

# Exhibit A

EXHIBIT #2 DW 16-834

TOWN OF MOULTONBOROUGH  
New Hampshire

## Certificate of Use and Occupancy

Ref: IBC Code Section 110

Tax Map 99 Lot 36

Applicant: Robert Mykytyuk

Owner: Same

Address: 17 Mayflower Lane

Contractor: Name Carhon

Address \_\_\_\_\_

Phone No. \_\_\_\_\_

This is to certify that the following structure (description): \_\_\_\_\_

35x45 Garage with Bed house above, "No cooking facilities"

is found to substantially comply with the provisions of the IBC Building Code of the Town of Moultonborough, New Hampshire.

Special Conditions: No cooking facilities associated with this structure to

include Hot Plates, Micro, Gas Grill on the site, without Approval Town  
Approvals

Verified By: Building Inspector Donald E Carhon

Fire Department \_\_\_\_\_

Other Septic # 2014120351 1/2 Community

ISSUED BY: 

DATE OF ISSUANCE: 1-7-2016



TOWN SEAL

TOWN OF MOULTONBOROUGH  
BUILDING PERMIT PAYMENT/RECEIPT

No. 7092

MAP 99

DATE: 11-1-14

LOT 36

LOCATION 17 Mayflower Lane

CONSTRUCTION 35x45 GARAGE w/ Bankhouse 2nd floor

Fee Paid: \$579-

  
Donald E. Cahoon, Building Inspector  
CK # 1613  
Owner/Agent

PERMIT VOID SIX MONTHS FROM DATE ISSUED.

From: Karel Crawford karelnh@hotmail.com  
Subject: Fwd: Robert Mykytiuk  
Date: Sep 30, 2016, 10:14:51 AM  
To: rmykytiuk@yahoo.com

EXHIBIT  
B

Sent from my iPad

Begin forwarded message:

**From:** "Leah Valladares" <[leah@lakesregionwater.com](mailto:leah@lakesregionwater.com)>  
**To:** "KarelNH@hotmail.com" <[KarelNH@hotmail.com](mailto:KarelNH@hotmail.com)>  
**Cc:** "Tom Mason" <[lrwh2oserv@yahoo.com](mailto:lrwh2oserv@yahoo.com)>  
**Subject:** FW: Robert Mykytiuk

Email sent to Amanda Noonan.

**From:** Leah Valladares [<mailto:leah@lakesregionwater.com>]  
**Sent:** Thursday, September 22, 2016 3:01 PM  
**To:** 'Noonan, Amanda'  
**Cc:** 'Tom Mason'; 'Naylor, Mark'  
**Subject:** RE: Robert Mykytiuk

Hi Amanda,

After rethinking our conversation yesterday I came to this conclusion.

In April it came to our attention that Mr. Mykytiuk received a building permit on 11/03/16 to construct a second detached premise (dwelling) on his property initiating a second place of consumption of water. The building permit advises a "single family" construction and the water supply was "public" A letter was sent to Mr. Mykytiuk (certified 04/26/16 ) requesting an "Application for Service" per PUC rule 1203.01 Initiation of Basic Utility Service and our Tariff Terms and Conditions 1. This letter also advised that this new premise (dwelling) was considered separate from the existing dwelling and would need a separate meter. He would be required to construct a new service pipe for this separate meter for his second place of water consumption. PUC 602.14.

By this letter (received my Mr. Mykytuik on 05/04/16) we did inform him that he was required to complete an "Application of Service" that initiates the new water service he needed, thus giving us the authority to charge him a second base charge as well as consumption charge. He remains in "Non-Compliance" of the letter as we have NOT received his "Application of

Service” thus violating our Tariff and is subject to disconnection of service.

That letter also was for an inspection of his non-conforming connection, we needed to verify he was not in violation of RSA 539:7 Theft of Utility Service and potentially contaminating our water main. We were satisfied that the connection possessed no by-pass or back flow, but he still was required to complete the “Application of Service” which he has ignored.

I have also attached the Building permit for your review, there is also an Residential Energy Code Application identifying this as a new residential building as well as other documents as proof that this was a second dwelling build on a lot that is considered a double lot (per tax card).

I also spoke with Mark Naylor about this in great length prior to his second base charge being applied and feel that we are well within our authority to charge a second base charge due to our request for an “Application of Service” for his new residential dwelling.

Leah Valladares|Utilities Manager  
Lakes Region Water Company, Inc.  
420 Gov. Wentworth Highway|PO Box 389  
Moultonborough, NH 03254  
(O) 603.476.2348 (F) 603.476.2721  
[www.lakesregionwater.com](http://www.lakesregionwater.com)

PS. I have read at least 6 other water utilities Tariffs and only one identified metered service for each premise.

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**From:** Noonan, Amanda [<mailto:Amanda.Noonan@puc.nh.gov>]  
**Sent:** Wednesday, September 21, 2016 2:14 PM  
**To:** Leah Valladares ([leah@lakesregionwater.com](mailto:leah@lakesregionwater.com))  
**Cc:** Naylor, Mark  
**Subject:** Robert Mykytiuk

Hi Leah,

I was just talking with Tom about Mr. Mykytiuk. Rep. Carol Crawford reached out to me on his behalf, asking where in the tariff or the Commission’s rules she could find LRWC’s authorization to bill Mr. Mykytiuk a double base charge. I have not been able to find anything, although Tom thought there was something in the tariff that referenced service to a single family home. Would you take a look through the tariff and let me know if you find anything? If not, I told Tom that Staff would work with LRWC to help develop some revised tariff language that LRWC could file as an amendment to its tariff to resolve this issue. In the meantime, if there is

nothing definitive in the tariff, it will likely mean billing Mr. Mykytiuk a single base charge until the tariff is updated.

Please feel free to call me if you have any questions.

Thank you,  
Amanda

**Amanda O. Noonan**

Director, Consumer Services and External Affairs  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord NH 03301  
603.271.1164 voice/603.271.3878 fax  
[amanda.noonan@puc.nh.gov](mailto:amanda.noonan@puc.nh.gov)

W

16APR25...etter.doc  
2.2 MB

W

Applicatio...rvice.doc  
75.3 KB

From: Karel Crawford karelnh@hotmail.com  
Subject: Fwd: RSA 378:14  
Date: Sep 30, 2016, 10:14:38 AM  
To: rmykytiuk@yahoo.com

EXHIBIT  
C

Sent from my iPad

Begin forwarded message:

**From:** Leah Valladares <leah@lakesregionwater.com>  
**Date:** September 26, 2016 at 3:14:11 PM EDT  
**To:** <KarelNH@hotmail.com>  
**Cc:** 'Tom Mason' <lrwh2oserv@yahoo.com>  
**Subject:** RSA 378:14

Hi again,

Back in March our attorney inquired to Rorie Peterson and Mark Naylor at the PUC regarding this issue that is becoming more prevalent as Towns start allowing more and more structures like this. Below is a quote I copied from his email to them.

"Lakes Region's Tariff does not appear to directly address the issue. However, my preliminary thoughts are that residential service is understood to be for a single residential use with a separate charge for each unit. If a person wants to serve multiple units (and avoid separate charges), then a wholesale contract must be negotiated and approved by the Commission. Otherwise, allowing two units to be served a one customer would violate RSA 378:14 which provides that: "No public utility shall grant any free service, nor charge or receive a greater or lesser or different compensation for any service rendered to any person, firm or corporation than the compensation fixed for such service by the schedules on file with the commission and in effect at the time such service is rendered." -Justin Richardson – Upton& Hatfield.

We have two customers in the same system that have 2 accounts and 2 service lines for their second place of consumption. According to this RSA- 17 Mayflower must be treated the same way.

Leah Valladares|Utilities Manager  
Lakes Region Water Company, Inc.  
420 Gov. Wentworth Highway|PO Box 389  
Moultonborough, NH 03254

[All Inboxes](#)**Margaret Raymond**

To: robert.mykytiuk

Details

MR

**Robert Mykytiuk Vs. Lakes Region Water Company**

August 3, 2016 at 9:28 AM

August 3, 2016

**EXHIBIT**  
DEmailed to: [rmykytiuk@yahoo.com](mailto:rmykytiuk@yahoo.com)

Robert Mykytiuk  
17 Mayflower Lane  
Moultonborough, NH 03254

***Robert Mykytiuk Vs. Lakes Region Water Company***

Dear Mr. Mykytiuk:

This is to acknowledge receipt by the New Hampshire Public Utilities Commission of the above complaint, and to advise you that your complaint has been referred to Eileen Hadley for investigation.

I have forwarded your complaint to the company for investigation and response to Eileen Hadley. As soon as she hears back from them and completes her investigation, she will contact you.

If you have any questions or concerns, please do not hesitate to contact Eileen Hadley at [\(603\) 271-2431](tel:(603)271-2431) or by email at [Eileen.Hadley@puc.nh.gov](mailto:Eileen.Hadley@puc.nh.gov).

*Sincerely,*

**Margaret L. Raymond**  
Consumer Services and External Affairs  
NHPUC  
21 S. Fruit Street, Suite 10  
Concord, NH 03301  
(603) 271-1636  
email: [margaret.raymond@puc.nh.gov](mailto:margaret.raymond@puc.nh.gov)

Subject: Complaint filed against Lakes Region Water by Robert Mykytiuk

Hi Eileen,

I received the email from your office and I look forward to sharing all the information I have for this investigation going forward.

Thank you,

Robert Mykytiuk

Sent from my iPad

From: Hadley, Eileen Eileen.Hadley@puc.nh.gov  
Subject: RE: Complaint filed against Lakes Region Water by Robert Mykytiuk  
Date: Aug 3, 2016, 12:57:16 PM  
To: Robert Mykytiuk rmykytiuk@yahoo.com  
Cc: Naylor, Mark Mark.Naylor@puc.nh.gov

Good Afternoon Mr. Mykytiuk,

After I was assigned your complaint it was brought to my attention that the Director of the Water Division, Mark Naylor has previously had contact with both you and Lakes Region Water Company regarding your issue, so your complaint will be responded to by Mr. Naylor.

Sorry for the confusion, but our clerical assistant was not aware that the Director was already involved, going forward you will hear directly from Mr. Naylor.

Thank you for your understanding.

Eileen Hadley  
Utility Analyst Consumer Affairs  
New Hampshire Public Utilities Commission  
21 South Fruit St. Suite 10  
Concord, NH 03301-2429  
[eileen.hadley@puc.nh.gov](mailto:eileen.hadley@puc.nh.gov)  
voice: 603.271.6323 / fax: 603.271.3878

-----Original Message-----

From: Robert Mykytiuk [mailto:[rmykytiuk@yahoo.com](mailto:rmykytiuk@yahoo.com)]  
Sent: Wednesday, August 03, 2016 12:47 PM  
To: Hadley, Eileen

**Subject:** Lakes Region Water Company  
**From:** Naylor, Mark (Mark.Naylor@puc.nh.gov)  
**To:** rmykytiuk@yahoo.com;  
**Cc:** Eileen.Hadley@puc.nh.gov; Amanda.Noonan@puc.nh.gov;  
**Date:** Friday, August 12, 2016 12:48 PM

EXHIBIT  
E

Dear Mr. Mykytiuk,

Staff has reviewed the company's response and we do not disagree with the decision to charge two base charges for the two dwelling units on your property. If you are dissatisfied with the outcome of the conversations that you have had with Commission Staff as we worked to reach a resolution to your concerns, your next step is to file a formal complaint or request a hearing with the Commission. Because of the quasi-judicial nature of the Commission, the Commissioners, much like judges, cannot have ex parte conversations with the public regarding matters which may come before them. Instead, those conversations would occur through written communications, like a request for a hearing, and, if a hearing was granted, during the hearing itself.

You may file a formal complaint with the Commission as provided for under Puc 204 (<http://www.puc.nh.gov/Regulatory/Rules/Puc200.pdf>) and outlined below.

**Puc 204.01 Submission of Formal Complaints.**

(a) Any person wishing to make a formal complaint to the commission regarding an entity over which the commission has jurisdiction shall do so by filing the complaint in writing with the executive director pursuant to Puc 203.02.

(b) The provisions of Puc 203 shall not apply to complaints filed pursuant to this rule unless the commission institutes adjudicative proceedings pursuant to Puc 204.05.

Please note, Puc 203.02 requires that one original and six paper copies of the complaint, all double-sided, be filed with the Executive Director, and an electronic copy be sent to the Executive Director and to the Office of Consumer Advocate.

Should you have questions about the process for requesting a hearing, please consult with the Commission's procedural rules (<http://www.puc.nh.gov/Regulatory/Rules/Puc200.pdf>) and Commission's Practice Guide (<http://www.puc.nh.gov/Regulatory/practiceguide.htm>). All hearing requests are considered by the Commission, and the Commission will grant or deny the request following its consideration of the request.

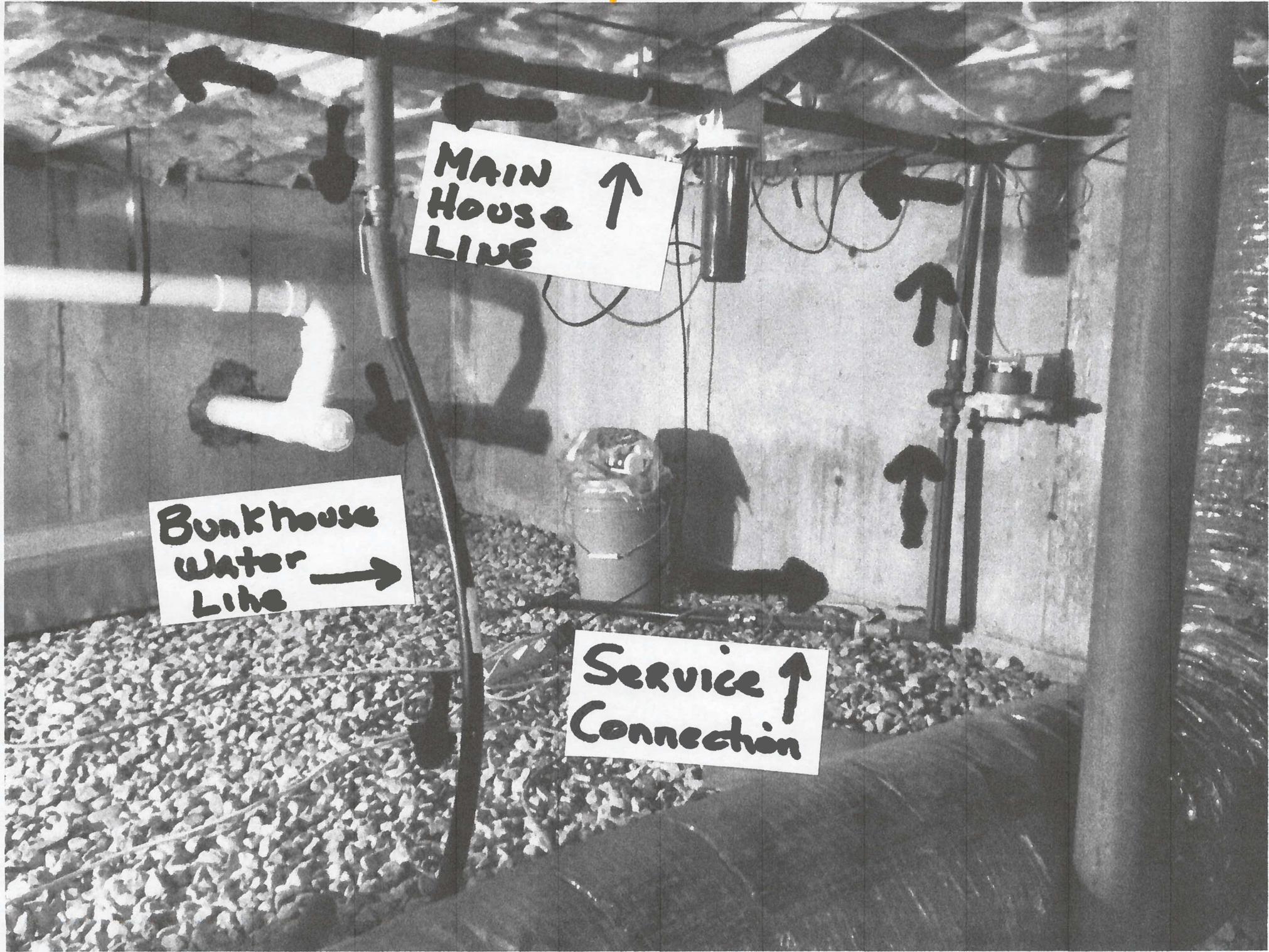
Sincerely,

Mark A. Naylor

Director, Gas & Water Division

New Hampshire Public Utilities Commission

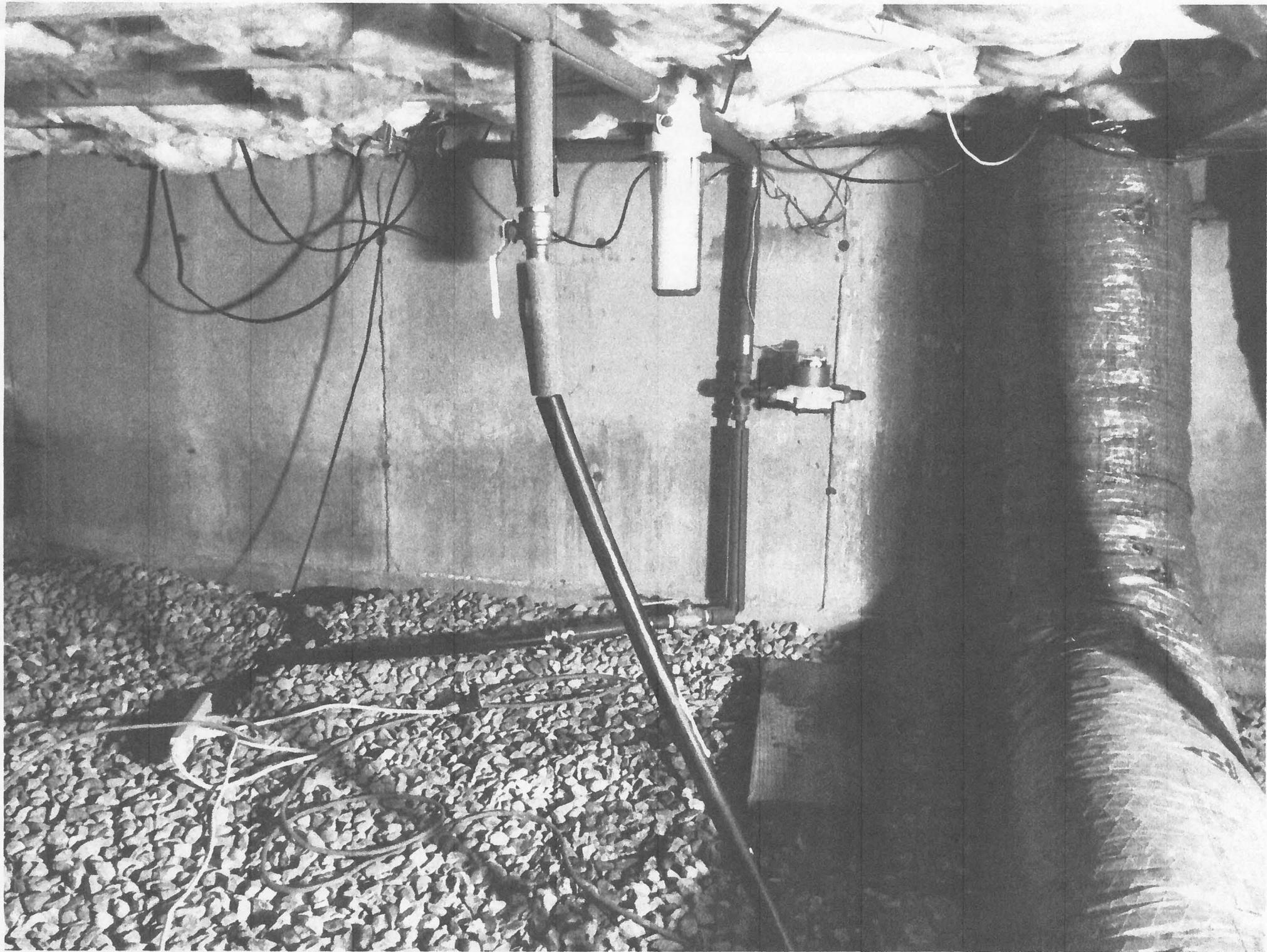
21 S. Fruit St., Suite 10



MAIN  
House  
LINE ↑

Bunkhouse  
Water  
Line →

Service ↑  
Connection



# EXHIBIT 6

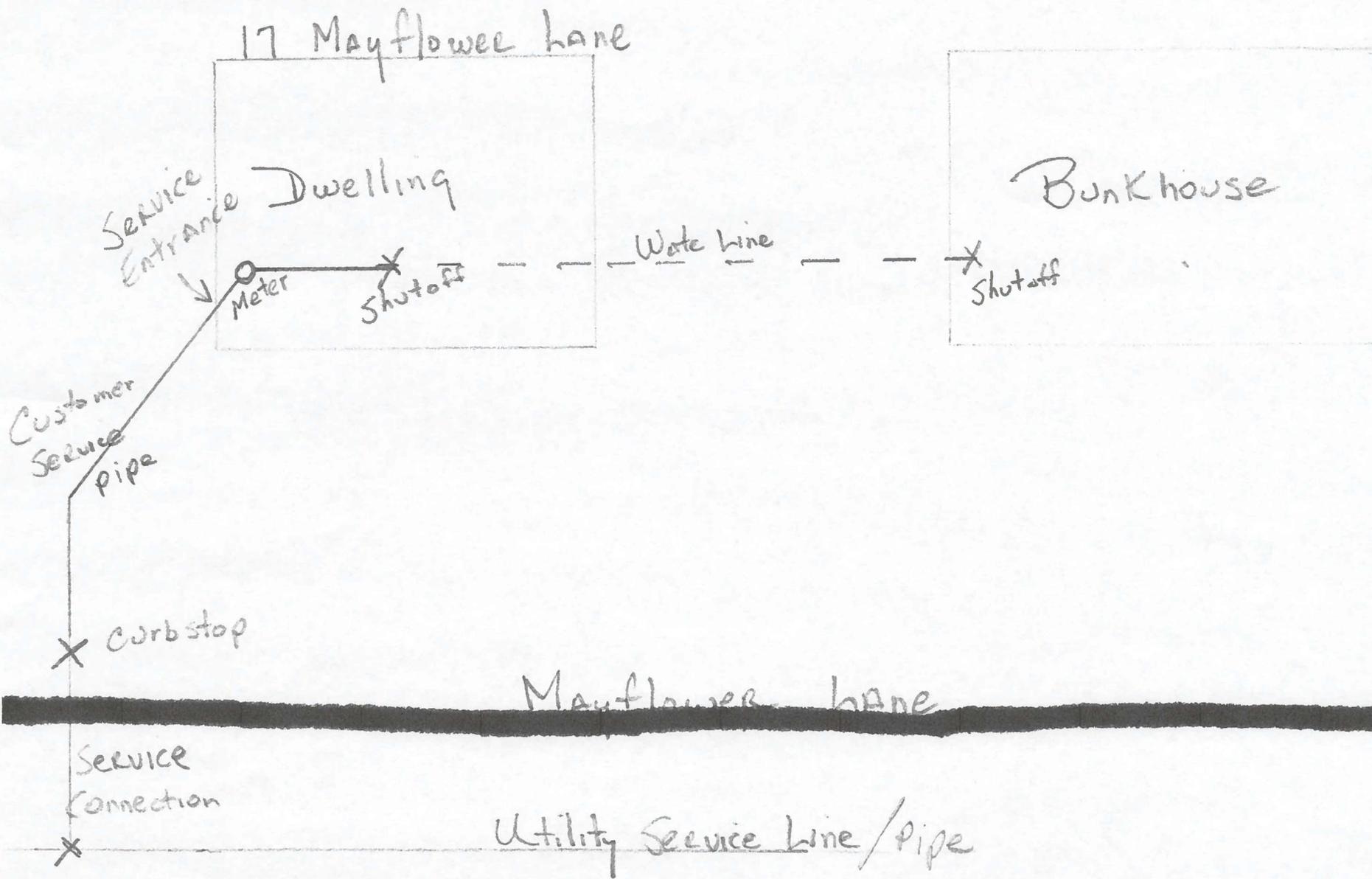




EXHIBIT A

# LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389  
Moultonborough, NH 03254  
Telephone: 603-476-2348, Fax: 603-476-2721

*EXHIBIT I*

April 26, 2016

Robert Mykytiuk  
PO Box 842  
Moultonborough, NH 03254

Re: 17 Mayflower Lane - INSPECTION of SERVICE CONNECTION

Dear Mr. Mykytiuk,

It has come to our attention that you have built a second single family dwelling on your property Map 99/Lot 36 per your "Application for Building Permit" dated 11/03/14. All new dwellings are considered separate units and are required to complete an "Application for Service" as well as a new meter installed per our Tariff. An inspection of the water service connection must be done by Lakes Region Water in order to insure that you as the property owner are in compliance with NH RSA 539:7 as well as the Terms and Conditions of the Tariff.

Enclosed is an "Application for Service" for your convenience and please contact the office to set up an appointment with the Field Supervisor Justin Benes and myself for the **inspection within 10 days of this letter to avoid disconnection of service.**

Sincerely,



Leah Valladares  
Utility Manager

CC: Tom Mason

# LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389  
Moultonborough, NH 03254  
Telephone: 603-476-2348, Fax: 603-476-2721

July 27, 2016

EXHIBIT J

Robert Mykytiuk  
PO Box 842  
Moultonborough, NH 03254

Re: 17 Mayflower Lane - Water Bill dated 06/30/16

Dear Mr. Mykytiuk,

In regards to the note on your water bill dated 06/30/16, you were charged two (2) base charges not meter charges. The base charge is applied to each service (unit) on the water systems and the metered charge is per 100 cubic feet of water used.

Lakes Region Water Company views your addition of the garage with the bunkhouse above as a second service (unit). This bunkhouse has its own "individual" sewage disposal system that was approved (CA2014120351) by NHDES on 11/14/14 and is equipped with 2 baths, 1 sink, 1 shower, dishwasher and washing machine.

Lakes Region Water Company is within its rights to require you to supply a separate service line and meter for this additional service (unit). However, upon inspection of the connection on May 9<sup>th</sup> we were satisfied that there was no by-pass of the meter in the 1<sup>st</sup> service (unit) and no health hazard associated with the connection.

You are still responsible for a second base charge for your new service (unit) and if the bill becomes past due you will run the risk of disconnection of service, thus affecting both services (units) due to the use of one service line.

Sincerely,



Leah Valladares  
Utility Manager

CC: Tom Mason

Email: [leah@Lakesregionwater.com](mailto:leah@Lakesregionwater.com)  
Website: [www.Lakesregionwater.com](http://www.Lakesregionwater.com)

.....

# LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389  
Moultonborough, NH 03254  
Telephone: 603-476-2348, Fax: 603-476-2721

October 19, 2016

Debra Howland – Executive Director  
NH Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

EXHIBIT K

RE: Response to Complaint against Lakes Region Water Company- Robert Mykytiuk

Dear Executive Director Howland,

Lakes Region Water Company is in receipt of your letter dated October 11, 2016 advising of a complaint made by Mr. Robert Mykytiuk with regard to additional fixed base charge to his account. We are disputing this complaint based on the following reasons:

On March 29, 2016 it came to our attention that Mr. Mykytiuk had completed construction on his secondary structure. The building permit advises a “single family” construction (**Exhibit A**) and a second septic system for a 2 bedroom apartment (300 gpd) was designed and installed for this secondary structure. The primary structure’s existing septic system was for 2 bedroom home (300 gpd), please see septic approval and septic design’s lot loading criteria. (**Exhibit B**)

The secondary structure contains, 1 sink, 2 baths, 2 water closets, 2 lavatories, 1 shower, 1 dishwashing machine and 1 washing machine. (**Plumbing permit-Exhibit C**) and its own septic system initiating a second place of consumption for water service as well as increasing demand on our water supply and O&M costs. A separate meter and service line would have been required; instead Mr. Mykytiuk installed a service line from his primary structure to his secondary structure without consulting with Lakes Region Water Company.

A letter (**Exhibit D**) was sent to Mr. Mykytiuk (certified 04/26/16) requesting an “Application for Service” per PUC rule 1203.01 “Initiation of Basic Utility Service” and our Tariff Terms and Conditions 1. This letter also advised that this new construction (dwelling) was considered separate from the primary structure (dwelling) and would need a separate meter therefor a separate service pipe for his second place of water consumption should have been installed. (PUC 602.14) The letter also was for an inspection of his non-conforming connection to verify he was not in violation of RSA 539:7 Theft of Utility Service (by-pass the main structures meter) and potentially contaminating our water main with back flow. We were satisfied that the connection possessed no by-pass or back flow, but he still was required to complete the “Application of Service” which he has ignored.

October 19, 2016

Page 2

By this letter (received by Mr. Mykytuik on 05/04/16) he was notified that he was required to complete an "Application of Service" that initiates the new water service he should have installed thus giving us the authority to charge him a second base charge. He remains in "Non-Compliance" of the letter as we have NOT received his "Application of Service" violating our Tariff and is subject to disconnection of service.

Lakes Region Water Company felt that a second base charge being assessed to his account was fair and justifiable. We did not pursue installation of a second meter and service line as we did not wish to create a hardship for Mr. Mykytuik. We were satisfied that the connection to the primary structure's meter created neither by-pass nor backflow and was able to handle the flow for his consumption charge. Please see letter dated July 27, 2016 (**Exhibit E**) explaining to Mr. Mykytuik the reason for the second base charge and the letter dated August 3, 2016 responding to Consumer Affairs for the complete timeline. (**Exhibit F**) I have also attached the property tax card (**Exhibit G**) and a photo of the secondary structure (**Exhibit H**).

Lakes Region Water Company began working with Mr. Naylor to resolve this issue; please reference Mr. Naylor's email- Mr. Mykutiuk's Exhibit D agreeing with our decision to charge two base charges. Also note that the exhibits "B" & "C" Mr. Mykytuik have presented to the NH PUC with his complaint are definitions from two different Town ordinances and are not NH State RSA, nor Carroll County Code. The argument presented by Mr. Mykytuik that his second structure is not a dwelling or ADU by state definition may be true due to the lack of "cooking" facilities, however it does not mean he did not create a second place of consumption for water services to his detached secondary structure. *The word "dwelling" being used and its meaning appears to be in question.* Also enclosed is a copy of his primary structure (dwelling) being rentable as a 3-4 bedroom home with reviews of owner living on property and show a picture of the separate owner living quarters (secondary structure-dwelling?). (**Exhibit I**)

Mr. Mykutiuk has not made any formal requests to us and nor we have continually threatened to turn his water off for non-payment. There was one letter requesting an **inspection** and a service application to be filled out and one letter explaining the second **charge** with a reminder of our Tariff's terms and conditions. We have continued to cooperate **and work** with NH PUC Consumer Affairs, Ms. Noonan and State Rep. Karel Crawford. We **adamantly dispute** his complaint and accusations.

There are other customers within our franchise area that have installed a second meter and service line to their secondary place of consumption. Lakes Region Water Company will pursue requiring Mr. Mykytuik to do the same for his second place of consumption in the near future.

Sincerely,



Leah Valladares  
Utilities Manager

cc: Thomas Mason  
Water Division  
Amanda Noonan  
Robert Mykytiuk