

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 16-257

BOW LAKE ESTATES WATER WORKS, INC.

Investigation into Failure to File Annual Report

**Order to File Report and to Show Cause
Why the Company's Franchise should not be Revoked**

ORDER NO. 25,871

Bow Lake Estates Water Works, Inc. (Bow Lake), is a regulated public utility that provides water service in the Town of Strafford to approximately 40 customers in a development known as Bow Lake Estates on Big Kooauke Island in Strafford. The Commission approved the franchise request of Bow Lake's predecessor, North Country Water Supply, Inc., in *North Country Water Supply, Inc.*, Order No 20,677 (November 23, 1992). North Country subsequently requested permission to transfer the franchise to Bow Lake, a newly created entity. The Commission approved the transfer in *North Country Water Supply, Inc.*, Order No. 21,709, 80 NH PUC 380 (June 26, 1995).

Under RSA 374:15, every public utility must file with the Commission such reports containing facts and statistics as may be required by the Commission. Pursuant to N.H. Code Admin. Rule Puc 609.04, titled "F-16 Annual Report," regulated utilities that keep their books on a calendar year basis must file a report with the Commission each year, on or before March 31. Filing an annual report is not a mere technicality. "It is an essential component of the rules the Commission has promulgated in the discharge of its statutory duty 'to keep informed as to all public utilities in the state.'" *Bow Lake Estates Water Works, Inc.*, Order No. 25,058 (December 29, 2009) (citations omitted). RSA 374:17 provides for the forfeiture of \$100 for each day a public utility fails to file its annual report.

On February 25, 2016, Commission Staff (Staff) filed a letter advising the Commission that Bow Lake had yet to file its 2014 Annual Report, which was due on March 31, 2015. Staff stated that it had reminded the company more than once of its obligation to file the annual report. Staff also summarized Bow Lake's history of failing to timely file its annual reports. The Commission has twice investigated and fined Bow Lake for some of those failures. *See* DW 04-010 and DW 09-177. In light of that history, Staff recommended that the Commission open a proceeding to investigate Bow Lake's failure to file its 2014 annual report and to consider penalties, or removal and transfer of the company's franchise.

The issues in this proceeding include, inter alia, whether Bow Lake violated RSA 374:15 and Puc 609.04, requiring it to file the 2014 annual report; whether the Commission should order a forfeiture for Bow Lake's failure to make or file the 2014 annual report pursuant to RSA 374:17; whether the Commission should levy a civil penalty on Bow Lake, or its officers and agents, for willful violations of RSA 374:15 and Puc 609.04 pursuant to RSA 365:41 and :42; and whether it is consistent with the public good for Bow Lake to hold a franchise in this state pursuant to RSA 374:22. All docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2016/16-257.html>.

Based upon the foregoing, it is hereby

ORDERED, that pursuant to RSA 374:15 and N.H. Code Admin. Rule Puc 609.04, Bow Lake Estates Water Works, Inc., shall file its 2014 annual report by March 31, 2016; and it is

FURTHER ORDERED, that Bow Lake Estates Water Works, Inc., shall appear before the Commission at a hearing on April 21, 2016, at 10:00 a.m., to show cause why it or its agents and officers should not be sanctioned for failure to file its 2014 annual report; and it is

FURTHER ORDERED, that Bow Lake Estates Water Works, Inc., at the April 21, 2016, Commission hearing show cause why it should retain its franchise; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, Bow Lake Estates Water Works, Inc., shall send a copy of this Order to its customers by mail no later than March 24, 2016, with publication to be documented by affidavit filed with the Commission on or before April 18, 2016; also, the Commission will publish a copy of this Order of Notice no later than March 14, 2016, on its website, 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 Bow Lake and the Office of the Consumer Advocate on or before April 18, 2016, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before April 21, 2016.

By order of the Public Utilities Commission of New Hampshire this tenth day of March, 2016.



Martin P. Honigberg
Chairman

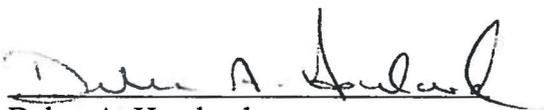


Robert R. Scott
Commissioner



Kathryn M. Bailey
Commissioner

Attested by:



Debra A. Howland
Executive Director