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Environmental Law ▪ *Utility Law*

August 19, 2024

VIA ELECTRONIC DELIVERY
Daniel C. Goldner, Chairman
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: DW 24-069 Mill Brook Village Water System, Inc.
Joint Petition for Approval to Change Ownership
Supplemental Attestation of Proof of Notice to Customers, Town, and DES

Dear Chairman Goldner:

On August 6, 2024, the Commission issued a post-prehearing procedural order requesting clarification of whether customers were notified of the proceeding and prehearing by certified mail or by first class mail. Earlier, on July 31, 2024, Mill Brook Village Water System, LLC (Mill Brook) filed an affidavit of mailing along with a copy of the notice and link to the Commission's docket that Mill Brook had mailed to its customers on June 5, 2024, one day after the Commission's order directing Mill Brook to notify its customers.

Important to this proceeding is whether customers received notice prior to the July 31, 2024 prehearing. As explained below, Mill Brook personally confirmed that all but two customers received actual notice. The two customers did not return Mill Brook's phone call or email. They have also not yet paid their bill. Given that the notice was mailed by first class mail with the bill, payment of the bill would otherwise indicate receipt of the notice.

Mill Brook inadvertently sent the required notice by first class mail instead of by certified mail. Since the Commission brought this error to Mill Brook's attention, on August 7, 2024, James Ingram personally began calling and emailing all customers, the Town, and Department of Environmental Services (DES) to determine proof that each actually received the notice. Mr. Ingram's email to customers is included in the attached supplemental attestation. Additionally, on August 9, 2024, Mr. Ingram resent, by certified mail, the customer notice to customers, the Town, and DES.

It should be noted that while there are 44 customers, there are only 33 billed customers made up of: The Falls at Mill Brook Condominium Association (9 units but one customer); Brookside Hollow Association (4 units but one customer); and 31 individual customers.

To track his progress, Mr. Ingram created the attached spreadsheet. The spreadsheet lists each customer, Town of Thornton, and DES. It notes that each were notified by first class mail, contacted by phone, contacted by email, and re-noticed by certified mail. In total, Mr. Ingram confirmed that all but six customers confirmed actual receipt of the June 5,

August 19, 2024

DW 24-069

Supplemental Attestation of Notice to Customers

2024 mailing. However, four of those six customers paid the second quarter bill-which was included with the notice. Therefore, it is reasonable to conclude those four customers received the notice because they received and paid their bill. In conclusion, Mr. Ingram was unable to confirm that the customer at #10 Mill Brook received the first notice mailing because this customer has never provided Mr. Ingram with either an email or phone number. This customer has not yet paid their bill. The customer at #38 Mill Brook did not respond to Mr. Ingram's email or return Mr. Ingram's phone call and also has not yet paid their bill.

In conclusion, Mr. Ingram was able to confirm that 27 of the 31 customers actually received the June 5th notice, 4 can be reasonably presumed to have received the notice by virtue of the fact that they paid their bill which was included with the notice, and only two customers are unknown. Mr. Ingram personally confirmed that the Town and DES also actually received the notice.

Mill Brook apologizes for the confusion of not mailing the first notices by certified mail but hopes that the above explanation and efforts to confirm actual customer receipt of the notices prior to the July 31st prehearing are sufficient to establish that notice to customers was timely perfected. Thank you for the Commission's consideration of the attached supplemental attestation and spreadsheet.

Very Truly Yours,



Marcia A. Brown

Attachment: Supplemental Attestation

cc: Docket-Related Service List:

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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

Docket DW 24-069

Mill Brook Village Water System, LLC
Joint Petition for Approval to Change Ownership

SUPPLEMENTAL ATTESTATION REGARDING NOTICE

1. FIRST CLASS MAIL JUNE 5, 2024

On June 5, 2024, I, James Ingram, owner of Mill Brook Village Water System, LLC, hereby certify that pursuant to the Commission's Order dated June 4, 2024, I personally mailed by first class mail the required notice letter to: (1) all customers of Mill Brook Village Water System, LLC; (2) Town of Thornton Board of Selectmen; and (3) the New Hampshire Department of Environmental Services.

2. EMAIL FOLLOW UP AUGUST 7, 2024

On Wed 8/7/24 I emailed all customers, Town of Thornton, and DES the following email:

Dear MBVWS Customer,

The NH Public Utilities is requesting verification that you received the letter (printed below and attached as a Word.doc) that I mailed on June 5th. If you could respond by replying to this email and simply saying yes, it would be greatly appreciated. Thank you for your help!

Sincerely,

Jim Ingram

603-236-6373

June 5, 2024

To: All Customers

Board of Selectmen for Town of Thornton
16 Merrill Access Road
Thornton, NH 03285

Water Division
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Re:

Mill Brook Village Water System
Proposed Sale of System

Dear Customer, Board of Selectman Members, and NHDES Water Division Personnel:

This letter is to advise you that Marc Liechti and Justin Ahmann, private investors from Montana, along with James Ingram, the current owner of Mill Brook Village Water System, have filed a petition with the State of New Hampshire Public Utilities Commission to transfer the ownership from James Ingram to Marc Liechti and Justin Ahmann. This water system is located within the Town of Thornton and serves 44 customer accounts.

The purpose of this letter is to inform you of the proposed ownership transfer and the Commission's proceeding in which it will consider the proposed transaction. This letter is to also provide you with a name and contact information in the event you have any questions concerning the proposed transaction. Filings made in this proceeding will also be available on the Commission's web site: www.puc.nh.gov under the virtual file room for the 2024 dockets.

The New Hampshire Public Utilities Commission has issued an order of notice in Docket No. DW 24-069, which schedules a prehearing conference on July 31, 2024, at 9:00 a.m. A copy of the order of notice will be posted in the docket on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-069.html>.

If you have any questions, please do not hesitate to call me at 603-236-6373 or email me at jim.r.ingram@gmail.com.

Very truly yours,

James Ingram, Owner
Mill Brook Village Water System, LLC

3. CERTIFIED MAIL

On Friday 8/9/24 I sent via certified mail to all customers, Town of Thornton, and DES the following:

June 5, 2024 via 1st class mail and August 9, 2024 1st class certified mail

To: All Customers

Board of Selectmen for Town of Thornton
16 Merrill Access Road
Thornton, NH 03285

Water Division
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Re: Mill Brook Village Water System
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If you have any questions, please do not hesitate to call me at 603-236-6373 or email me at jim.r.ingram@gmail.com.

Very truly yours,

James Ingram, Owner
Mill Brook Village Water System, LLC

Signed as of this 19th day of August, 2024.

By /s/ James Ingram
James Ingram
Mill Brook Village Water System, LLC

MILL BROOK VILLAGE WATER SYSTEM LLC

Customer List

Customer ID

Customer	Mailed USPS 1st Class 6/5/24	Emailed Notice 8/7/24	Date of Company call or email where customer confirmed receipt	Acknowledged Receipt of Emailed Notice	Certified notice # Mailed 8/9/24	
BROOKSIDE HOLLOW BROOKSIDE HOLLOW ASSOCIATION c/o CAROL PELTIER PO BOX 405 CAMPTON, NH 03223	Yes	Yes	8/12/24	8/12/24	7021 2720 002 5441	1647
FALLS at MILL BROOK FALLS AT MILL BROOK CONDO ASSN PO BOX 147 N WOODSTOCK, NH 03262	Yes		Yes, Confirmed by phone with Heidi 8/9/24 that notice was received	NA	7021 2720 002 5441	1630
MB 01 LENNHOFF	Yes	Yes	No John's email response said he didn't remember receiving it. I purposefully mailed the notice with the 2024 Q2 water bill-which he paid.	8/7/24	7021 2720 002 5441	1623
MB 03 NOCITO	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1616
MB 04 GRAY	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1609
MB 05 STEARNS	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1593
MB 06 McGUIRE	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1586
MB 07 KAST	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1579
MB 08 WEESE	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1562

Customer ID

Customer	Mailed USPS 1st Class 6/5/24	Emailed Notice 8/7/24	Date of Company call or email where customer confirmed receipt	Acknowledged Receipt of Emailed Notice	Certified notice # Mailed 8/9/24	
MB 10 NORMAN	Yes	No Email address	Customer has never provided an email address or phone #.		7021 2720 002 5441	1555
MB 11 CUNHA	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1548
MB 12 DOUCETTE	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1319
MB 13 SLAUGHTER	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1531
MB 14 MacAULEY	Yes	Yes	Tried to leave a phone message. Phone # on file has been disconnected		7021 2720 002 5441	1524
MB 15 HOSTETLER	Yes	Yes	8/12/24	8/12/24	7021 2720 002 5441	1517
MB 16 BISCEGLIA	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1500
MB 17 CIASTON	Yes	Yes	No Samantha's email response said he didn't remember receiving it. I purposefully mailed the notice with the 2024 Q2 water bill-	8/12/24	7021 2720 002 5441	1494
MB 18 COLLETTE	Yes	Yes	Left phone message 8/12/24 10:37am		7021 2720 002 5441	1487

Customer ID

Customer	Mailed USPS 1st Class 6/5/24	Emailed Notice 8/7/24	Date of Company call or email where customer confirmed receipt	Acknowledged Receipt of Emailed Notice	Certified notice # Mailed 8/9/24	
MB 19 TRIFUN/HINEY	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1470
MB 20 FISCHLER	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1463
MB 21 BONENFANT	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1456
MB 22 COWLES	Yes	Yes	8/12/24	8/12/24	7021 2720 002 5441	1449
MB 23 SILVA	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1432
MB 24 McNEIL	Yes	Yes	8/9/24	8/9/24	7021 2720 002 5441	1425
MB 26 MEIER	Yes	Yes	8/12/24	8/12/24	7021 2720 002 5441	1418
MB 27 DURRELL	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1401
MB 29 DEMLER	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1395
MB 30 LAMONICA	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1296

Customer ID

Customer	Mailed USPS 1st Class 6/5/24	Emailed Notice 8/7/24	Date of Company call or email where customer confirmed receipt	Acknowledged Receipt of Emailed Notice	Certified notice # Mailed 8/9/24	
MB 31 DOTCHIN	Yes	Yes	8/7/24	8/7/24	7021 2720 002 5441	1302
MB 32 FOGARTY	Yes	Yes	8/9/24	8/9/24	7021 2720 002 5441	1371
MB 33 McGRAW	Yes	Yes	8/8/24	8/8/24	7021 2720 002 5441	1364
MB 36 WAGNER	Yes	Yes	8/12/24	8/12/24	7021 2720 002 5441	1357
MB 38 LINS/KEMPSON	Yes	Yes	Left phone message 8/12/24 10:40am		7021 2720 002 5441	1340
Other Entities						
Board of Selectmen for Town of Thornt 16 Merrill Access Road Thornton NH 03285	Yes	Yes 8/9/24	Spoke with Town Administrator 8/13/24. She received certified notice yesterday.		7021 2720 002 5441	1333
Water Division NH Dept of Environme 29 Hazen Drive Concord NH 03302-0095	Yes	N/A	Confirmed by phone with Lisa Fortier at DES 8/9/24 that notice was received		7021 2720 002 5441	1326