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STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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March 18, 2015

Re: DW 14-176, Mill Brook Village Water System
Request for Franchise Approval and Permanent Rate Proceeding
Request for Waiver of Puc 603.03(a)

To the Parties:

On February 3, 2015, Mill Brook Village Water System (Mill Brook) filed a request for a waiver N.H. Code Admin. Rules Puc 603.03(a) that requires all water sold by a utility be billed on the basis of metered volume sales unless a waiver is granted pursuant to Puc 201.05 for unmetered service. Mill Brook Village Water System (Mill Brook) does not meter its sales and seeks a waiver of the metering requirement.¹


Mill Brook asserts that its customers are a relatively uniform group of single-family, residential dwellings, and that the costs of complying with Puc 603.03 (*i.e.*, by installing meters) would exceed the benefits of compliance. At the merits hearing in December 2014 and in a subsequent written recommendation, Commission Staff (Staff) took a similar position. *See* Transcript of December 11, 2014, at 16; and Staff Recommendation dated February 18, 2015. Staff also indicated its support for a metering waiver because the development served by Mill Brook is not fully built, and the existing homes are not built to accommodate meters. *Id.* John Gray, a Mill Brook customer who personally intervened, and the Office of the Consumer Advocate (OCA), which represents residential customers under RSA 363:28, II, do not oppose Mill Brook's requested waiver.

Pursuant to Puc 201.05, the Commission may waive a rule if it finds a waiver serves the public interest and does not disrupt the orderly and efficient resolution of matters before the Commission. A waiver request requires consideration of whether compliance with the rule would be onerous given the circumstances.

¹ The Commission required Mill Brook Village Water System (Mill Brook) to file a request for waiver of Puc 603.03, pursuant to Puc 201.05, by March 16, 2015. Order No. 25,754 (January 14, 2015) (waiver filing required within sixty days of the date of the order).

The Commission has determined that the costs to customers of compliance with the rule exceed the benefits to customers of compliance. Further, relieving Mill Brook of the requirement to meter sales to customers living within under-occupied developments, in buildings that are not compatible with meters, is consistent with the public interest. Accordingly, the Commission has granted Mill Brook a waiver of Puc 603.03.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and "H".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File

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 #: 14-176-1 Printed: March 18, 2015

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
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- 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.