

THE STATE OF NEW HAMPSHIRE
THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

RE: HAMPSTEAD AREA WATER COMPANY, INC.
08-088-1

MOTION TO INTERVENE

The Intervenor, Town of Atkinson, a New Hampshire Municipal Corporation with an address of 21 Academy Avenue, Atkinson, New Hampshire 03811 moves to intervene regarding a Petition for Authority to Borrow Long Term Debt, to Construct Water System Interconnection, Approval to Extend Franchise Area, and for Step Rate Increase pursuant to RSA 541-A:32, NH PUC 203.02 and says as follows:

- 1) That the Town of Atkinson, has a substantial interest which is affected by the proceeding, because the proposed Franchise area is in the Town of Atkinson; and the Selectmen are charged with managing the prudential affairs of the town. RSA 41:8.
- 2) That the proposed Franchise area consists of 1185 acres. See Petition, Exhibit 2.
- 3) That to grant a Franchise encumbering this additional acreage, not required by the proposal, would not be in the “public good” pursuant to RSA 374:26
- 4) That no allegation has been made by the Petitioner to support the granting of a Franchise area.
- 5) That no current need exists to encumber the 1185 acres, and no public good has been alleged, nor could be established to support the extent of the proposed Franchise expansion, over a valuable water resource, which “Atkinson” must protect until some “public good” can be established to support this additional Franchise encumbrance.

6) That planning board jurisdiction over water supply issue in future developments, and other desirable local controls would be pre-empted by encumbering an additional 1185 acre Franchise are in the Town of Atkinson, and is not in the "public good".

WHEREFORE, your Intervenor prays:

- A) That the Town of Atkinson be allowed to intervene in this matter;
- B) That the Petitioner's Franchise area be denied as it cannot be established that to include this entire additional area would be in the "public good"; and
- C) That the Commission make such findings and orders as may be appropriate under the circumstances.

Dated, the 10 day of October, 2008

Sumner F. Kalman
Attorney at Law, PC
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Respectfully submitted,
Town of Atkinson, by its
Selectmen



Chairman



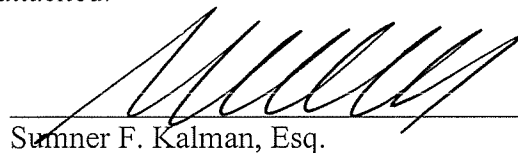
Selectman



Selectman

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was this day mailed, first class mail, postage prepaid in accordance with the Service List attached.


Sumner F. Kalman, Esq.

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