

Proposed Stipulation of Agreed-to Material Facts

1. 310 Mt. Washington Hotel Road is an 89.7800 acre parcel identified on the Town of Carroll's tax card as Map/Lot 210-008-000-000 and has been owned by Omni Mount Washington, LLC since December 2015.
2. 171 Mt. Washington Hotel Road is a 4.33 acre parcel identified on the Town of Carroll's tax card as Map/Lot 210-007-000-000 and has been owned by Omni Mount Washington, LLC since December 2015.
3. 175 Mt. Washington Hotel Road is a 15.23 acre parcel identified on the Town of Carroll's tax card as Map/Lot 211-042-000-000 and has been owned by Omni Mount Washington, LLC since December 2015.
4. Abenaki Water Company, Inc. – Rosebrook Division (Abenaki) invoices Omni Mt. Washington Hotel & Resort at 310 Mt. Washington Hotel Road for water service provided to:
 - (a) Administrative Building (account BW01)
 - (b) Sprung Building/Alpine Club (account BW02)
 - (c) Bretton Arms (account BW03)
 - (d) Caretakers House (account BW04)
 - (e) Fabyan's (account BW05)
 - (f) Ski-First Aid Building (account BW06)
 - (g) Nordic/Golf Building (account BW07)
 - (h) Outdoor Pool/Cabana (account BW08)
 - (i) Ski Area Building (account BW09)
 - (j) Ski Maintenance Building (account BW10)
 - (k) Spa Building (account BW11)
 - (l) Stables (account BW12)
 - (m) Hotel 6-inch Meter (account BW202)
 - (n) Portable Hydrant 123 (account BW337123) (for snowmaking)
 - (o) Portable Hydrant 124 (account BW337124) (for snowmaking)
5. Abenaki does not separately invoice Rosebrook Recreation Center, Print Shop, and Stock Room.
6. Abenaki did not arrange for AB Excavating, Inc. to repair the pipe break of April 21, 2019.

7. The pipe break of April 21, 2019 occurred near the Print Shop.
8. The valve at Base Road through which water flows to serve accounts on tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000 is at or near Omni Mount Washington, LLC's property line.

Proposed Stipulation of Disputed Material Facts

1. It is disputed that Abenaki agreed to pay for repair of the pipe break that occurred on April 21, 2019.
2. It is disputed that valves on the interior of lots known as Town of Carroll tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000 are curb stops within the meaning of Abenaki's tariff Original Page 1, Puc 602.06, and Puc 606.04(g).
3. It is disputed that there has been past practice and course of dealing since Abenaki's acquisition of Rosebrook that has established that Abenaki is responsibility for the water system infrastructure located beyond the Base Road valve and within Omni Mount Washington, LLC's property at tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000.
4. It is disputed that the easement deed from GS Phoenix, LLC to Rosebrook Water Company, Inc., dated December 3, 1996 shows that Abenaki has the responsibility for the water mains and pipelines within Omni Mount Washington, LLC's property at tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000.
5. It is disputed that a 1985 continuing property record entry proves that Abenaki owns the water system infrastructure located beyond the Base Road valve and within Omni Mount Washington, LLC's property at tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000.
6. It is disputed that the 2016 tariff revisions changed the ownership and maintenance responsibility for service pipes within Omni Mount Washington, LLC's property at tax Map/Lot 210-008-000-000 and Map/Lot 211-042-000-000.