

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 20-091

ATKINSON AREA WASTE WATER RECYCLING, INC.

**Petition to Approve Transfer of Ownership of
Atkinson Area Waste Water Recycling, Inc.**

DW 20-071

ATKINSON AREA WASTE WATER RECYCLING, INC.

Request for Change in Rates

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING IN DW 20-091,
NOTICE OF HEARING, AND CONSOLIDATION OF DOCKETS**

On June 4, 2020, Atkinson Area Waste Water Recycling, Inc. (AAWW) filed a petition requesting the Commission to approve the transfer ownership of AAWW to three family trusts. In support of its petition, AAWW filed the testimony of Christine Lewis Morse, the Vice President and sole director of AAWW. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-091.html>.

I. BACKGROUND AND PROCEDURAL HISTORY--DOCKET NO. DW 20-091

AAWW provides sewage services to one commercial customer, Atkinson Concessions, Inc. d/b/a Atkinson Resort & Country Club (ACI), in Atkinson, New Hampshire. Order No. 26,393 at 1 (August 12, 2020). Atkinson Farm, LLC (AF) owns 100 percent of AAWW's outstanding stock, as well as ACI.

AF, in turn, is owned by Christine Lewis Morse, Trustee of the Christine (Lewis) Morse Family Revocable Trust (CLM Trust), Jonathan T. Morse, Trustee of the Jonathan T. Morse 2016 Trust (JTM Trust), and Elizabeth A. Morse, Trustee of the Elizabeth A. Morse 2016 Trust (EAM Trust). Christine L. Morse presently serves as the

president and sole manager of AF, and she is the vice president of the Hampstead Area Water Company, Inc. (HAWC). Her son, Jonathan T. Morse, is the treasurer of AAWW, AF, and HAWC, and her daughter, Elizabeth A. Morse, is the secretary of AAWW, AF, and HAWC. AAWW's day-to-day operations are managed by Lewis Builders Development, Inc. (LBDI) pursuant to a management contract.

AAWW proposed transferring 100 percent of AF's shares to the CLM Trust, JTM Trust, and EAM Trust, so that the three trusts would own all outstanding shares of AAWW. LBDI would continue to oversee AAWW's daily operations. According to AAWW, the proposed transfer of ownership to the three family trusts is in the public interest, because would assure an orderly business transition. It stated that Christine L. Morse, Jonathan T. Morse, and Elizabeth A. Morse, who have been involved with the daily operations of AAWW, AF, and ACI for a number of years, have the necessary managerial, technical, and financial resources to own and operate AAWW.

II. CONSOLIDATION OF DOCKETS

On August 24, 2021, the Department of Energy Staff (Energy) and AAWW filed a joint motion requesting consolidation of this docket with the pending Docket DW 21-071, involving AAWW's request for a change in rates. The joint motion asserted that the two dockets are interrelated because the change in ownership of AAWW impacts the revenue requirement in the AAWW rate case. On September 23, 2021, AAWW and Energy filed a settlement agreement that purports to settle all outstanding issues in both dockets, DW 20-071 and DW 20-091.

For administrative efficiency the Commission consolidates Docket Nos. DW 20-071 and DW 20-091 and will hear all issues in both dockets on September 30, 2021, beginning at 9:00 am.

III. ISSUES PRESENTED IN DOCKET NO. 20-091

The filing in Docket No. 20-091 presents the following issues: issues related to whether the transfer of ownership of AAWW would be for the public good, as required by RSA 374:30; and whether the new owner's exercise of AAWW's franchise would be for the public good, in accordance with RSA 374:26. Accordingly, an adjudicative proceeding will be convened to address these issues.

Although the state of emergency declared as a result of the COVID-19 pandemic has lapsed, the Commission is aware that not all potential parties, including regulated utilities, have returned to full in-person work environments. Therefore, and for the foreseeable future, the Commission intends to continue providing a hybrid approach to its proceedings in order to accommodate those who wish to remain remote and those who desire to be physically present. In order to facilitate this hybrid approach, individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform. Parties and the public will be able to participate in or observe Commission proceedings in-person or remotely.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced in Docket No. 20-091 for the purpose of investigating and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:3 -:7, and :15 - :19, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a hearing in this matter at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on September 30, 2021, at 9:00 a.m. Commissioners will be present in the hearing room and will use a web-enabled platform to conduct the hearing. Members of the public who wish to access the hearing remotely may do so by [clicking here](#). **If you have any**

difficulty obtaining access to this remote event, please notify the Commission by calling (603) 271-2431 as soon as possible. Parties and members of the public wishing to attend the hearing in person are encouraged to register in advance, on or before September 28, 2021, by calling (603) 271-2431; 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 AAWW, the Department of Energy, the Office of the Consumer Advocate, and any other parties on the service list, on or before September 27, 2021. 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 30, 2021; and it is

FURTHER ORDERED, that 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

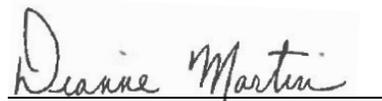
electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

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 for relief from 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, AAWW 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, such publication to be documented by affidavit filed with the Commission on or before September 28, 2021. 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-fourth day of September, 2021.



Dianne Martin
Presiding Officer
Chairwoman

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, 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# : 20-091

Printed: 9/24/2021

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Service List - Docket Related

Docket# : 20-071

Printed: 9/24/2021

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