2012 WICA construction budget of \$973,350, composed primarily of main replacement. Completion of these projects would result in a \$10.20 annual increase, or about \$0.85 per month, in a typical residential customer bill above the proposed 2012 surcharge. The 2013 cumulative WICA surcharge reflecting recovery of 2010, 2011, and 2012 projects, would be 5.8224 percent. As a result, in 2013 a typical residential customer would realize a total bill impact, above 2010, of \$28.35 annually, or about \$2.36 per month, though the amount attributable to the 2012 projects would not be recovered until the Commission has reviewed and approved the actual expenditures. Staff recommended that the Commission approve Aquarion's projected 2013 WICA projects totaling \$1,022,590 on a preliminary basis. Staff stated that Aquarion has kept its customers apprised of the WICA surcharges, and that it would include information about the current surcharge with its first billing after an order is issued in this case. Staff noted that the cumulative surcharge resulting from the 2013 WICA improvements, estimated at 8.0663 percent, would otherwise exceed the overall 7.5 percent cap between general rate filings imposed by Order No. 25,019 (Sept. 25, 2009) in Docket No. DW 08-098 but that the surcharge would be reset to zero at the time of Aquarion's next rate filing, anticipated in 2012.

On December 27, 2011, Aquarion filed a response to the Town of Hampton's opposition to the proposed WICA surcharge based on Aquarion's intent to file a general rate case in 2012. Aquarion pointed out that the WICA program was also established to encourage the company to accelerate necessary improvements to its infrastructure, and to mitigate the rate shock inherent in general rate cases by recovering certain capital costs gradually. Aquarion asserted that the WICA is achieving these goals, and therefore does not believe its intent to file a rate case in 2012 provides a reasonable basis for rejecting the company's current WICA surcharge, as Hampton requests.

II. COMMISSION ANALYSIS
In Order No. 25,019, the Commission approved the WICA as a pilot program to allow Aquarion to place into rates a surcharge to recover pre-approved investment in replacing aging infrastructure. Aquarion has submitted, as amended by subsequent discovery, completed and proposed projects and associated budgets for our review. In 2011, Aquarion actually spent \$939,256 for projects approved in Order No. 25,186; for 2012, Aquarion proposes to spend \$973,350, largely for water main replacement. For 2013, Aquarion proposes a construction budget of \$1,022,590, \$782,000 of which is dedicated to water main replacement. Aquarion's filing, as well as its responses to discovery requests, shows that it continues to develop a priority list of needed improvements to its physical plant, including water mains and valves. Staff has reviewed the three-year list of WICA projects, conducted discovery, and met with Aquarion and the Town of Hampton in a technical session to discuss the filing. Staff has also corrected computational errors and recommends approval of Aquarion's request.

Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton's objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion's rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion's filing and the recommendations of Staff and Hampton, we approve Aquarion's 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby **ORDERED NISI**, that subject to the effective date below, Aquarion's 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is

FURTHER ORDERED, that Aquarion's schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is

FURTHER ORDERED, that Aquarion's schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is

FURTHER ORDERED, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

¹ According to Aquarion's tariff as approved by the Commission, a WICA surcharge will be determined by the proportion of incremental revenues resulting from the pre-tax return on completed plant, plus depreciation and property tax, compared to the total revenue requirement approved in Aquarion's last general rate case. The WICA surcharge amount will be the resulting percentage times the current customer bill amount.

Thomas B. Getz Chairman	Clifton C. Below Commissioner	Amy L. Ignatius Commissioner
Debra A. Howland Executive Director		

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PORTSMOUTH HERALD
Friday, January 06, 2012

AFFIDAVIT OF PUBLICATION

I hereby certify that the foregoing legal notice was published in the Exeter News Letter on January 6th, 2012, and the Hampton Union on January 6th, 2012.



Andy Ambrogio
Classified Advertising Representative

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Sworn to this 9 day of January, 2012

SANDRA S. TITUS
Notary Public - New Hampshire
My Commission Expires December 3, 2013

Before me,


Notary Public

OBITUARIES/COMMUNITY

Antonetta Romero

NEWMARKET — Antonetta "Toni" Romero, 87, formerly of Beech Street, died Wednesday, Jan. 4, 2012, at Exeter on Hampton.
She was born May 3, 1924, in Newmarket the daughter of Peter and Flora (Bilodeau) Cinfo.
She was a 1941 graduate of Newmarket High School.
Mrs. Romero had last been employed at Alrose Shoe in Exeter for 10 years, and was

administrative assistant to the general manager until her retirement at the age of 71.
She was a member of St. Mary Church, Newmarket, and was a former member of the Robert G. Durgin American Legion Auxiliary Unit #67, Newmarket.
She is survived by one son, Ramon Romero of Los Angeles, Calif.; one brother, Norman Cinfo of Stark; one sister, Rita Russell of Newmarket;

several nieces and nephews; a godchild, Karen (Rowley) Mansfield of New London; and a dear friend, John Terlizzi.
She was predeceased by an infant daughter, Dolores; one sister, Mary Shina; and three brothers, Stephen Cinfo, Gerardo Cinfo and Leo Cinfo.
SERVICES: Visiting hours will be held Saturday, Jan. 7, from 9 to 11 a.m. at the Kent & Pelczar Funeral Home, 77 Exeter St., Newmarket.

A prayer service will follow in the funeral home.
Burial will be in Calvary Cemetery, Newmarket.
Family flowers only.
Memorial donations may be made to Newmarket Fire & Rescue, 4 Young Lane, Newmarket, NH 03857.
Visit www.kentandpelczarfh.com to sign an online guest book.

Helen A. Maxwell

BRENTWOOD — Helen Adams Maxwell, 92, formerly of Exeter, died Wednesday, Jan. 4, 2012, at the Rockingham County Nursing Home.
She was born July 20, 1919, in Exeter, the daughter of the late John J. and Elizabeth (Maher) Adams, and was a lifelong resident of Exeter.
She was a graduate of Robinson Female Seminary and the Somerville Hospital School of Nursing.
Mrs. Maxwell was a registered nurse and worked at Exeter Hospital, where she graciously served patients for more than 30 years. She continued to work as a substitute school nurse in the Exeter area

beyond her retirement, as she found true satisfaction in caring for others.
She was a communicant of St. Michael Church and a former CCD teacher.
She was a devoted wife, mother and grandmother who took great care and pride in raising her children and grandchildren. Her strength and kindness touched many and her spirit continues to inspire those closest to her.
The widow of Alan B. Maxwell Jr., she is survived by four sons and their spouses, Gregory A. and Ruth Maxwell and John J. Maxwell, all of Exeter; Alan "Chip" Maxwell III of Newmarket and James and Joyce Maxwell of Milton; one daughter and her husband, Mary E. and Erik R. Jensen of Newmarket; 11 grandchildren, Andrew Maxwell, Joseph Maxwell, David Maxwell, Alison Maxwell, Roslyn Maxwell, Melissa Maxwell, Brent Maxwell, Amy Jensen Cooper, Jaclyn Jensen, William Jensen, Samantha Maxwell; three great-grandchildren; one sister, Elizabeth A. Hurley of Wilton; and many nieces and nephews.

SERVICES: Calling hours will be held Sunday, Jan. 8, from 5 to 7 p.m. at the Stockbridge Funeral Home, 141 Exeter Road, Exeter.
A Mass of Christian burial will be celebrated Monday, Jan. 9, in St. Michael Church, corner of Front and Lincoln streets, Exeter. Burial will be in Exeter Cemetery.
In lieu of flowers, memorial donations may be made to the Rockingham County Nursing Home Patient Recreation Fund, 117 North Road, Brentwood, NH 03833.
To sign an online guest book visit www.Stockbridgefh.com.

More obituaries, Page B5

Obituary Guidelines

For guidelines on how to submit an obituary, visit www.seacoastonline.com/SubmitObit

Legal Notice

The East Kingston Planning Board will conduct public hearings Thursday, January 19th at 7PM at 41 Depot Road to consider:

Public Hearing for a lot line adjustment for Clinton and Kimberly Fernald, 19 Stagecoach Road, MBLs 12-02-01, 12-02-02 and 12-02-05.

Direct written comments to the East Kingston Planning Board, 24 Depot Road, East Kingston, NH 03827

In loving memory of Betty who went before us on December 20th, 2011



Elizabeth "Wiscarva" Blanchette

Autumn's Rain

*Do not stand at my grave and weep
I am not there, I do not sleep
I am a thousand winds that blow
I am the diamond glints on snow
I am the sunlight on ripened grain
I am the gentle autumn's rain
When you awaken in the morning's hush
I am the swift uplifting rush
Of quiet birds in circled flight
I am the soft stars that shine at night.
Do not stand at my grave and cry
I am not there, I did not die.
~ Author Unknown ~*

Info session for CMS Grade 8 parents

EXETER — Parents of eighth-graders and newly enrolled students (those who have never attended Exeter High School) are invited to an informational program at 6 p.m. on Tuesday, Jan. 10 at the EHS auditorium.
The focus of the evening will be course registration for the 2012-2013 school year. Parents will also be able to meet department representatives, student's guidance counselor, and commons administrator.
Snow date for this event is Jan. 11 at 6:30 p.m.
If you have any questions, please call Debbie at 395-2555.

Info session on new school proposal

NEWMARKET — Save the date for Jan. 10 at 6:30 p.m. for a question-and-answer session with Superintendent Jim Hayes and Newmarket Junior/Senior High School Principal Chris Andriksi.
This is your chance to get answers to your questions about a new school, tuitioning, renovations and anything else. The session will be held at the Newmarket High School band room.

Ditch the Christmas tree, help charity

BRENTWOOD — Brentwood's Christmas Tree Limo Service is providing worry-free disposal of your tired, sappy, needle-bare Christmas trees. Pick-up is on Sunday, Jan. 8. Call 778-9411 or e-mail your tree's reservation to treelimo@comcast.net before Friday, Jan. 6 and provide your name, phone number and street address. Place unadorned Christmas tree at the end of your driveway. Remove all tinsel, as trees will be mulched.
On the morning of Sunday, Jan. 8 attach a donation of \$10 (or more!) to the treetop in a weather-proof bag. Checks can be made payable to the Brentwood Tree Limo Fund.

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Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 11-238
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE
WATER INFRASTRUCTURE AND CONSERVATION ADJUSTMENT 2012-2014 PROJECTS
AND 2012 SURCHARGE
ORDER NISI GRANTING PETITION
ORDER N.O. 25,311
DECEMBER 30, 2011

I. BACKGROUND
Aquarion Water Company of New Hampshire, Inc. (Aquarion) is a regulated public utility as defined by RSA 362:2 and 362:4 and provides water service to approximately 8,700 customers in the towns of Hampton, North Hampton, and Rye. On October 27, 2011, Aquarion filed a petition for approval of its 2012 Water Infrastructure and Conservation Adjustment (WICA) surcharge and proposed 2012-2014 capital projects under its WICA tariff provision. The WICA tariff provisions were approved as a pilot program in Aquarion's rate case, Docket No. DW 08-098, see Aquarion Water Company of New Hampshire, Order No. 25,019, 94 NH PUC 510, 520 (2009). The purpose of the WICA is to allow Aquarion to recover the fixed costs of certain pre-approved non-revenue producing capital improvements completed and placed in service between general rate cases. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-238.html>.

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II. COMMISSION ANALYSIS
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Having reviewed Aquarion's filing and the recommendations of Staff and Hampton, we approve Aquarion's 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby
ORDERED NISI, that subject to the effective date below, Aquarion's 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is
FURTHER ORDERED, that Aquarion's schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is
FURTHER ORDERED, that Aquarion's schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is
FURTHER ORDERED, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is
FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission's consideration; and it is
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is
FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is
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By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

¹ According to Aquarion's tariff as approved by the Commission, a WICA surcharge will be determined by the proportion of incremental revenues resulting from the pre-tax return on completed plant, plus depreciation and property tax, compared to the total revenue requirement approved in Aquarion's last general rate case. The WICA surcharge amount will be the resulting percentage times the current customer bill amount.

Thomas B. Getz Chairman	Clifton C. Below Commissioner	Amy L. Ignatius Commissioner
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Debra A. Howland
Executive Director
#4314

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Exeter News-Letter
Friday, January 06, 2012

OBITUARIES/REGION

Antonetta Romero

NEWMARKET — Antonetta "Toni" Romero, 87, formerly of Beech Street, died Wednesday, Jan. 4, 2012, at Exeter on Hampton.
She was born May 3, 1924, in Newmarket the daughter of Peter and Flora (Bilodeau) Cinfo.
She was a 1941 graduate of Newmarket High School.
Mrs. Romero had last been employed at Alrose Shoe in Exeter for 10 years, and was

administrative assistant to the general manager until her retirement at the age of 71.
She was a member of St. Mary Church, Newmarket, and was a former member of the Robert G. Durgin American Legion Auxiliary Unit #67, Newmarket.
She is survived by one son, Ramon Romero of Los Angeles, Calif.; one brother, Norman Cinfo of Stark; one sister, Rita Russell of Newmarket;

several nieces and nephews; a godchild, Karen (Rowley) Mansfield of New London; and a dear friend, John Terlizzi.
She was predeceased by an infant daughter, Dolores; one sister, Mary Shina; and three brothers, Stephen Cinfo, Gerardo Cinfo and Leo Cinfo.
SERVICES: Visiting hours will be held Saturday, Jan. 7, from 9 to 11 a.m. at the Kent & Pelczar Funeral Home, 77 Exeter St., Newmarket.

A prayer service will follow in the funeral home.
Burial will be in Calvary Cemetery, Newmarket.
Family flowers only.
Memorial donations may be made to Newmarket Fire & Rescue, 4 Young Lane, Newmarket, NH 03857.
Visit www.kentandpelczarfh.com to sign an online guest book.

Helen A. Maxwell

BRENTWOOD — Helen Adams Maxwell, 92, formerly of Exeter, died Wednesday, Jan. 4, 2012, at the Rockingham County Nursing Home.
She was born July 20, 1919, in Exeter, the daughter of the late John J. and Elizabeth (Maher) Adams, and was a lifelong resident of Exeter.
She was a graduate of Robinson Female Seminary and the Somerville Hospital School of Nursing.
Mrs. Maxwell was a registered nurse and worked at Exeter Hospital, where she graciously served patients for more than 30 years. She continued to work as a substitute school nurse in the Exeter area

beyond her retirement, as she found true satisfaction in caring for others.
She was a communicant of St. Michael Church and a former CCD teacher.
She was a devoted wife, mother and grandmother who took great care and pride in raising her children and grandchildren. Her strength and kindness touched many and her spirit continues to inspire those closest to her.
The widow of Alan B. Maxwell Jr., she is survived by four sons and their spouses, Gregory A. and Ruth Maxwell and John J. Maxwell, all of Exeter, Alan "Chip" Maxwell III of Newmarket and James and Joyce Maxwell of Milton; one daughter and her husband, Mary E. and Erik R. Jensen of Newmarket; 11 grandchildren, Andrew Maxwell, Joseph Maxwell, David Maxwell, Alison Maxwell, Roslyn Maxwell, Melissa Maxwell, Brent Maxwell, Amy Jensen Cooper, Jaclyn Jensen, William Jensen, Samantha Maxwell; three great-grandchildren; one sister, Elizabeth A. Hurley of Wilton; and many nieces and nephews.

Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 11-238
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE
WATER INFRASTRUCTURE AND CONSERVATION ADJUSTMENT 2012-2014 PROJECTS
AND 2012 SURCHARGE
ORDER NISI GRANTING PETITION
ORDER NO. 25.311
DECEMBER 30, 2011

I. BACKGROUND
Aquarion Water Company of New Hampshire, Inc. (Aquarion) is a regulated public utility as defined by RSA 362:2 and 362:4 and provides water service to approximately 8,700 customers in the towns of Hampton, North Hampton, and Rye. On October 27, 2011, Aquarion filed a petition for approval of its 2012 Water Infrastructure and Conservation Adjustment (WICA) surcharge and proposed 2012-2014 capital projects under its WICA tariff provision. The WICA tariff provisions were approved as a pilot program in Aquarion's rate case, Docket No. DW 08-098, see Aquarion Water Company of New Hampshire, Order No. 25,019, 94 NH PUC 510, 520 (2009). The purpose of the WICA is to allow Aquarion to recover the fixed costs of certain pre-approved non-revenue producing capital improvements completed and placed in service between general rate cases. The petition and subsequent docket filings, other than information for which confidential treatment is requested or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-238.html>.

Aquarion requests approval of a surcharge on customer bills to reflect recovery of \$939,492 in 2011 WICA capital spending. These projects were approved in Docket No. DW 10-293, with a budget of \$988,012, see Aquarion Water Company of New Hampshire, Order No. 25,186 (Dec. 22, 2010). Aquarion's 2011 capital spending for WICA projects, according to its filing, included: water main replacements costing \$698,937; replacement of customer meters costing \$135,298; and replacement of services, hydrants, valves and production meters costing \$105,258. Including return, depreciation expense, and taxes, Aquarion requests new revenues of \$128,442 in addition to revenues of \$93,614 previously approved for 2010 WICA expenditures in DW 10-293. Aquarion seeks a cumulative 3.7276 percent surcharge to customer bills, for service rendered on or after January 1, 2012.

Aquarion, in conformity with the WICA provisions, also seeks Commission approval for its proposed 2012 WICA capital projects, which would be included in the WICA surcharge for service rendered on and after January 1, 2013. According to Aquarion's filing, these projects would have a construction budget in the amount of \$970,960, and, as with its 2011 WICA spending, the majority of this investment is dedicated to the replacement of water main. Furthermore, Aquarion seeks preliminary Commission approval for its proposed 2013 projects, with capital spending indicated as \$1,021,600. Aquarion also has provided a list of proposed 2014 projects for advisory purposes.

On December 21, 2011, the Town of Hampton filed a letter indicating its opposition to the proposed WICA surcharge and stated Aquarion's allowed rate of return was disturbing in light of the down economy. Hampton also stated the WICA has not reduced the frequency of rate increases and that Aquarion intends to file its next rate case in 2012. Hampton stated that it was not requesting an evidentiary hearing on Aquarion's proposed WICA surcharge.

On December 21, 2011, Staff filed a letter recommending the Commission approve Aquarion's request. Staff stated that the Office of the Consumer Advocate and the Towns of North Hampton and Rye were notified of the filing but did not participate in the docket. Staff stated that it conducted discovery, which it attached to its letter, and met with parties in a technical session. Staff stated certain computational errors found during discovery changed the 2012 WICA surcharge to 3.7269 percent, which would generate total revenues of \$222,019; Aquarion agreed to the change. A typical residential customer taking 67,000 gallons of water annually would see an increase in their 2012 annual bill of \$10.51, or about \$0.88 per month, over the 2011 WICA surcharge.

Staff stated that the completed 2011 WICA projects are prudent and used and useful in the provision of utility service. Staff and Aquarion also recommended that the Commission approve Aquarion's 2012 WICA construction budget of \$973,350, composed primarily of main replacement. Completion of these projects would result in a \$10.20 annual increase, or about \$0.85 per month, in a typical residential customer bill above the proposed 2012 surcharge. The 2013 cumulative WICA surcharge reflecting recovery of 2010, 2011, and 2012 projects, would be 5.8224 percent. As a result, in 2013 a typical residential customer would realize a total bill impact, above 2010, of \$28.35 annually, or about \$2.36 per month, though the amount attributable to the 2012 projects would not be recovered until the Commission has reviewed and approved the actual expenditures. Staff recommended that the Commission approve Aquarion's projected 2013 WICA projects totaling \$1,022,590 on a preliminary basis. Staff stated that Aquarion has kept its customers apprised of the WICA surcharges, and that it would include information about the current surcharge with its first billing after an order is issued in this case. Staff noted that the cumulative surcharge resulting from the 2013 WICA improvements, estimated at 8.0663 percent, would otherwise exceed the overall 7.5 percent cap between general rate filings imposed by Order No. 25,019 (Sept. 25, 2009) in Docket No. DW 08-098 but that the surcharge would be reset to zero at the time of Aquarion's next rate filing, anticipated in 2012.

On December 27, 2011, Aquarion filed a response to the Town of Hampton's opposition to the proposed WICA surcharge based on Aquarion's intent to file a general rate case in 2012. Aquarion pointed out that the WICA program was also established to encourage the company to accelerate necessary improvements to its infrastructure, and to mitigate the rate shock inherent in general rate cases by recovering certain capital costs gradually. Aquarion asserted that the WICA is achieving these goals, and therefore does not believe its intent to file a rate case in 2012 provides a reasonable basis for rejecting the company's current WICA surcharge, as Hampton requests.

II. COMMISSION ANALYSIS
In Order No. 25,019, the Commission approved the WICA as a pilot program to allow Aquarion to place into rates a surcharge to recover pre-approved investment in replacing aging infrastructure. Aquarion has submitted, as amended by subsequent discovery, completed and proposed projects and associated budgets for our review. In 2011, Aquarion actually spent \$939,256 for projects approved in Order No. 25,186; for 2012, Aquarion proposes to spend \$973,350, largely for water main replacement. For 2013, Aquarion proposes a construction budget of \$1,022,590, \$782,000 of which is dedicated to water main replacement. Aquarion's filing, as well as its responses to discovery requests, shows that it continues to develop a priority list of needed improvements to its physical plant, including water mains and valves. Staff has reviewed the three-year list of WICA projects, conducted discovery, and met with Aquarion and the Town of Hampton in a technical session to discuss the filing. Staff has also corrected computational errors and recommends approval of Aquarion's request.

Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton's objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion's rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion's filing and the recommendations of Staff and Hampton, we approve Aquarion's 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby **ORDERED NISI**, that subject to the effective date below, Aquarion's 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is **FURTHER ORDERED**, that Aquarion's schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is

FURTHER ORDERED, that Aquarion's schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is **FURTHER ORDERED**, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission's consideration; and it is **FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

¹ According to Aquarion's tariff as approved by the Commission, a WICA surcharge will be determined by the proportion of incremental revenues resulting from the pre-tax return on completed plant, plus depreciation and property tax, compared to the total revenue requirement approved in Aquarion's last general rate case. The WICA surcharge amount will be the resulting percentage times the current customer bill amount.

Thomas B. Getz Chairman	Clifton C. Below Commissioner	Amy L. Ignatius Commissioner
Debra A. Howland Executive Director		

#4314 1t PHE 1/6

More obituaries,
Page B5

Obituary Guidelines

For guidelines on how to submit an obituary, visit www.seacoastonline.com/SubmitObit

Legal Notice

The East Kingston Planning Board will conduct public hearings Thursday, January 19th at 7PM at 41 Depot Road to consider:

Public Hearing for a lot line adjustment for Clinton and Kimberly Furnal, 19 Stagecoach Road, MBLs 12-02-01, 12-02-02 and 12-02-05.

Direct written comments to the East Kingston Planning Board, 24 Depot Road, East Kingston, NH 03827

#813 1t HE 1/6

In loving memory of Betty who went before us on December 20th, 2011



Elizabeth "Wiscarva" Blanchette

Autumn's Rain

*Do not stand at my grave and weep
I am not there, I do not sleep
I am a thousand winds that blow
I am the diamond glints on snow
I am the sunlight on ripened grain
I am the gentle autumn's rain
When you awaken in the morning's hush
I am the swift uplifting rush
Of quiet birds in circled flight
I am the soft stars that shine at night.
Do not stand at my grave and cry
I am not there, I did not die.
~ Author Unknown ~*

Legal Notice
TOWN OF HAMPTON
ZONING BOARD OF ADJUSTMENT
January 4, 2012

To Whom It May Concern:
The Zoning Board of Adjustment for the Town of Hampton will hold a public hearing on Thursday, January 19, 2012, at 7:00 PM, in the Selectmen's Meeting Room, 100 Winnacunnnet Road to hear the following petitions:

34-11 Rehearing of Jay Ponchak and Sharon B. Ponchak for property located at 15 Mace Road seeking relief from Article IV, Sections 4.2, 4.3 and Footnote #22 to subdivide the existing 1.37 acre lot into two residential lots where the "to be created" lot will not have the required frontage or lot width. This property is located on Map 128, Lot 49-2 and in a RA Zone.

01-12 The petition of Armen G. Kludjian and Kathleen Esooian (Kludjian) for property located at 174 Kings Highway seeking relief from Articles 1.3 - 4.5.1 and 4.5.2 to expand the existing second floor with a new second floor addition within the same footprint and construct a new rear deck. This property is located on Map 168, Lot 43 and in a RB Zone.

02-12 The petition of Patricia J. McKenzie, Trustee of Patricia J. McKenzie Revocable Trust for property located at 24 Beach Plum Way WITHDRAWN

03-12 The petition of Gloria Valhouli Realty Trust for property located at 1018 Ocean Boulevard seeking relief from Article IV, Section 4.5.2 to place natural gas powered generator (Kohler 14 KW) seven (7) feet from the north side property line where ten (10) feet is required. This property is located on Map 116, Lot 55, and in a RA Zone.

04-12 The petition of Nottingham Square Corporation for property located at 845 Lafayette Road seeking relief from Article III Use Regulations as to Section 3.30 to operate a "nanobrewery". The property is located on Map 090, Lot 0190, and in a B Zone

05-12 The petition of Ellen Lavin for property located at 20 Robin Lane seeking relief from Article IV, Section 4.5.2 to acquire side set back to rebuild damaged dwelling on the same foundation to the same dimensions. The property is located on Map 133, Lot 1, and in a RA Zone.

06-12 The petition of James Zegouras for the property located at 421 Lafayette Road seeking relief from Article XI Sections 11.5 and 11.5.a seeking permission to use the vacant lot located at 421 Lafayette Road for a seasonal restaurant offering take out service. The structure is a 1963 Airstream trailer to be attached to a permanent foundation. The tires will be removed and all utilities will be installed in the trailer making it a permanent structure including electric and town water supply. The property is located on Map 160, Lot 24 and in a B Zone.

BUSINESS SESSION
1. Adoption of Minutes
NOTE: Petitions not called and in progress by 10:00 PM may be postponed to a later date.
Hampton Zoning Board of Adjustment
William O'Brien, Chairman

#1221 1t HE 1/6

Gutted pre-buy oil bill passes the N.H. House

EXETER — A bill designed to protect pre-buy oil customers from getting fleeced was gutted by the N.H. House on Wednesday, just as local legislators had been expecting and dreading.

The amended bill, House Bill 581, does not require oil companies to put 75 percent of their pre-buy oil contract money into an escrow account and instead requires oil companies to only warn consumers about the risk associated with entering into pre-buy contracts.

"This is absolutely crazy," state Rep. Lee Quandt, R-Exeter, said of the bill's passing.

The bill will now head to the state Senate, and Quandt said he will be talking with senators.

"The Senate has a little more sense than the House right now, so there may be something that could be worked out," he said.

Quandt's original bill was drafted in response to the Flynn's Oil case, in which the Exeter company went bankrupt in December 2009 and left more than 300 of its customers without \$554,603 worth of oil they purchased at the start of winter.

The amended bill passed the House by a vote of 223-129. As he previously promised, Quandt called for a roll call vote.

Quandt, his son Matt Quandt, Timothy Copeland, Patricia Lovejoy and Donna Schlachman were the Exeter-area representatives who voted against the amended bill. Republican Reps. Patrick Abrami and Joanne Ward voted for the bill as amended.

Quandt said he wasn't surprised by the vote and saw this result coming for months as it was not supported by a majority of his fellow Republicans.

"We just didn't have the votes," he said.

— Aaron Sanborn

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Hampton Union
Friday, January 06, 2012