

STATE OF NEW HAMPSHIRE
Inter-Department Communication

NHPUC 18FEB'15AM11:30

DATE: February 18, 2015
AT (OFFICE): NHPUC

FROM: Rorie E. Patterson, Staff Attorney 
SUBJECT: DW 14-176 Mill Brook Village Water System
TO: Martin P. Honigberg, Chairman
Robert R. Scott, Commissioner
CC: Debra A. Howland, Executive Director
F. Anne Ross, General Counsel
Mark A. Naylor, Director, Gas and Water Division
Robyn Descoteau, Utility Analyst

Order No. 25,754 (January 14, 2015) required Mill Brook Village Water System (Mill Brook) to file a request for waiver of Puc 603.03, pursuant to Puc 201.05, within sixty days of the date of the order. Puc 603.03(a) requires all water sold by a utility to be billed on the basis of metered volume sales unless a waiver is granted pursuant to Puc 201.05 for unmetered service. Puc 201.05 requires the Commission to waive the provisions of any of its rules if it finds that the waiver serves the public interest, and the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. In determining the public interest, the Commission shall waive a rule if compliance with the rule would be onerous given the circumstances of the affected person. *Id.*

On February 3, 2015, Mill Brook filed a waiver request dated January 15, 2015. Mill Brook concurred with Commission Staff's testimony at the recent merits hearing, that its customers are a relatively uniform group of single-family, residential dwellings, and that the costs of complying with Puc 603.03 (*i.e.*, by installing meters) would exceed the benefits of compliance. *See also* Transcript of December 11, 2014, at 16-17. Staff also testified at the hearing that the development served by Mill Brook is not fully built, that the existing homes are not built to accommodate meters, and that Staff would support a waiver of Puc 603.03 for Mill Brook. *Id.*

Consistent with its testimony at the December 2014 hearing, Staff recommends the Commission grant Mill Brook the requested waiver of Puc 603.03 (a). Given the circumstances, compliance with the rule would be onerous for Mill Brook and its customers, and granting the waiver will serve the public interest and will not disrupt the orderly and efficient resolution of any matters before the Commission.

Please contact me with any questions. Thank you.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:** DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**