

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 24-092

LAKEVIEW WATER COMPANY, INC.

Petition for Permanent Discontinuance of Service

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF
PREHEARING CONFERENCE**

On July 23, 2024, Lakeview Water Company, Inc. (Lakeview) filed a petition for permanent discontinuance of service pursuant to RSA 374:28. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-092.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

Lakeview is a regulated public utility authorized to provide water service to residents in the Bachelor Mountain Estates subdivision in Alton and Gilford. In 2006 in Docket No. DW 06-075, Lakeview requested that the Commission grant its request to discontinue service on the grounds that eleven of the twenty-two customers had removed themselves from the water system, that Lakeview no longer received income from those eleven customers, and that it was in debt in the amount of \$4,950 at that time. In Order No. 25,078 (February 26, 2010), the Commission permitted Lakeview to temporarily discontinue service, though no timeframe was stated. Significantly, that did not grant Lakeview's request for permanent discontinuance because the Department of Environmental Services (DES) approval of the Bachelor Mountain Estates subdivision was conditioned upon the existence of a public water supply. The Commission determined "[t]he water system assets need to remain in place until

compliance with RSA 485-A can be resolved” as it was unclear if the lots in the subdivision could be required to reconnect to the Lakeview system. *Id.* At 5.

In the instant petition, the company maintains that the Commission should permit the discontinuance of service on the grounds that all properties that were previously served by Lakeview now have their own private wells, and the company no longer receives income from any customers. However, the petition does not address the concerns outlined in the prior order.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issue: whether Lakeview should be granted permanent discontinuance of service as a public utility pursuant to RSA 374:28. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission’s Clerk’s Office no later than fifteen (15) days prior to the hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission’s hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of

reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:22, 374:28, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on **October 10, 2024, at 9:00 a.m.** at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Lakeview and any other parties on the service list, on or before September 6, 2024. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before September 16, 2024; and it is

FURTHER ORDERED, that the parties may submit a stipulation containing a discovery schedule, statement of any additional issues not identified in this order of notice, and at least three dates on which they would be available for a final hearing in this matter, including how much time will be required, with a request that the prehearing conference be cancelled, on or before **October 4, 2024**. The Commission may cancel the prehearing conference upon approval of such a stipulation; and it is

FURTHER ORDERED, parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, the petitioners shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business

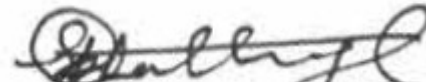
days after the date of issue. In addition, Lakeview shall send a copy of this order to all customers eligible for water service within its service area, the Town of Alton, the Town of Gilford, and the New Hampshire Department of Environmental Services by certified first-class U.S. mail no later than two days after the date of issue. Lakeview shall document both forms of notice by affidavit filed with the Commission on or before September 4, 2024. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this twenty-third day of August, 2024.



Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the 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 - Docket Related

Docket#: 24-092

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