

DW 01-123

RESORT WASTE SERVICES, INC.

Petition to Transfer Authority

Order Approving Procedural Schedule

O R D E R N O. 23,918

February 8, 2002

APPEARANCES: Wayne W. Presby on behalf of Resort Waste Services, Inc. and Lynmarie Cusack, Esq. on behalf of the Staff of the Commission.

I. PROCEDURAL HISTORY AND BACKGROUND

On May 31, 2001, Resort Waste Services, Inc. (Resort or the Company) filed a letter, petitioning the New Hampshire Public Utilities Commission (Commission) for *nunc pro tunc* approval of a transfer of all Capacity Control Member rights and privileges from Satter Company of Bretton Woods to MHW Preservation Limited Partnership. The letter was a response to the Commission's Audit Staff findings of March 30, 2000, and March 14, 2001, indicating deficiencies relating to the managerial and financial operation of the Company. The Audit Reports demonstrated that the Company failed to transfer Capacity Control membership rights and privileges from the previous owner to the MHW Preservation Limited Partnership.

On November 30, 2001, the Commission held a Prehearing Conference pursuant to an Order of Notice issued on November 7, 2001. After the prehearing conference, the

Company and Staff agreed to a procedural schedule that was submitted via letter to the Executive Director. Due, however, to problems with affirming the publication of the November 7, 2001 Order of Notice, the Commission issued a second Order of Notice on January 2, 2002 regarding the docket.

A duly noticed Prehearing Conference was held on January 24, 2002. The Commission received no requests for intervention prior to or during the Prehearing Conference. During the Prehearing Conference, Staff and Resort proposed the following schedule governing the remainder of the investigation:

Data Requests to the Company	02/22/02
Company Data Responses	03/08/02
Technical/Settlement Conference	03/19/02
Submission of Settlement	03/28/02
Hearing on the Merits	04/23/02

II. COMMISSION ANALYSIS

Having reviewed the proposed procedural schedule, we find the schedule is reasonable and will aid in the orderly review of the petition. We will approve the procedural schedule for the duration of the proceeding.

Based upon the foregoing, it is hereby

ORDERED, that the procedural schedule proposed by the Staff and the Company and delineated above is APPROVED.

By order of the Public Utilities Commission of New Hampshire this eighth day of February, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary