

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 24-069

MILL BROOK VILLAGE WATER SYSTEM, LLC, MARC LIECHTI AND JUSTIN AHMANN

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

Prehearing Order

On July 31, 2024, the Commission held a prehearing conference in this matter pursuant to New Hampshire Code of Administrative Rules, Puc 203.15, which was attended by: Mill Brook Village Water System, LLC (Mill Brook) and the New Hampshire Department of Energy (DOE). After the prehearing conference, Mill Brook and the DOE filed a post-conference report and proposed procedural schedule. With respect to the issues raised at the prehearing conference, the Commission rules as follows:

1. Representations of Parties

At the conference, Attorney Marcia Brown appeared on behalf of Mill Brook, while the DOE was represented by a staff attorney. The other two parties to this docket, Marc Liehti and Justin Ahmann (the Buyers), did not appear at the conference and were not represented by an attorney. On August 19, 2024, the Buyers submitted a statement in which they notified the Commission that they were appearing in this docket *pro se*. They further represented that, although they did not appear at the hearing and did not participate in the drafting of the post-conference documents, they had reviewed and agreed with Mill Brook and the DOE's joint filing, including the proposed procedural schedule.

2. Sufficiency of Notice & Extension of Deadline to Intervene

On August 6, 2024, the Commission issued a procedural order requiring Mill Brook to file a revised affidavit, including a jurat, by August 19, 2024 regarding whether notice of the July 31, 2024 prehearing conference had been sent to the designated parties by certified mail, in accordance with the order of notice. Instead of an affidavit, on August 19, Mill Brook filed a “Supplemental Attestation of Proof of Notice” and letter, which indicated that all but two customers received timely notice of the July 31 prehearing conference. Mill Brook’s August 19 filing stated that James Ingram, Mill Brook’s owner, subsequently sent notice to all designated parties by email and certified mail, as well as contacted all but two Mill Brook customers, for whom he has no current telephone number, by telephone.

The Commission finds that Mill Brook has adequately notified all required parties of this proceeding. Any Mill Brook customers who were not aware of the July 31 prehearing conference and wish to participate in this proceeding may file petitions to intervene, including prayers for other relief, on or before September 20, 2024. Any party objecting to such a petition to intervene shall file its objection on or before September 27, 2024.

3. Clarification of Issues Presented

The post-hearing report represented that the notice of adjudicative proceedings accurately summarized the issues in this docket. Namely, the issues are:

[W]hether the transfer of Mill Brook’s franchise and assets to the Buyers is for the public good and should be permitted under RSA 374:30, RSA 374:22, and RSA 374:26; whether the transfer of Mill Brook’s franchise to the Buyers will result in the Buyers providing reasonably safe and adequate service at just and reasonable rates to customers in the transferred franchise area in accordance with RSA 374:1, RSA 374:2, and RSA 378:7; and whether the transfer of Mill Brook’s liabilities to the Buyers is consistent with the public good under RSA 369:1.

See Commencement of Adjudicate Proceeding and Notice of Prehearing Conference (May 16, 2024) at 2.

4. Discovery & Procedural Schedule


On August 1, 2024, Mill Brook filed a proposed procedural schedule that included a discovery schedule and a deadline to file a settlement by November 15, 2024. The Commission **APPROVES** the proposed procedural schedule. The parties further requested that the Commission rule on the petition no later than December 31, 2024. The Commission will make every effort to comply with this request.

5. Final Hearing Date and Amount of Time Required

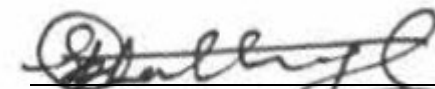
The parties noted that, under RSA 374:26, the Commission can approve the transfer of Mill Brook's franchise and assets to the Buyers "without hearing when all interested parties are in agreement." The parties further represented that they anticipate all interested parties will be in agreement on the sale. Accordingly, the parties represented that a hearing will not be required under the statute. However, the parties proposed several dates in early December 2024 to hold a hearing if they are unable to reach an agreement or the Commission otherwise desires to hold a hearing on the matter.

The Commission will reserve December 4, 2024, at 9:00 a.m. for a hearing. The Commission will cancel the hearing if all interested parties are in agreement on the petition and the Commission otherwise determines that the matter can be resolved without a hearing.

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



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 24-069

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