

LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389
Moultonborough, NH 03254
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Hours: Monday through Friday, 8:30am to 4:30pm

Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

RE: DE13-352. Lakes Region Water Company, Inc.
Complaint of Ed Cammarata

Dear Ms. Howland:

Lakes Region Water Company provides the following response to the complaint provided on December 18, 2013 from a Paradise Shores customer, Ed Cammarata.

- In October, 2013, Mr. Cammarata requested that Lakes Region Water Company repair a service line to his house. Before the work commenced, he was told that he would be responsible for the costs. He was provided a copy of the Company's Tariff, with the relevant provisions highlighted, prior to the work being done. He then requested that the work be done and never expressed any concerns.
- Lakes Region Water Company's Tariff No. 6, Terms and Conditions under service pipe heading, states: "The Utility will install and maintain the service pipe from the main to the property line. *It is the customer's expense to provide and maintain the service pipe and valve from the property line in.*"
- Mr. Cammarata is now simply refusing to pay for the repairs he requested and agreed to pay.
- The Company had previously repaired a shared water line serving both Mr. Cammarata's and his neighbor's property in May 2013. The Company did not charge for this repair because it involved a portion of the service line serving both properties. However, the Company told Mr. Cammarata that he would be responsible for the costs for any work on the portion serving his residence.
- The Company's Tariff is a contract which obligates him to pay for the cost of service he requests or receives. See e.g. Puc 1602.06 (Tariff is "the schedule of rates, charges and terms and conditions under which a regulated and tariffed service is provided to customers"); Mountain Springs Water Co. v. Huber, 119 N.H. 676, 678 (1979). By law, he is liable for the full cost the service line repairs he requested.

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- If the Company were required repair customer service lines at no charge its rates would be significantly higher. This is particularly true in cases where gazebos or other improvements are constructed by customers on top of their service lines. The Company's Tariff therefore requires that the costs for service line repairs are responsibility of the customer. Customers that construct sheds and gazebos over their water service lines do so at their own risk.
- Under RSA 378:14, the Company is required to charge the rates contained in its tariff. ("No public utility shall grant any free service, nor charge or receive a greater or lesser or different compensation for any service rendered to any person, firm or corporation than the compensation fixed for such service by the schedules on file with the commission and in effect at the time such service is rendered.").
- Mr. Cammarata was aware of his responsibility for the costs of repairs prior to requesting the work. Even if he were not aware of the actual costs, the law is clear that ignorance of the Company's approved tariff is no defense. Guglielmo v. Worldcom, 148 N.H. 309, 313 (2002) ("Ignorance of the filed rate is no excuse").

Based on the foregoing, Lakes Region Water Company requests that Mr. Cammarata complaint be dismissed and that the Commission find that he is liable for the work he requested. Thank you for your attention to this matter. Should the Commission or Staff have any further questions regarding this matter, please contact me.

Sincerely,

Jake Dawson

Lakes Region Water Company