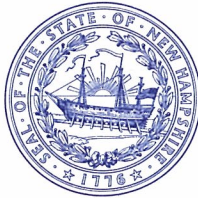


THE STATE OF NEW HAMPSHIRE

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Thomas B. Getz

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Graham J. Morrison
Clifton C. Below

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

October 27, 2008

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Re: DW 08-088 Hampstead Area Water Company, Inc.
Staff Reply to Town of Atkinson Request to Stay Proceeding



Dear Ms. Howland:

October 22, 2008, the Town of Atkinson filed a letter with the Commission informing the Commission and parties to this docket of a special public meeting of the Board of Selectmen to be held on October 30, 2008. The Town states in its letter that: "[t]he Selectmen are optimistic that the scheduling of this public meeting will stay proceedings at least to the point of allowing this public input to be considered prior to a final decision by the Commission."

It appears to Staff that the Town of Atkinson is requesting the Commission stay the proceedings in Docket No. DW 08-088 until a date uncertain. This requested relief should have come as a motion pursuant to Puc 203.07 and Staff will treat it as such. Staff's position on this request is that Staff does not concur.

First, pursuant to RSA 541-A:32, petitions for intervention are granted when essentially two elements are present: 1) the requesting party can demonstrate rights, duties, privileges, or immunities are affected by the proceeding; and 2) the orderly and prompt conduct of the proceedings are not impaired by the intervention. Staff agrees that the Town of Atkinson has demonstrated that it is affected by the proceeding since the franchise expansion sought by Hampstead Area Water Company, Inc. (HAWC) is within the Town of Atkinson. The orderly and prompt conduct of the proceedings, however, are not promoted by the Town's request to stay the proceeding indefinitely. Also, the Order of Notice set a deadline of August 29, 2008 for intervention requests and the Town did not file for intervention until October 14, 2008. Most late intervention requests granted by the Commission are contingent upon the late intervenor abiding by the existing procedural schedule and Staff believes that requirement is appropriate in this docket.

Second, Staff also believes the request to stay the proceeding is premature. As indicated in the stipulation agreement filed by Staff, Office of the Consumer Advocate, and HAWC, HAWC is aware of the Town's franchise concerns and has stated that it intends to present at hearing a franchise area that is amenable to the Town. The hearing in this docket is not until November 4, 2008 and there is time for HAWC and the Town to come to an agreement as to the

DW 08-088 Hampstead Area Water Company, Inc.
Staff Letter to Howland Re Request for Stay
Page 2 of 2

franchise area. Again, the franchise issue was the sole issue the Town provided as its reason to intervene.

Thank you in advance for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marcia A. B. Thunberg". The signature is written in black ink and is positioned above the printed name.

Marcia A. B. Thunberg
Staff Attorney/Hearings Examiner

cc: Service List

TOWN OF ATKINSON
BOARD OF SELECTMEN
21 ACADEMY AVE
ATKINSON NH 03811

JOHN WOLTERS
5 HICKORY POND LANE
ATKINSON NH 03811

STEPHEN R ECKBERG
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301

CAROL A GRANT
19 CROWN HILL RD
ATKINSON NH 03811

TOWN OF HAMPSTEAD
BOARD OF SELECTMEN
11 MAIN ST
HAMPSTEAD NH 03841

RORIE HOLLENBERG
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301-2429

SUMNER F KALMAN
ATTORNEY-AT-LAW
PO BOX 988
147 MAIN ST
PLAISTOW NH 03865

ROBERT LEVINE
HAMPSTEAD AREA WATER COMPANY
54 SAWYER AVE
ATKINSON NH 03811

STEPHEN P ST CYR
STEPHEN P ST CYR & ASSOC
17 SKY OAKS DR
BIDDEFORD ME 04005

Docket #: 08-088 Printed: October 27, 2008

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DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 SOUTH FRUIT STREET, SUITE 10
CONCORD NH 03301-2429

PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY

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MARK NAYLOR
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

MARCIA THUNBERG
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

AMANDA NOONAN
CONSUMER AFFAIRS DIRECTOR
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429