

THE STATE OF NEW HAMPSHIRE

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November 8, 2012

RE: DW 12-272, City of Somersworth
Order No. 25,420

To the Parties:

Enclosed are revised pages 2 and 4 of Order No. 25,420 (October 5, 2012). Lot 34 has been changed to 35 on both pages as requested by the City of Somersworth on November 6, 2012.

All other portions of this order remain unchanged. Please substitute the enclosed revised pages to your copy of Order No. 25,420.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

Enclosures
cc: Service List
Docket File

Somersworth states it has received past Commission approval to serve 39 residential customers in Rollinsford. Somersworth asserts that its water system has adequate capacity to add these four new customers and that the costs of connecting them will be borne by the proposed customers in the expanded service area. Somersworth states that it will serve the new customers on the same terms as provided within its current service area. In support of its request, Somersworth provided copies of the deeds of the properties to be served, a map of the area indicating the location of the existing water main and the service lines to be installed to serve the new customers, and a letter from Somersworth's City Manager. The City Manager summarized Somersworth's request and stated that the Somersworth City Council voted to approve the franchise expansion request.

On September 27, 2012, Staff filed a letter with the Commission recommending approval. Staff propounded discovery requests which it attached to its letter. Staff stated it had reviewed of the petition and past franchise requests made by Somersworth, to determine if the approval for a franchise for service to Janco in 1985 did not also include the instant four residential properties. Staff stated that it appears that only the Janco property was established as a new franchise area in 1985. Staff's discovery clarified that the requested franchise area for the four residential properties is Rollinsford tax map 1, lots 25-1, 35, 36, and 39-1.

Staff stated that the Town of Rollinsford and the New Hampshire Department of Environmental Services (DES) support Somersworth's franchise request. Staff stated that the water service to be provided by Somersworth in the new franchise area will be under the same tariff provisions as its customers within the city, and that Somersworth has indicated that its water system has adequate capacity to accommodate the four new customers. Based on the

Commission. Staff has indicated that Somersworth intends to connect the new customers as soon as possible before the onset of the winter season.

The Commission reviews franchise petitions to ensure that they are consistent with the orderly development of the region. *Pennichuck Water Works, Inc.*, 72 NH PUC 589, 593 (1987). RSA 374:26 explicitly authorizes the Commission to act on a franchise petition without hearing when all interested parties are in agreement. We note that Somersworth's request is of an emergency nature and that the Town of Rollinsford supports it. Somersworth has adequate capacity to provide service in the proposed franchise area. Having reviewed Somersworth's filing and Staff's recommendation, we find that Somersworth has the requisite capability to provide water service in the requested franchise area, meets the rate and service requirements of RSA 362:4, III-a and its expansion within the Town of Rollinsford is for the public good. Somersworth shall not be considered a public utility pursuant to RSA 362:2 and RSA 362:4 so long as it complies with RSA 362:4, III-a.

RSA 374:26 authorizes the Commission to grant requests for franchise authority without a hearing "when all interested parties are in agreement." While we are not aware of any parties opposed to the franchise petition, we will nonetheless afford interested parties the opportunity to comment. Accordingly, we will issue our decision on a *nisi* basis.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that the request of the City of Somersworth to establish a new franchise area in the Town of Rollinsford comprised of tax map 1, lots 25-1, 35, 36, and 39-1 is hereby APPROVED; and it is

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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