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NHPUC 3 JAN 20 PM 4:04

January 3, 2020

Via Email and Hand Delivery

Debra A. Howland, Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

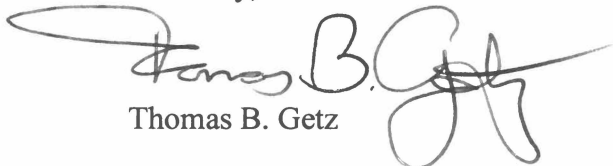
**Re: DW 19-131; Omni Mount Washington Hotel, LLC
Notice of Publication**

Dear Ms. Howland:

Enclosed for filing in the above-captioned docket please find an Affidavit of Thomas B. Getz.

Please call me with any questions or concerns.

Sincerely,



Thomas B. Getz

TBG:slb

cc: Service List

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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 19-131

Omni Mount Washington Hotel, LLC

Complaint Against Abenaki Water Company, Inc.

AFFIDAVIT OF THOMAS B. GETZ

NOW COMES, Thomas B. Getz, upon oath, being duly sworn, and states as follows:

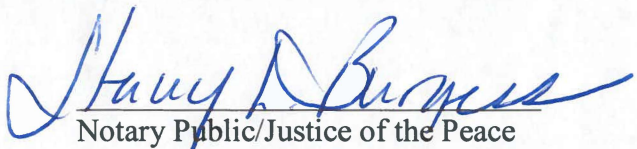
1. In accordance with the December 12, 2019 Order of Notice ("Order") in the above-captioned docket, I caused the Order to be published in the Union Leader no later than December 23, 2019. A copy of the published Order and an affidavit attesting to its publication in the December 17, 2019 edition of the *Union Leader* is enclosed herewith.
2. I also caused the Order to be published in a newspaper having a regular circulation in Coos County, as soon as publication permitted. A copy of the published Order and an affidavit attesting to its publication in the December 17, 2019 edition of *The Conway Daily Sun* is enclosed herewith.

Date: January 3, 2020


Thomas B. Getz, Bar No. 923

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this 3rd day of January, 2020, the above-named Thomas B. Getz personally appeared before me and made oath that the foregoing statements are true and accurate to the best of his knowledge and belief.


Notary Public/Justice of the Peace
My Commission Expires: _____



EATON from page 14

soon before this concert sells out. I got mine a week ago. We all want to support MacDonald's newest adventure after so many years of listening and singing along with the wonderful Devonsquare.

A huge thank you to all of you lake/pond people who put up Christmas trees near your body of water. Ken and Linda McKenzie started this wonderful tradition with their tree on Crystal Lake, inspiring pianist Dana Cunningham to write a song about it. Then Rick and Celia Wilcox and Jim and Joyce Harris followed suit

on Long Pond. As you meander along Route 153, you get to view these little symbols of joy and hope all along the water. I love them, and thanks again.

Thanks to Jeanne, Ed and Reilly for decorating our beach "guard house" at the Eaton Beach again this year. It is all decked out for Christmas and will put you right into the special spirit of the season.

Huge thanks to the Eaton Community Circle for the Christmas Cafe luncheon at the Little White Church on Saturday, followed by a craft fair at the Inn at Crystal Lake. Thank you to the Snowvillage Inn for their delicious luncheon and artisan fair on Saturday.

CONCERT from page 5

The Jazz Band has prepared seasonal and big band favorites. They'll open their portion of the concert by going on vacation away from the cold weather by playing Jerry Nowak's arrangement of the Big Band classic, "Brazil."

Second on the program is "Have Yourself a Merry Little Christmas" arranged by Alan Baylock and featuring a trumpet solo by senior Abby Lyman. The ensemble will close with Bryan Kidd's upbeat rendition of "Jingle Bell Boogie" with a tenor saxophone solo by senior Cole Schneider.

"Arranger Bryan Kidd, with 26 years of military service to his credit, retired as chief composer and arranger for the United States Navy Band in Washington, D.C.," Davison said. "This piece will be dedicated to the military service men and women who are away from home this holiday season."

The Drumlines will make their annual, lively appearance at the concert as well. The Block 1 Drumline will perform "Holiday Parade Sequence" arranged by Paul Lavender and Will Rapp. The song presents percussion ensemble settings of both "Joy to the World" and "Good King Wenceslas."

The Block 4 Drumline will play the energetic "Saint Nick's Bag," a new release by Row-Loff Productions arranger Chris Crockarell.

This year's Drumline Show, "Drumline on the High Seas," will open on Friday, March 13. Look for updates closer to the show.

"The Concert Band has grown to almost 50 members this year and is looking forward to captivating the audience with their carefully chosen holiday selections," said Davison.

They'll begin with a carol fantasy based on the traditional tune "Ding Dong, Merrily on High" arranged by James Curnow. Next, the band will perform the challenging, "I Saw Three Ships" arranged by Vince Gassi.

"The piece requires significant skill and artistry," according to Davison. "The 17th-century English carol is presented in several keys and meters and, if you listen closely, you'll be reminded of sailors' hornpipes."

The Concert Band portion of the concert will end with the ever popular "Let It Go" written for concert band by James Kazik. Davison said Kazik is staff arranger for the United States Army Band "Pershing's Own" and is composer-in-residence for the Washington Metropolitan Philharmonic in D.C.

"We'll end the evening with our grand finale performance of 'Grown Up Christmas List' featuring all ensembles," Davison said. "We'll bring up the house lights and ask the audience to sing along. We wish everyone glad tidings of great joy this holiday season."

STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DW 19-131

OMNI MOUNT WASHINGTON HOTEL, LLC Complaint Against Abenaki Water Company, Inc.

ORDER OF NOTICE

On July 24, 2019, Omni Mount Washington Hotel, LLC (Omni) filed a complaint against Abenaki Water Company, Inc. (Abenaki), concerning its Rosebrook Water System. In its complaint, Omni maintains that Abenaki was responsible for repairing a water pipe on Omni's property that broke on April 21, 2019. The complaint and subsequent docket filings, other than any information for which confidential treatment is requested or granted by the Commission, will be posted to the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2019/19-131.html>. Abenaki's Rosebrook Water System, the water system serving Omni's property was previously owned by Rosebrook Water Company, Inc. (Rosebrook). In Docket No. DW 16-448, the Commission approved a settlement agreement providing for, among other things, Abenaki's acquisition of Rosebrook's franchise and assets, termination of Rosebrook's franchise, and revisions to Rosebrook's tariff. Order No. 25,934 at 4-8 (August 9, 2016). The tariff revisions included changes regarding the ownership and maintenance responsibility for service pipes from the property line or common area to the premises' exterior shut-off valve, placing more ownership and maintenance responsibility on customers than before. Revised Exhibit H, Terms and Conditions, ¶ 1 (Docket No. DW 16-448).

After reviewing the filings in the above-captioned docket, the Commission has determined that there are reasonable grounds for the complaint. The Commission is therefore opening an adjudicative proceeding to resolve the complaint in accordance with N.H. Code Admin. Rules Puc 204.05 and Puc 203.

The filing raises, *inter alia*, issues related to the interpretation and application of Rosebrook's tariff, as amended; whether the amended tariff applies prospectively to new service pipes only or also retrospectively to existing service pipes; what constitutes the Omni premises' exterior shut-off valve; whether Abenaki furnished services and facilities that were reasonably safe and adequate under RSA 374:1; and whether Abenaki is liable for the costs of repairing the water pipe on Omni's property that broke on April 21, 2019. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on January 6, 2020 at 1:00 pm, at which each party will provide a preliminary statement of its position with regard to the complaint and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is **FURTHER ORDERED**, that, immediately following the Prehearing Conference, Omni, Abenaki, the Staff of the Commission, and any Intervenor hold a Technical Session, if necessary, to determine how to proceed with the investigation of the complaint; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Omni shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than December 23, 2019, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before January 3, 2020; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Omni, Abenaki, and the Office of the Consumer Advocate on or before December 31, 2019, 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. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before January 6, 2020. By order of the Public Utilities Commission of New Hampshire this twelfth day of December, 2019.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.



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