

THE STATE OF NEW HAMPSHIRE

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July 6, 2012

Timothy E. Britain, Esq
Cleveland, Waters and Bass, PA
Two Capital Plaza
P.O. Box 1137
Concord, NH 03302-1137

Re: DW 11-242, Lower Bartlett Water Precinct

Dear Attorney Britain:

Well after issuing a final order, Order No. 25,290 (Order) on November 18, 2011, granting the requested franchise expansion to Lower Bartlett Water Precinct (LBWP) and closing this docket, the Commission has received letters from Commission Staff, Cathedral Trails II Homeowners' Association, and LBWP. This correspondence notes ongoing negotiations and changed circumstances since issuance of the Order, however, none of the letters are motions, petitions or other formal pleadings.

The submissions address a number of issues, including the interpretation of RSA 362:4, III-a. The Commission has interpreted RSA 362:4, III-a in the past to allow a municipal water company to charge rates to new customers outside municipal boundaries up to, but not more than, 15% above the rates charged to customers within its municipal boundaries. In the context of a water precinct that covers less than the totality of a municipality, the Commission has interpreted "municipal boundaries" to mean the boundaries of the precinct. *Petition of Peter St. James*, Order No. 24,649, 91 NH PUC 326 (2006), *see also, North Conway Water Precinct*, Order No. 24,361, 89 NH PUC 496 (2004). Assuming that LBWP charges its customers outside its precinct boundaries, and within its newly expanded franchise area designated in Order No. 25,290, rates that are no more than 15% of its municipal rates, it does not appear that the Commission has jurisdiction to consider those rates.

If the parties have additional facts or arguments to present and seek action on a matter over which the Commission has jurisdiction, they should do so by formal pleading with appropriate supporting testimony.

Very truly yours,

A handwritten signature in cursive script, appearing to read "F. Anne Ross".

F. Anne Ross
General Counsel

cc: Service List

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Pursuant to N.H. Admin Rule Puc 203.11 (a) (I): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.