

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Pennichuck East Utilities, Inc., for Approval of the Transfer of the Real Estate

NOW COMES, Pennichuck East Utilities, Inc., a New Hampshire corporation (“PEU”), petitioning this Commission for authority to transfer three lots associated with its Birch Hill Community Water System (hereinafter “BHCWS”) within the Town of Conway, New Hampshire. The lots are currently owned by PEU but with the exception of certain necessary easement rights being preserved as part of the proposed transfer, are no longer used or useful to the ongoing operation of BHCWS. In support of this Petition, the Petitioner states as follows:

PARTIES

1. PEU has executed a purchase and sale agreement with the New Hampshire Institute of Agriculture and Forestry (hereinafter “NHIAF”) for the sale of three lots comprised of approximately fifty-five acres (55) of land lying on the East of its BHCWS, with the intent of transferring those lots to the NHIAF for the sum of Sixty-five Thousand Dollars (\$65,000.00).

Exhibit DLW-1;

2. The three lots were originally acquired by PEU’s related entity, the Pittsfield Aqueduct Company (hereinafter “PAC”), when it owned and operated BHCWS, in order to establish a new source of supply for BHCWS.

3. Subsequent to acquiring the property and as a result of several developments including potential well permitting costs and challenges, as well as a NH Department Environmental Services recommendation, PAC elected to complete installation of a water main under a limited portion of the lots being transferred as part of an interconnection with the North

Conway Water Precinct (hereinafter “NCWP”);

4. Ownership of BHCWS has since been transferred to PEU, with Commission Approval.

APPROVALS REQUESTED

5. By this Petition, PEU now seeks approval from this Commission (i) pursuant to RSA 374:30 to transfer the three specific real estate lots referenced in the purchase and sale agreement attached in Exhibit DLW-1 to NHIAF, subject to PEU retaining reasonable easement rights;

6. PEU seeks authorization pursuant to RSA 374:30, which in relevant part indicates that “[a]ny public utility may transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state...when the commission shall find that it will be for the public good and shall make an order assenting thereto,....)

BASIS FOR RELIEF REQUESTED

7. The Petitioner, PEU, avers that transfer of the three lots is consistent with the interest of the public good. The transfer involves real property that is no longer used or useful to the operation of BHCWS, in that PEU no longer requires retention of the property for an alternative source of supply, and is able to reserve for itself easement rights sufficient to protect its water main running under a portion of the property being transferred.

8. As such, transfer of the property to the proposed buyer will have no negative effect on PEU’s managerial, technical, and financial capabilities used to operate BHCWS. It further will not impact PEU’s ability to provide safe and adequate service to BHCWS.

9. By way of further information, the purchaser, NHIAF, is a New Hampshire non-profit corporation assisting development of agricultural business within our State, and the property is intended to be used for educational and agricultural purposes.

WHEREFORE, PEU requests the Commission grant the following relief:

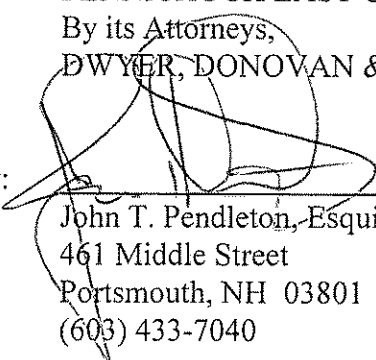
A. Make a finding that the proposed transfer of real property will be consistent with the public good and approve and authorize the same;

B. Enter an *ORDER NISI*, or, in the alternative, schedule a hearing, if the Commission deems one necessary, and enter an order pursuant to NH RSA 374:30, granting permission and approval to allow the transfer of real property as discussed above.

Respectfully submitted,
PENNICHUCK EAST UTILITIES, INC.
By its Attorneys,
Dwyer, Donovan & Pendleton, PA

Dated: October 3, 2011

By:



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