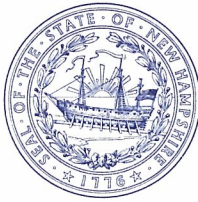


THE STATE OF NEW HAMPSHIRE



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April 30, 2010

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

Re: DW 08-095, Warner Village Water District
Petition to Discontinue Water Service



Dear Ms. Howland:

I am writing to update the Commission on this docket. As you know, on January 29, 2010, Staff wrote to the Warner Village Water District (District) advising them that Staff could not recommend approval of the District's requests in this docket. The District had requested that it be permitted to discontinue service to four customers located outside the corporate boundaries of the District and for whom the District had installed private individual wells. The District also requested that the Commission modify its franchise boundaries such that the four customer lots would no longer be within the franchise boundary of the District. These requests were a result of Order 24,649 in Docket DW 06-001 (July 18, 2006), in which the Commission determined it had jurisdiction over service to the customers and prohibited their disconnection by the District without prior Commission approval.

In Staff's January 29 letter, Staff cited insufficient evidence in the record to document that the four customers' lots complied with RSA 485-A:29 and 30-b. Staff advised the District that, in Staff's opinion, if in the future the District could demonstrate that the customer lots could be shown to comply with these statutes, the District could renew its request for permission to discontinue service to the four customers and for modification of its franchise boundaries.

On February 11, 2010 the District contacted Staff by email, advising that the District was following up on Staff's recommendation, and inquiring about the definition of a franchise boundary. Staff replied to the District on February 16. I attach a copy of this communication to this letter. The District requested that the Commission not close this docket until they had the opportunity to address the issues raised in Staff's January 29 letter.

If you have any questions regarding this matter, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Naylor". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark A. Naylor
Director, Gas & Water Division

Attachment
cc: Service List

Naylor, Mark

From: Naylor, Mark
Sent: Tuesday, February 16, 2010 9:38 AM
To: 'Water District Admin'
Cc: Lynn Perkins; Pete Newman; Peter Savlen; James McLaughlin
Subject: RE: DW 08-095, Warner Village Water District

Your "franchise" boundary is that boundary relating to the areas in which you provide water service. The franchise boundary may differ from the village precinct's corporate boundary, as is the case for Warner Village Water District. Warner Village's franchise boundary is larger than its corporate boundary by essentially the four house lots identified in Appeal of St. James.

It is Staff's view that the Commission will not modify and reduce the size of Warner Village's franchise boundary to be coterminous with its precinct boundary (and thereby remove the four customers from your franchise area) until Warner Village can demonstrate compliance with the applicable statutes referenced in RSA 362:4, IV, namely, RSA 485-A:29 and 30-b on behalf of the four affected customers.

-----Original Message-----

From: Water District Admin [mailto:wateradmin@warner.nh.us]
Sent: Thursday, February 11, 2010 1:11 PM
To: Naylor, Mark
Cc: Lynn Perkins; Pete Newman; Peter Savlen; James McLaughlin
Subject: DW 08-095, Warner Village Water District

Dear Mr. Naylor:

This is to let you know that the Water District is pursuing answers to the Staff Recommendations addressed in your letter of January 29, 2010 to the Commissioners. Could you please clarify the term "Franchise Boundary", and what we need to do in order to meet your recommendation of Modification of Franchise Boundaries. How does it differ from "Precinct Boundary"? We would ask that you not close the docket until we have a chance to address Staff's issues.

Please let me know if you have any suggestions as to what our procedure should be from here.

Thank you.
Peg McLaughlin
Administrative Assistant

KENNETH & CONNIE BENWARD
3 WALDRON HILL RD
WARNER NH 03278

DEBORAH BUCKLEY
92 NORTH VILLAGE RD
WARNER NH 03278

RICHARD FISHER
84 NORTH VILLAGE RD
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PETER E NEWMAN
WARNER VILLAGE WATER DISTRICT
55 WEST JOPPA ROAD
PO BOX 252
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LYNN PERKINS
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PETER A SAVLEN
WARNER VILLAGE WATER DISTRICT
PO BOX 252
WARNER NH 03278

PETER & RHONDA ST JAMES
69 NORTH VILLAGE RD
WARNER NH 03278

Docket #: 08-095 Printed: April 30, 2010

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Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

MARK NAYLOR
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