

BEFORE THE NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

COMPLAINT by ROBERT MYKYTIUK

DOCKET NO. DW-16-834

MOTION TO EXCLUDE THE DENY COMPLAINT AND EXCLUDE IRRELEVANT EVIDENCE
FILED BY LAKES REGION WATER CO. INC BY AND THROUGH UPTON & HATFIELD, LLP.

In Response.

1. Mr. Mykytiuk did not list himself as a witness. If acting as the complainant without legal representation, how would it be possible to present the facts, exhibits and testimony of my witnesses that are pertinent to this complaint without the assumption that I be considered a witness.
2. Mr. Dawson is an extremely relevant witness since he was a former employee of Lakes Region Water Co. Inc. and with his intimate knowledge of the operation of Lakes Region Water Co. Inc, he will be able to testify to the fact that Mr. McGuire's house has one service line and that he pays only one fixed rate charge although he has two meters and provides water to his rental home. This also refutes the contention of Lakes Region Water Co. Inc. that they are providing free or discounted water RSA 378:14 to Mr. Mykytiuk when in fact if this were true, this would also apply to Mr. McGuire.
The exhibit video and letter from Lakes Region Water Co. Inc. dated October, 19, 2016 also provides proof that the inspection conducted by Lakes Region Water Co. Inc. on May 9, 2016 by Ms. Valladares proved there was no by-pass or back flow problems and that all incoming water to Mr. Mykytiuk's principle dwelling and bunkhouse is metered.
3. Mr. Quinlin's testimony is intended to give the commission a better understanding of the new ADU proposal the Town of Moultonborough has agreed to and further testify to the fact that although Mr. Mykytiuk's bunkhouse currently does not meet the town's proposed ADU requirements which will be put to the town meeting for vote in March of 2017, it should not be an issue for compliance once construction on the bunkhouse is complete.

Mr. Richardson contends is his response that testimony concerning laws that are not yet in effect and that may not even pass Town meeting is by definition, irrelevant and immaterial. Mr. Richardson goes on further to state that the ADU law is not in effect and may never be is totally erroneous. (see enclosed ADU law)

The new ADU law will go into effect on June 1, 2017 regardless of whether the Town of Moultonborough passes its proposed version of the new law at the town meeting in March of 2017. This is not the issue before us, the issue remains that Lakes Region Water Co. Inc's tariffs nor the PUC's regulations addresses nor validates the second fixed meter charge that Lakes Region Water Co. Inc has been charging Mr. Mykytiuk.

4. Mr. Richardson states that PUC 606:04 requires that all water utilities "shall require that the customer shall not install any tree or branch connection in the service pipe." PUC 606:04 requires that all water utilities "shall require" that no tandem services shall be permitted". PUC 603:03 requires that a meter be installed on all service lines unless a waiver is granted.

There is a meter installed on the service line, there is no tree or branch connection in the service pipe and there is no tandem service anywhere.

5. Mr. Richardson's states that Ms. Karel Crawford's conversations with Ms. Leah Valladares and Ms. Amanda Noonan are irrelevant and immaterial.
These conversations will provide proof that no specific tariff or PUC regulation clearly addresses Mr. Mykytiuk's situation and the ambiguity of this all provided Lakes Region Water Co. Inc the opportunity to interpret these PUC regulations and Lakes Region Water Co Inc's tariffs to their advantage.

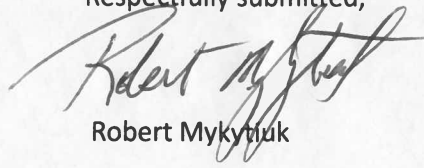
Conclusion,

The formal complaint process comes into question with the addition of Upton & Hatfield representing Lakes Region Water Co. Inc. which will provide them an unfair advantage and will undoubtedly serve no purpose toward the intention of this commission in resolving this complaint.

Since Mr. Mykytiuk's rebuttal of the motion presented by Mr. Richardson requires more time and resources than available, I hereby request that this commission deny the motion to dismiss and provide the complainant Mr. Mykytiuk the opportunity to present his argument at a hearing.

Furthermore Mr. Mykytiuk has a very real concern that Lakes Region Water Co. Inc will once again make use of their continuous threat of water shutoff if their unreasonable demands are not followed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Mykytiuk", with a stylized flourish extending from the end.

Robert Mykytiuk

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Accessory Dwelling Units

Section 674:72

[RSA 674:72 effective June 1, 2017.]

674:72 Accessory Dwelling Units. –

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

Source. 2016, 6:2, eff. June 1, 2017.