



Marcia A. Brown
Attorney at Law

Environmental Law ▪ *Utility Law*

April 29, 2019

44PUC 80APR'19am11:29

Debra A. Howland, Exec. Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Docket No. DW 18-101
Pennichuck East Utility, Inc. – Petition for Approval of Special Contract
Supplemental Affidavit of Publication

Dear Director Howland:

Enclosed please find for filing, an original and six copies of the affidavits of publication and associated tear sheets from the Union Leader Corporation and the Conway Daily Sun.

Thank you in advance for your assistance with this filing. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

Marcia A. Brown

cc: Docket-Related Service List

UNION LEADER CORPORATION

PO BOX 9513
MANCHESTER, NH 03108

PUBLISHER'S CERTIFICATE

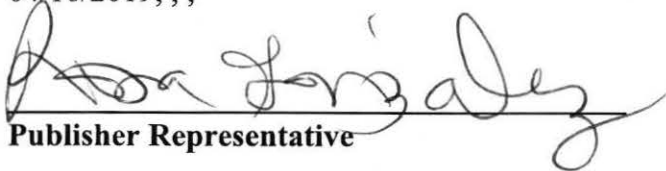
STATE OF New Hampshire} ss:
COUNTY OF Hillsborough}

Personally appeared before the undersigned, a notary public within and for said county and State, **ROSA GONZALEZ** publisher representative of the **New Hampshire Union Leader**, a newspaper published at Hillsborough County, State of New Hampshire who, being duly sworn, state on oath that the advertisement of: **DW 18-101 Ad #4131**

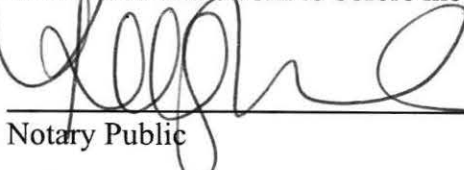
LEGAL PREPAID ACCOUNTS

(Name of Institution)

a true copy of which is hereto annexed, was published in said newspaper on the following dates:
04/16/2019, , ,


Publisher Representative

Subscribed and sworn to before me this day **04/16/2019**


Notary Public



My commission expires: 1/18/22

(Seal)

from the March 27, 2019 meeting. Robert Slater Sr. (petitioner) and Jeffrey & Samantha Slater (owners) - Variance under Section 3.05 of the Zoning Ordinance to permit an attached garage 15 feet from the front property line whereas 30 feet is required. The parcel is located at 9 Beaver Brook Drive in the R-2 (Residential) District. Tax Map 6C, Lot 535. Case # 2019-09.

James Gadbois (petitioner/owner) - Variance under Section 3.02 of the Zoning Ordinance to permit a detached garage 30 feet from the front property line whereas 50 feet is required. The parcel is located at 85 Patten Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 394. Case # 2019-12.

Chestnut Hill Properties, LLC (petitioner/owner) - Variance under Section 3.08.8 of the Zoning Ordinance to amend a previously approved cluster subdivision (permitted by previous variance to be allowed in the R-1 District) to be serviced by individual septic systems whereas municipal sewer is required. The parcels are located at Bannon Circle and Ritterbush Court (approved, not constructed roads) in the R-1 (Residential, by map) District. Tax Map 5B, Lots 002, 005, 007, 008, 009-01 through 009-71. Case #2019-13. (UL - Apr. 16)

Legal Notice

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION
DW 18-101
PENNICHECK EAST
UTILITY, INC.
Petition for Approval
of Special Contract for
Woodmont Commons
in Londonderry
SUPPLEMENTAL
ORDER OF NOTICE**

On June 29, 2018, Pennichuck East Utility, Inc. (PEU or the Company) filed a request for approval of a special contract for water service between PEU and Pillsbury Realty Development, LLC (Pillsbury), the owner and developer of the Woodmont Commons development in Londonderry (Woodmont Commons). Pillsbury plans to substantially expand Woodmont Commons and will require additional water supply from PEU. To meet that demand, PEU proposes installing a 1,100,000 gallon storage tank on land it owns in Londonderry adjoining Woodmont Commons.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 7, 2019, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the April 2, 2019 filing and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, PEU, the Staff of the Commission, and any Intervenor hold a Technical Session to review the petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, PEU shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than April 17, 2019, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 3, 2019; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to PEU and the Office of the Consumer Advocate on or before May 3, 2019, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 7, 2019.

By order of the Public Utilities Commission of New Hampshire this twelfth day of April, 2019.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

(UL - Apr. 16)

successful bidder without any express or implied warranties whatsoever, including, without limitation, any representations or warranties with respect to title, possession, permits, approvals, recitation of acreage, hazardous materials and physical condition. All risk of loss or damage to the Mortgaged Premises shall be assumed and borne by the successful bidder immediately after the close of bidding.

TERMS OF SALE: To qualify to bid, bidders must register to bid and present to the Mortgagee or its agent the sum of Five Thousand Dollars and 00/100 (\$5,000.00) in cash or by certified check or other form of payment acceptable to the Mortgagee or its agent prior to the commencement of the public auction. The balance of the purchase price must be paid in full by the successful bidder in cash or by certified check within thirty (30) days from the date of the public auction, or on delivery of the foreclosure deed, at the option of the Mortgagee. The deposits placed by unsuccessful bidders shall be returned to those bidders at the conclusion of the public auction. The successful bidder shall execute a Memorandum of Foreclosure Sale immediately after the close of bidding. If the successful bidder fails to complete the purchase of the Mortgaged Premises, the Mortgagee may, at its option, retain the deposit as liquidated damages.

RESERVATION OF RIGHTS: The Mortgagee reserves the right to (i) cancel or continue the foreclosure sale to such subsequent date or dates as the Mortgagee may deem necessary or desirable, (ii) bid upon and purchase the Mortgaged Premises at the foreclosure sale, (iii) reject any and all bids for the Mortgaged Premises and (iv) amend or change the terms of sale set forth herein by announcement, written or oral, made before or during the foreclosure sale. Such change(s) or amendment(s) shall be binding on all bidders.

Other terms to be announced at sale.

Quicken Loans Inc.
Present holder of said mortgage,
by its Attorneys
Susan W. Cody
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
(978) 256-1500
RFT 19-034545 Charron (April 16, 2019), (April 23, 2019), (April 30, 2019)
(UL - Apr. 16, 23, 30)

Legal Notice

TOWN OF MERRIMACK, NH
PLEASE TAKE NOTICE THAT, in accordance with the provisions of NH RSA 676:7, a Public Hearing will be held by the ZBA on **Wednesday, April 24, 2019 at 7:00pm** in the Matthew Thornton Room on the second floor of the West Wing of Town Hall, at 8 Baboosic Lake Road to consider the petitions described below:

Pam and Carl Belmonte (petitioners) - Request for Re-Hearing regarding Case #2019-03, in which the Board granted Variances under Section 3.02 of the Zoning Ordinance to permit a two-lot subdivision with one lot having 90 feet of frontage whereas 250 feet is required and having 61,160 sq. ft. of contiguous non-wetland area whereas 100,000 sq. ft. is required. The parcel is located at 85 Woodward Road in the R-1 (Residential, by map), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 7A, Lot 007. Case # 2019-08. This item is continued

The Commission issued an Order of Notice on August 23, 2018, and held a Prehearing Conference and technical session on October 22, 2018. The petition and docket filings, other than any information for which confidential treatment is requested or granted by the Commission, will be posted to the Commission's website at <http://www.puc.state.nh.us/Regulatory/Docketbk/2018/18-101.html>.

On April 2, 2019, PEU filed a revised special contract, which includes a resolution of an issue related to contributions in aid of construction (CIAC). PEU's current tariff does not provide for the charge or collection of funds from Pillsbury to construct the storage tank in order to provide expanded service. Under the terms of the revised special contract, PEU will collect from Pillsbury 51 percent of the estimated \$2.8 million cost of construction for the storage tank. The amounts collected from Pillsbury will be recorded by PEU as CIAC. The revised special contract also provides that Pillsbury will be responsible for paying 51 percent of the federal and state income tax liability arising from the CIAC received by PEU, in accordance with an income tax gross-up calculation. PEU would assume the remaining 49 percent of the income tax liability arising from its receipt of the CIAC from Pillsbury. Payment of Pillsbury's share of the tax liability would be due within 10 days from demand by PEU. The revised special contract further references a future Water Main Special Contract between PEU and Pillsbury and similar cost-sharing provisions regarding tax liabilities incurred from the receipt of CIAC.

Construction of the tank is estimated to take about 18 months, and PEU and Pillsbury have forecasted project completion on or about October 2020. After the storage tank is installed and in service, the special contract will terminate, and Woodmont Commons' customers will pay PEU's regular tariffed rates. PEU anticipates seeking Commission approval to institute capital recovery surcharges for new water customers not located in Woodmont Commons.

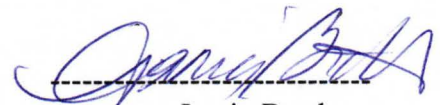
The filing raises, *inter alia*, issues related to statutory requirements under RSA chapters 374 and 378, and the regulatory requirements pursuant to N.H. Code Admin. Rules Puc 1203.01(e), and Puc 1600, specifically: RSA 374:1, whether the proposed capital addition is needed to provide safe and adequate water service; RSA 378:10, whether the allocation of both the cost of the tank and the income tax liability resulting from the receipt of CIAC results in an undue or unreasonable preference or advantage to Pillsbury; RSA 378:18, whether the revised terms of the proposed special contract are just and consistent with the public interest, including the allocation of the cost to construct the tank in order to provide service, and the allocation of the tax liability resulting from the CIAC; Puc 1203.01(e), whether provision of service to the Woodmont Commons location is economically feasible; Puc 1606, whether the included terms referring to an additional, unfiled Water Main Special Contract are appropriate and conform with the requirements of the Commission's administrative rules; and whether the proposed capital additions will benefit PEU's customers, including customers within and outside Woodmont Commons. Each party has the right to have an attorney represent the party at the party's own expense.

THE CONWAY DAILY Sun NEW HAMPSHIRE

P.O. Box 1940, Seavey Street
North Conway, N.H. 03860
603-356-2999

I hereby certify that the legal ad, DW 18-101 Pennichuck East, was published in The Conway Daily Sun, a newspaper of general distribution in Conway, NH, the County of Carroll and that it was published on April 17, 2019.

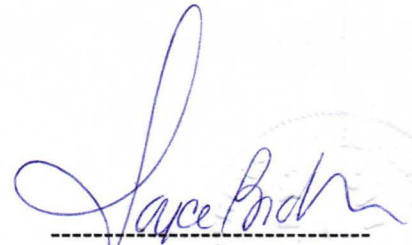
Dated the 4/17/19



Jamie Brothers
Sales

STATE OF NEW HAMPSHIRE, CARROLL, ss.

Subscribed and sworn to by Joyce Brothers,
this 17 day of April, 2019. Before me,



Notary Public
My Commission Expires 4/11/23

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 18-101

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