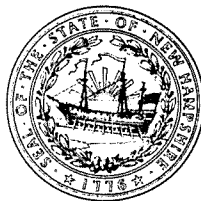


THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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November 5, 2009

Brian Harding, General Manager
Eastman Sewer Company
PO Box 470
Grantham, NH 03753

Joel and Gina Hutchins
3 Robin Lane
Grantham, NH 03753

Re: DW 09-213, Eastman Sewer Company
Complaint of Joel and Gina Hutchins

This letter is to advise you as to how the Commission intends to proceed with respect to resolving the complaint of Joel and Gina Hutchins which has been docketed as DW 09-213. As you know, the case concerns the allegations of the complainants that a sewer back up occurred at their home in Grantham, New Hampshire on July 20 through July 22, 2008.

After unsuccessful attempts by Commission Staff to mediate this dispute, on March 16, 2009, Joel and Gina Hutchins filed a request for a hearing. After a review of the complaint, on June 4, 2009, the Director of the Consumer Affairs Division notified the complainants that she would recommend the Commission grant the request for hearing inasmuch as certain facts surrounding the sewer back up and the appropriate application of the tariff provisions remain in dispute. On June 18, 2009, Eastman Sewer responded that the Eastman Board of Directors maintains its position regarding the Hutchins' claim. On October 19, 2009, the Director of the Consumer Affairs filed her recommendation that the Commission grant the request for hearing, attaching to the recommendation correspondence between Commission staff, the Hutchinses and Eastman Sewer.

Accordingly, the Commission will conduct an evidentiary hearing on December 7, 2009 at 10:00 a.m. and adopts the following procedures and determinations with respect to the hearing:

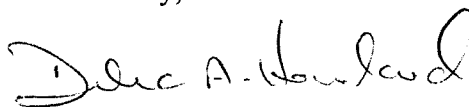
1. The Hutchinses and Eastman Sewer shall provide the Commission with identification of witnesses and a short written summary of their position, no later than November 30, 2009. At a minimum, identification of the witness shall include the name and business address of the witness. The summary

should provide an account of the facts of the dispute and the position of the witness regarding the desired resolution of the dispute.

2. The Hutchinses and Eastman Sewer shall provide the Commission with all exhibits they intend to introduce at hearing no later than November 30, 2009. Exhibits may include copies of correspondence, invoices, agreements, etc.
3. The Hutchinses and Eastman Sewer will each have a chance to ask questions of the witnesses on both sides. However, only witnesses who have filed summaries with the Commission prior to the hearing will be allowed to provide information at the hearing. Witnesses for the Hutchinses shall appear first, followed by witnesses for Eastman Sewer.
4. Unless a good reason can be given, no exhibits will be allowed to be brought forth at the hearing that have not been submitted to the Commission prior to the hearing.
5. At the end of the hearing, each side will be allowed to make a final statement to the Commission. The Hutchinses will go first, followed by Eastman Sewer.
6. The hearing shall be tape recorded. If a transcript is necessary, Eastman Sewer shall bear the cost of the transcription.
7. If Eastman Sewer and the Hutchinses believe resolution of the issues without resorting to a hearing is possible, the Commission encourages the parties to pursue these discussions. If resolution between the parties is reached, Eastman Sewer shall notify the Commission of the resolution no later than December 4, 2009.

To the extent that any of the foregoing procedural rulings are inconsistent with the Commission's procedural rules, the Commission has determined that a waiver of the applicable rule or rules serves the public interest and will be conducive to, rather than disruptive of, the orderly proceeding of the Commission. *See* Puc 201.05(a). Finally, the Commission places the Hutchinses on notice that, as the petitioning party, they will have the burden of proof at hearing. As we recognize that the Hutchinses are most likely unfamiliar with the Commission's procedures, the Commission encourages the Hutchinses to contact Staff with questions or for assistance.

Sincerely,



Debra A. Howland
Executive Director

BRIAN HARDING
EASTMAN SEWER COMPANY INC
PO BOX 470
GRANDTHAM NH 03753

JOEL AND GINA HUTCHINS
3 ROBIN LANE
GRANTHAM NH 03753

Docket #: 09-213 Printed: November 05, 2009

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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.

AMANDA NOONAN
CONSUMER AFFAIRS DIRECTOR
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