

July 28, 2020

Ms. Debra A. Howland

Executive Director

New Hampshire Public Utilities Commission

21 South Fruit Street, Suite 10

Concord, New Hampshire 03301

Re: Docket No. DW 19-131 –Omni Mount Washington Hotel LLC, Complaint against Abenaki Water Company.

Dear Ms. Howland:

Bretton Woods Property Owners (“BWPOA”) are filing this Reply Brief to Abenaki’s Memorandum of Law filed July 14, 2020.

Abenaki states in its Memorandum of Law, Section 22, page 13, that Omni’s Intimation that Homeowner Associations Obligations Have Changed is False, and that Omni instills fear in the homeowner associations. As a member of the BWPOA Board we are all very concerned about Abenaki’s tariff changes. We strongly recommend that the tariff language be changed back to the old language.

The following is from the tariff changes made in Docket No.DW16-448 from Order No. 25,935 (August 9, 2016) approving Abenaki’s acquisition of the Rosebrook Water Company:

Revised Exhibit H (old page 59, new page 74) from that tariff amends the terms and conditions regarding **Condominiums and other multi family residences:**

Old tariff language

All service pipe up to and including the unit’s exterior shut off valve shall be owned and maintained by the Company. For condominiums, the space from the exterior shut off valve to the premises shall belong to the association.

New tariff language

All service pipes from the main to the property line or common area including the unit’s exterior shut off valve shall be owned and maintained by the Company. From the property line or common area to the premise served by the service pipe shall be installed, owned, and maintained by the association or customer.

This new tariff language is confusing since in many associations the service lines and shut off valves are within the common area. Therefore the next sentence is confusing because “from

the property line or common area to the premise served by the service pipe shall be maintained by the customer could be interpreted to include service pipes within common areas.

We believe the old tariff language is clear, concise, and unambiguous. From the shut off to the unit is the associations and service pipe up to the shut off are Abenaki's, **regardless of whether that service pipe is within common areas or not.**

Furthermore, Abenaki's Memorandum of Law, Attachment J, purports to represent system maps and condominium documents that define common areas. These are incomplete and false. For example;

1. Mt View Homes is not a homeowners association, it is a condominium association. Its legal name is Rosebrook Club, D/B/A Mt View.
2. The map for Mt. View shows only 3 buildings, there are in fact 4.
3. The map for Mt.View shows a water main barely entering the common property. There would have to be a service pipe servicing the 4 buildings.
4. The Rosebrook Townhomes condominium documents that are attached to supposedly define common area are in fact for a different association, Rosebrook Club.

The point is that Abenaki's filing is very incomplete and inaccurate and should not be relied upon.

Sincerely,

Paul Mueller, BWPOA