

Michael J. Sheehan, Esq. Senior Counsel Phone: 603-724-2135 Email: Michael.Sheehan@libertyutilities.com

October 4, 2022

Via Electronic Mail Only

Daniel Goldner, Chair New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, New Hampshire 03301-2429

Re: DG 22-057 Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty 2022 / 2023 Winter Cost of Gas

Dear Chairman Goldner:

On behalf of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty, attached is an Affidavit of Publication demonstrating that the Commencement of Adjudicative Proceeding and Hearing, dated September 28, 2022 in the above-referenced docket, was published on the Liberty company website on September 28, 2022.

Thank you for your assistance with this matter. Please do not hesitate to contact me should you have any questions.

Sincerely,

Michael J. Sheehan

Millian

Enclosure cc: Service List

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

WALTER L. MITCHELL LAURA A. SPECTOR-MORGAN NAOMI N. BUTTERFIELD JOSEPH H. DRISCOLL, IV TELEPHONE (603) 524-3885

October 4, 2022

New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, N.H. 03301-2429

Re:

In Re: City of Somersworth

Case No. DW 22-044

Dear Commission:

I enclose for filing in the above captioned matter an Affidavit of Publication certifying that the September 14, 2022 *Order Nisi* in the above captioned matter was published in the Union Leader on September 19, 2022. I apologize for the delay in filing this Affidavit; the city only received it today and only after following up with the Union Leader.

Thank you for your assistance, and please do not hesitate to contact me with any questions or concerns regarding the enclosed.

Sincerely,

Laura Spector-Morgan

laura@mitchellmunigroup.com

Enc.

CC:

Robert M. Belmore, City Manager, w/enc.

Service List, w/enc.

AFFIDAVIT OF PUBLICATION

STATE OF New Hampshire COUNTY OF Hillsburgh CITY OF Manchester	
I, Scott Sheekan, being duly sworn on oath now and during all times herein stated, have been the publisher and designated agent of the publication known as, and have full knowledge of the facts herein stated as follows: The legal notice for City of Somersworth	
was published on 9/19/22	
Ву:	
Subscribed and sworn to before me This 4th day of October, 202a.	
Notary Seal: No	
Notary Public	

Legal Notice

TOWN OF HOOKSETT PUBLIC HEARING NOTICE

The Hooksett Town Council hereby provides notice that it will hold a Public Hearing regarding a proposed amendment to the Town's Charter at their regularly rown's Charter at their regularly scheduled meeting which will take place at the Hooksett Munici-pal Offices (35 Main Street, Hook-sett, NH 03106) on Wednesday, September 28, 2022, at 6:00PM. The proposed amendments are as follows: Sec. 3.6. Ordinances. Amend paragraph F to the follow-ing: F.Creation of or amendments with the provisions of RSA 675. The Council may adopt, amend, or repeal zoning ordinances, historic district ordinances, or building codes after the Planning Board holds at least one public hearing in accordance with RSA 675.7. The hearing must occur within 130 days] of the introduction of a proposed change, and conclude with a vote by the Planning Board on a recommendation. In addition, creation, or amendment to zoning titioned for by no less than two reent (2%) of the voters of the d shall be established or nded Twenty-five or more vot amended Twenty-five or more vol-ers may petition for an amend-ment to a zoning ordinance, historic district ordinance or a building code in accordance with the procedures outlined under RSA 675:4.

If the charter amendment is passed, changing the vote on zoning amendments, building codes and district ordinances, from Hooksett Voters to Town Council, then the following should also be amended in the zoning ordinance. HOOKSETT ZONING ORDINANCE Section 35 - Amendments. Amend to the following: This Ordinance may be amended by a majority vote of any legal Town Meetin Town Council, following the proce set forth in the Town Charter, when such amendment is published in the warrant calling for the meeting. A Public Hearing must be held, notice of which shall meet the requirements to RSA

Legal Notice

STATE OF NEW HAMPSHIRE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION
DW 22-044
CITY OF SOMERSWORTH
Petition to Extend Water
Service Area
Order Nisi Granting Petition
to Extend Service Area
26.685
September 14, 2022
This order approves a petition
of the City of Somersworth to
extend its existing water service
area to include an additional
residential property.
1, PROCEDURAL HISTORY

I. PROCEDURAL HISTORY

The City of Somersworth (Somersworth, or the City) filed a petition (Petition) on August 1, 2022, to extend its water service area to include one additional, residential property located on Tax Lot 5-20 along Kelwyn Drive within the Town of Rollinsford and adjacent to the City's existing service area.

On August 30, 2022, the New On August 30, 2022. the New Hampshire Department of Energy (the DOE) filed position statement in support of the Petition, with accompanying documentation.

The petition and subsequent docket filings, other than information for which confidential treatment is remosted for exameled by

ment is requested of or granted by the Commission, are posted on the Commission's website at www.pu c.nh.gov/Regulatory/Docketbk/ 044.html

II. PETITION

A. City of Somersworth
The City noted that the Comssion previously approved an
ension of the City's water stem to 39 residential customers in Rollinsford through Tariff NHPUC No. 1 (1) and to one commercial customer in Rollins ford located on Goodwin Road in ford located on Goodwin Road in Rollinsford through Order No. 17.832 (August 30, 1985) in Docket No. DE 85-868 (27, and a further extension to four residential properties in Rollinsford with contaminated wells through Order No. 25,420 (October 5, 2012) in Docket No. DW 12-272. The City now seeks approval to expand its franchise territory to include one additional residential property located along Relwyn Drive in Rollinsford, as shown on Tax Map 5, Lot 20, included in Exhibit 2 attached to the Petition. The City's Petition is made in response to a request from one owner of residential property in Rollinsford for the City to extend water service to his property because Rollinsford does not provide water service to that area insford through Order

follow up.

The City included with its petition a letter from City Manager Robert M. Belmore that stated: (i) the City of Somersworth City Council voted on June 6, 2022, to approve the proposed extension; (ii) the City of Somersworth Division of Water has determined that the City's 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; and (iii) the City will provide service uniformly, and in accordance with its existing tariff, to all subscribers within Somersworth and to the additional service area created in Rollinsford. See Petition at Exhibit 3, Letter from City Manager Robert M. Belmore.

The City further stated that

Belmore.
The City further stated that the Town of Rollinsford concurs with the City's request to establish the proposed franchise area. See with the City's request to establish the proposed franchise area. See Exhibit 4, Letter from Paul Toussaint, Town of Rollinsford, Finally, the City submitted a letter from the New Hampshire Department of Environmental Services (NHDES), Drinking Water and Groundwater Bureau stating that 'the subject public water system meets the suitability and availability criteria of NH RSA 374:22 III, for expansion of water service to one residential lot (Tax Map # sion of water service to one residential lot (Fax Map # 005-020-00) with the address of Kelwyn Drive Rollinsford, NH", See

B. Department of Energy The DOE stated that it "ta

The DOE stated that it "takes no exception to Somersworth's request" for the service area extension and provided certain discovery documentation in support of its position. DOE Position Statement at 2. The DOE "contend[ed] that the City should not be considered a public utility. be considered a public utility subject to further regulation by the . . . Commission." pursuant to RSA 362:4, III-a (a), while noting RSA 362-4, III-a (a), while noting that the City is not exempted from the franchise application requirements of RSA 374. DOE Position Statement at 1. The DOE further asserted that Somersworth has the requisite managerial, financial, and technical expertise to provide water service to the referenced residential lot in Rollinsford. "pursuant to [the] public good requirement of RSA 374-26" and that "the expansion is in the public good [as] it is at the property owner's request and is a minor extension of an existing franchise." DOE Letter of August 30, 2022 at 1-2. The DOE further stated that, pursuant to RSA 12-P-2, IV, it considered the docket record "to be complete for consideration by the Commission."

be complete for consideration by the Commission."

III. COMMISSION ANALYSIS

Pursuant to RSA 374:22, I

"[n]o person or business entity... shall exercise any right or privilege under any franchise not theretofore actually exercised... without first having obtained the permission and approval of the commission." The Commission will grant a request for franchise authority if it finds that it is for the public good. RSA 374:26. When determining whether a proposed franchise is for the public good, the Commission assesses, among other things, the managerial, technical, and financial abilities of the petitioner. See, e.g., City of Somersworth. Order No. 25,420 at 3 (October 5, 2012) [granting the City's request for franchise expansion to serve four residential properties in the Town of Rollinsford and the conversion of an existing commercial version of an existing commercial customer from private fire protection service to full water service). Under RSA 374:22, Ill, no water company shall obtain the permis-sion or approval of the Commis-sion to operate as a public utility without first satisfying any NHDES requirements concerning the suitability and availability of

water.
The Commission has previously found that the City po es the requisite managerial, tech-nical, and financial capabilities to provide water service in the Town of Rollinsford. City of Service of Rollinsford. City of Somers-worth, Order Nisi No. 25,420 at 3, citing Somersworth Water Commis-sion. Order No. 17,832, 70 NH PUC 744 (1985). Based on our review of the record and the letter of support filed by the DOE, we find that the City of Somersworth continues to possess the manage-rial, technical, and financial capabilities to provide water service. We further find that the expansion of franchise area granted herein is limited to the residential property located on Rellinsford as idantified to the residential property located on Rellinsford as idantified Town of Rollinsford, as identified on Tax Map 5, Lot 20 in the City's August 1, 2022 filing at Exhibit 2, and further outlined in an August 22, 2022 discovery response sub-mitted by the City to the DOE and attached to the DOE's position statement in this proceeding.

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the City "will provide service uniformly, and in accordance with its existing tariff, to all subscribers within the City of Somersworth and to the additional service area created in the Town of Rollinsford." See Petition at paragraph 5. and Exhibit 3. Letter from City Manager Robert M. Belmore.

Finally, the City stated in its Petition that the expansion of the water line "will be funded by the proposed customer in the expanded service area, who will own the service line from the curb stop to his residence, so that approval of this request would also be in the best interest of the existing customers in that they will not endure any expansion cost." The City further stated that its "water system has sufficient excess capacity built into its water system to accommodate this request for additional service." Petition at paragraph 7.

RSA 374:26 authorizes the Commission to grant requests for franchise authority without a hearing "when all interested parties are in agreement." While we are not aware of any parties opposed to the franchise petition, we will nonetheless alford interested parties the opportunity to

we will nonetheless afford interested parties the opportunity to comment. Accordingly, we will issue our decision on a nisi basis.

Based upon the foregoing, it

ordered NISI. that the ORDERED MISH. that the request of the City of Somersworth to extend its existing franchise area pursuant to RSA 374:22 to provide water service to the residential property located on Tax Lot 5-20 along Kelwyn Drive in the Town of Rollinsford is AP-PROVED, subject to the effective date below; and it is

date below; and it is FURTHER ORDERED, that the City of Somersworth shall cause a copy of this Order Nisi to cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than September 20, 2022 and to be documented by affidavit filed with this office on or before September 27, 2022; and it is FURTHER ORDERED, that persons interested in responding

persons interested in responding to this Order Ntsi be notified that they may submit their comments or file a written request for a hearing, which states the reason and basis for a hearing, no later than October 4, 2022 for the Commission's consideration; and it is

FURTHER ORDERED, that

FURTHER ORDERED, that any person interested in responding to such comments or request for hearing shall do so no later than October 11, 2022; and it is FURTHER ORDERED, that this order shall be effective October 14, 2022, unless the City of Somersworth fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date. By order of the Public Utilities Commission of New Hampshire this fourteenth day of September 2022.

Daniel C. Goldner Pradip K. Chattopadhyay Commissioner Carleton B. Simpson

Carleton B. Simpson
Commissioner
(1) See, e.g., DOE Position Statement at Attachment A, City of
Somersworth, New Hampshire
Chapter 32-Water Ordinance at 3 (Bates Page 12), Section 2 at 2 This Ordinance applies to all Customers served by the Utility upon adoption of this Ordinance and to any connections made thereafter, which includes . . . Sunningdale Condominiums, Kel-wyn Park, and Janco. Inc. ir

(2) ld., referencing Janco, Inc. Service List - Docket

Related Docket#: 22-044 Printed: 9/14/2022 Email Addresses ClerksOffice@puc.nh.gov Energy-Litigation@energy.nh.gov robyn.i.descoteau@energy.nh.gov david.n.govette@energy.nh.gov jayson.p.laflamme@energy.nh.go ocalitigation@oca.nh.gov laura@mitchellmunigroup.com christopher.r.tuomala genergy.nh.gov Matthew.C.Young@energy.nh.gov (UL - Sept. 19)

Legal Notice

SALEM SCHOOL BOARD SCHOOL ADMINISTRATIVE UNIT #57

Salem, New Hampshire PUBLIC HEARING Tuesday, September 27, 2022 6:45 p.m. Johnson Media Center -Salem High School Salem High School

Salem High School
In accordance with RSA
198:20-b, the Salem School District School Board will be holding
a public hearing on Tuesday,
September 27th at 6:45 p.m. in
the Johnson Media Center of
Salem High School at 44 Geremonty Drive, Salem NH to receive
public comment on the acceptance
and expenditure of the NH Public
School Infrastructure Fund Secure
Action of Education (SAFE) Grant
of S517,650 for security upgrades,
9-16-2022
(UL - Sept. 19)

(UL - Sept. 19)

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increased attention to the challenges that PFAS pring. The ideal candidate has good oral, written and interpersonal skills, will be knowledgeable in the laws and regulations of solid waste and environmental codes, is able to prepare and manage a major department budget, capital improvement and equipment replacement plans and is an engaged employee manager. A commitment to delivering excellent customer service and dedication to being a leader in the department are key personality traits.

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E-mail Louie Trahan

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