

BEFORE THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DW 18-187

In Re: City of Dover Request for  
Extension of Water Service to Rollinsford Resident

**PEITION PURSUANT TO RSA 362:4, III-a AND RSA 374:22 TO  
EXTEND WATER SERVICE AREA**

NOW COMES the City of Dover, by and through its City Attorney, and, pursuant to RSA 362:4, III-a and RSA 374:22, petitions the Public Utilities Commission to grant authorization to the City of Dover to extend its water service area to one additional property in the Town of Rollinsford and in support thereof states as follows:

1. The City of Dover (“City”) has a principal office at 288 Central Drive, Dover, N.H., 03280.
2. By this Petition, the City respectfully requests permission to provide water service to one additional resident—in Rollinsford—for the reasons set forth below.

**I. Facts and data relied upon.**

3. The City currently provides water services to its residents.
4. In addition, this Commission has previously approved the extension of the City of Dover’s water system in limited areas in the Town of Rollinsford, including into Hall Street in Rollinsford, in matter of *City of Dover Water Department*, Dkt. No. D-E5867, Order No. 9969, 55 NH PUC 302 (May 22, 1970); *City of Dover N.H. – Water Department*, Order No. 12,548 (January 3, 1977).
5. The City now seeks a further extension of its water services to one additional residential property on Hall Street, specifically the parcel located at 7 Hall Street in Rollinsford. The owners of this residential property have requested the City of Dover to extend water service

to their property because the property owner plans to install a new house on the parcel. *See* Ex. 1 (Map excerpt showing 7 Hall Street); Ex. 2 Parcel Deed. No other water utilities are in close proximity to, or feasible for, the proposed new service area.

6. Expansion of the water line will be funded by the proposed new customer in the expanded service area so that approval of this request would not result in additional charges on existing customers.

7. The City's Community Services Department, which handles water and sewer systems for the City, has determined that the City water system contains sufficient capacity to accommodate this request and the addition will create no adverse effect on the existing water system or its current customers. A letter from John Storer, the City's Community Services Director, dated November 1, 2018, which was previously provided to the PUC, is attached as Exhibit 3 attesting to same.

8. Adding to the existing service area will be in the public interest and in the best interest of the potential customer in the area proposed for addition.

9. The City will provide water service uniformly, and in accordance with its existing tariff, to all subscribers within the City and to the additional service area created in the Town of Rollinsford.

10. Since service to the proposed new area will be on the same terms as provided within the current service area, and since no water utilities currently service the area proposed for addition, the City respectfully requests that this request be exempted from formal review, and further that expedited review of this request and Petition would be appropriate and would preserve the PUC staff and commission time for more substantive matters.

11. The Dover Utilities Commission unanimously approved this extension request at its meeting on June 17, 2019. The Dover City Council, in turn, approved the requested extension at the City Council’s meeting on August 14, 2019—a copy of the resolution that passed is attached as Exhibit 4.<sup>1</sup>

**II. Legal authority relied upon.**

12. Pursuant to RSA 374:22, I, “[n]o person or business entity shall commence business as a public utility within this state . . . or shall exercise any right or privilege under any franchise not theretofore actually exercise in such town, without first having obtained the permission and approval of the commission.”

13. The Commission reviews requests to provide services for the public good. *See* RSA 374:26. “The Commission assesses, among other things, the managerial, financial, and technical expertise of the petitioners.” *See City of Somersworth*, Order No. 25, 712, at 2 (August 28, 2014) (approving franchise expansion into Dover). “The Commission also reviews franchise petitions to ensure that they are consistent with the orderly development of the region.” *Id.* Finally, the Commission also considers if “the rates, fares, charges, or prices a utility propose to put into force are just and reasonable.” *Id.* at 4.

14. The City respectfully submits that the proposed expansion sought by this Petition (to 7 Hall Street, Rollinsford, N.H.) satisfies each of the foregoing considerations.

15. As set forth above, the City has the requisite managerial, financial, and technical expertise to provide water service to an area adjacent to its franchise. The City operates a NH

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<sup>1</sup> If the relief requested in this Petition is approved, the property owner in Rollinsford would have to file an Application for Service per the City of Dover’s Utilities Commission Rules and Regulations. The customer would be afforded the same provisions and rates under the Rules as any other customer.

DES Licensed Public Water System (PWSID #0651010) providing service to over 9,700 metered accounts in Dover, in addition to limited service areas in Rollinsford, Somersworth and Madbury. The City's Water System's FY2020 Operations Budget is \$5.86 million. A Water System Master Plan was prepared by Underwood Engineers which identifies that the City has adequate supply capacity to meet its future predicted water demands beyond 2035.

16. The City has the capacity to provide water service to the proposed new customer.

17. The proposed new customer would fund the costs of expanding the water system, meaning there will be no capital costs to current customers within the City.

18. The City will charge rates to the proposed new customer equivalent to the City's rates.

19. Because the City will be charging the same rates to the proposed new customer as the City charges the City's current customers, the City respectfully submits that it remain exempt pursuant to RSA 362:4, III-a.

20. The City respectfully submits that no hearing is necessary to the extent the Commission's Staff concurs. The City is unaware of any opposition to this request. And the Commission may approve this request *nisi* with a delayed effective date to ensure any interested party receive notice and have an opportunity to request hearing.

WHEREFORE, the City of Dover respectfully requests that the Commission:

A. Grant this Petition and Order and declare the relief requested above;

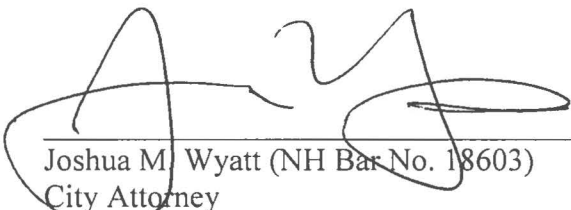
B. Approve the request for expansion, authorizing the City of Dover to engage in the supply of water services to 7 Hall Street, Rollinsford, N.H., without being considered a public utility as provided by RSA 362:4; and

- C. Exempt the City of Dover's request for extension from the formal review which may usually be required for expansion of a water utility service area, or grant such waivers of formal review as the PUC deems appropriate;
- D. Grant such other and further relief as the Commission deems just and necessary.

Respectfully submitted,

CITY OF DOVER

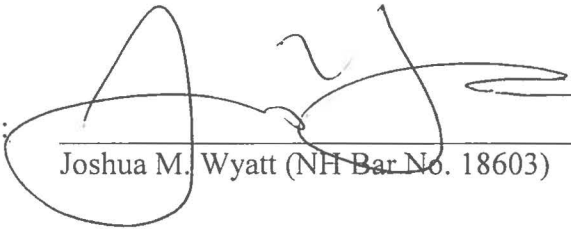
Date: 8/15/19

By:   
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that (i) an original six paper copies of the above petition and exhibits were filed with the Commission via United States mail, postage prepaid, as of the date below; (ii) an electronic copy of the foregoing was filed as required by Puc 203.03; and (iii) an electronic copy of the foregoing was served to those on the Commission's service list pursuant to Puc 203.11 and 203.02.

Date: 8/15/19

By:   
Joshua M. Wyatt (NH Bar No. 18603)