

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 18-108

**ABENAKI WATER CO., INC.
TIOGA RIVER WATER COMPANY, INC.**

Petition for Transfer of Utility Assets and Franchise and for Related Approvals

ORDER OF NOTICE

On July 26, 2018, Abenaki Water Co., Inc. (“Abenaki”) and Tioga River Water Company, Inc. (“Tioga River”) (together, “the joint petitioners”) filed with the New Hampshire Public Utilities Commission (“Commission”) a joint petition seeking: (1) approval to transfer Tioga River’s water utility assets and franchises to Abenaki; (2) approval for Tioga River to discontinue operations as a public utility, following the transfer; (3) approval for Abenaki to assume Tioga River’s existing New Hampshire State Revolving Fund (SRF) loan obligations; and (4) approval for Abenaki to modify Tioga River’s existing tariff to provide for monthly billing.

The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at <http://www.puc.nh.gov/Regulatory/Docketbk/2018/18-108.html>.

Abenaki is a New Hampshire corporation authorized to operate as a public water utility and a public sewer utility in the State of New Hampshire. Abenaki provides water service to approximately 670 customers on 3 separate systems; one each in Bow, Belmont, and Carroll, New Hampshire.

Tioga River is a New Hampshire corporation authorized to operate as a public water utility in the State of New Hampshire. Tioga River provides water service to approximately 22 customers in Belmont and 38 customers in Gilford, New Hampshire.

Pursuant to the Asset Purchase Agreement filed with the petition, the purchase price for the assets and franchises will be determined at the time of the closing and will include six items outlined in the Asset Purchase Agreement, including the net book value of Tioga River's plant. The transfer is conditioned on Commission approval and other typical closing conditions.

The filing raises, *inter alia*, issues related to the following: RSA 374:22, 374:26 and 374:30 regarding whether it is for the public good to approve the proposed transfer of Tioga River to Abenaki, the terms of the transfer, the purchase price to be paid, including any acquisition premium, and Abenaki's financial, managerial and technical abilities to operate as a utility in the franchise areas of Belmont and Gilford; RSA 374:28 regarding Tioga River's request to cease operating as a utility; RSA 369:1 and 369:2 regarding Abenaki's request to assume Tioga River's SRF loan; and RSA 378:3 regarding Abenaki's request for tariff revisions.

Each party has the right to have an attorney represent the party at the party's own expense.

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 September 26, 2018 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Abenaki, Tioga River, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and establish a procedural schedule; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, the joint petitioners shall notify all persons desiring to be heard at this hearing by mailing a copy of this Order of Notice no later than August 31, 2018, to all current and known prospective customers of Tioga River as well as the Clerks of the Towns of Belmont and Gilford, New Hampshire, by first class U.S. Mail, postmarked no later than September 14, 2018 and documented by affidavit filed with the Commission on or before September 24, 2018; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a petition to intervene with copies sent to the joint petitioners and the Office of the Consumer Advocate on or before September 24, 2018, such petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A: 32, I (b); and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before September 26, 2018.

By order of the Public Utilities Commission of New Hampshire this twenty-first day of
August, 2018.



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.

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 #: 18-108-1 Printed: August 21, 2018

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.