

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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November 15, 2013

Re: DW 13-171; Eastman Sewer Company, Inc.
Joint Petition to Approve Sale to the Village District of Eastman
Order on Pending Motions

To the Parties:

Eastman Sewer Users Coalition and Robert and Geraldine Logan (Interveners) filed motions in the above referenced matter on November 7, 2013 and November 8, 2013 respectively, asking the Commission to reaffirm the original procedural schedule, request participation of the Office of Consumer Advocate (OCA), and record all future hearings in this docket.

The original procedural schedule approved by the Commission on August 6, 2013 provided for two possible procedural tracks for this case – a settlement track and a litigated track. The settlement track allowed for 2 rounds of discovery, a settlement conference/technical session, and scheduled a hearing a settlement agreement on December 5, 2013. The litigation track provided for 3 rounds of discovery, testimony, and a final hearing on the merits on March 5, 2014.

On October 31, 2013, after a technical session/settlement conference, Staff notified the Commission of a tentative settlement with the Joint Petitioners, and proposed a revised schedule for the settlement track which the Commission approved on November 5, 2013. The revised procedural schedule required filing of the settlement agreement between Staff and the Joint Petitioners by December 12, 2013, established a third set of discovery for Interveners, allowed for Intervener testimony and discovery on that testimony, and delayed the settlement hearing until January 21, 2014.

In their motions, the Interveners argue that Staff, by reaching a tentative settlement with the Joint Petitioners, has prejudged the case and that any settlement is premature until the Interveners have completed discovery that may reveal information that would cause Staff to reconsider its current position. Finally, the Interveners wish to preserve their right to a full hearing to express their objections to the proposed sale of the Eastman Sewer Company.

The Commission has granted in part and denied in part the motion to reinstate the original schedule by partially modifying the schedule to accommodate the Interveners' concerns. First, Interveners shall continue to have the opportunity to propound a third set of

discovery requests and to have the right to present testimony. Second, the deadline to file any settlement agreement shall be extended to January 16, 2014 to allow Staff the opportunity to review any new information that may come forward and to re-evaluate its settlement position in light of that information. Third, the Commission will schedule a hearing on January 21, 2013 on the merits of a settlement agreement that will include the opportunity to take comments in support or opposition of a settlement. If there is no settlement agreement, then the January 21st hearing will be a hearing on the merits of the petition.

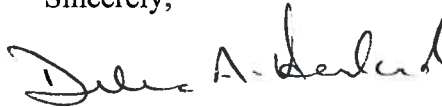
Accordingly, the procedural schedule is as follows:

Discovery Request 3 by Interveners	11/19/13
Joint Petitioners' Response to Discovery Request 3	12/3/13
Testimony by Interveners in Opposition to the Sale Staff and Joint Petitioners' Discovery Requests on Intervener Testimony, if any	12/19/13 1/2/2014
Interveners' Response to Discovery Requests	1/9/2014
Deadline to File Settlement Agreement, if any	1/16/14
Hearing	1/21/14 @ 9:00 a.m.

Regarding the Interveners' motion to request the participation of the OCA, the Commission notes that the OCA is an independent agency that pursuant to RSA 363:28 decides whether to participate in any particular docket. The OCA is on the service list for this docket, and has received copies of all Commission and Intervener filings. The Commission notified the OCA again of this proceeding on November 13th. To the extent Interveners seek to have the Commission order the OCA's participation, that request is denied as outside the Commission's authority.

Last, the Interveners ask that any future hearings or public meetings in this matter be recorded. The remaining hearing in this docket is the January 21st hearing on a proposed settlement, if any, or a hearing on the merits of the petition if no settlement is reached. The Commission will record whichever of those hearings is held.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List (Electronically)

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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Docket #: 13-171-1 Printed: November 15, 2013

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.