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August 30, 2022

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, New Hampshire 03301-2429

Re: DW 22-044: City of Somersworth
Petition to Extend Water Service Area in the Town of Rollinsford
NH Department of Energy Position Statement

Dear Chairman Goldner:

Pursuant to RSA 12-P:2, IV, please accept this letter as the Department of Energy's (DOE) position statement in the above-referenced matter. The DOE has reviewed the City of Somersworth's (Somersworth or the City) August 1, 2022, filing for approval to extend its water service to one additional property in Rollinsford, NH. The DOE has also reviewed discovery responses submitted by Somersworth on August 22, 2022. *See attached.* As such, and described below, the DOE supports the City's request.

Somersworth asserted in its petition and subsequent discovery responses that the City will provide water service uniformly, and in accordance with its existing tariff, to all customers within the City's existing franchise and to the additional customer in Rollinsford, conforming to RSA 362:4, III-a(a) ("[a] municipal corporation furnishing water services shall not be considered a public utility under this title: (1) if it serves new customers outside its municipal boundaries, charging such customers a rate no higher than 15 percent above that charged to its municipal customers ... and serves those customers a quantity and quality of water or a level of water service equal to that served to customers within the municipality"). *See DOE 1-3.* As such, the DOE contends that the City should not be considered a public utility subject to further regulation by the Public Utilities Commission (Commission), barring the Commission's initial determination that Somersworth complies with the franchise application requirements of RSA 374, which the DOE argues the City has fulfilled. RSA 362:4, III-a(a)(1) ("[n]othing in this paragraph shall exempt a municipal corporation from the franchise application requirements of RSA 374").

The NH Department of Environmental Services, Drinking Water and Groundwater Bureau, in a letter dated August 17, 2022, confirmed that Somersworth meets the suitability and availability requirements of RSA 374:22, III to expand its franchise to one residential lot on Kelwyn Drive, Rollinsford (Tax Map# 005-020-00). *See DOE 1-1 and 1-2.* The DOE asserts that Somersworth has the requisite managerial, financial, and technical expertise to provide water service to the referenced residential lot on Kelwyn Drive, Rollinsford (Tax Map# 005-020-00), pursuant to public good

requirement of RSA 374:26. *See DOE 1-6 through 1-10.* As supported by the evidence above, the DOE further asserts that the expansion is in the public good it is at the property owner's request and is a minor extension of an existing franchise.

The DOE takes no exception to Somersworth's request. Pursuant to RSA 12-P:2, IV, the DOE does not recognize a need to further supplement this docket's record and considers it complete for consideration by the Commission at this time.

Thank you for your consideration.

Sincerely,

/s/ Robyn J. Descoteau

Robyn J. Descoteau
Utility Analyst, Water Group
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cc: Service List
enclosure