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May 27, 2009

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301

**Re: Aquarion Water Company of New Hampshire, Inc.
DW 09-045**

Dear Ms. Howland:

In connection with the above referenced matter, enclosed for filing please find the original Affidavit of Publication.

Please do not hesitate to call if you have any questions.

Very truly yours,

Sarah B. Knowlton

SBK/sms
Enclosure
cc: Linda Discepolo

AFFIDAVIT OF PUBLICATION

I hereby certify that the foregoing legal notice was published once in the Portsmouth Herald on April 28, 2009

Kelly Burgess
Kelly Burgess
Credit Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Sworn to this 19 day of May, 2009

Before me,

Sandra S. Titus
Notary Public

SANDRA S. TITUS
Notary Public - New Hampshire
My Commission Expires December 3, 2013

OBITUARIES • MORE, PAGE A9

Brian A. Beeler

BERWICK, Maine — Brian A. Beeler, 59, of Hidden Meadow Lane in Berwick, died Saturday, April 25, 2009, at Maine Medical Center, following a courageous battle against acute lymphoblastic leukemia. His battle was shared with his loving family and with his extended community family by his side.

Born June 25, 1949, in Hartford, Conn., he is a son of Wilhelm (Kilby) and James Beeler.

He is survived by his loving family, including his wife of 37 years, Janice; a son, Brian Beeler II and his wife, Paula, and their son, Aidan, of North Berwick, Maine; a son, Steven Beeler of Middletown, Conn.; a brother, Bradley Beeler, who was a match for his bone marrow transplant; a brother, James Beeler II and his wife, Barbara; a sister, Dottie Tuttle and her husband, James; a sister, Minnie Indio; nephews Brian, James and Michael; and nieces Amy, Melissa, Beth, Mary Lynn and Christie.

WE REMEMBER: He was raised in and attended schools in Rocky Hill, Conn., graduating from Rocky Hill High School, where he met his wife Janice.

He received his bachelor's degree from Central Connecticut State College and his masters from the University of New Hampshire.

Brian's first love was his wife and his loving family. He had a lifelong dedication to education, beginning with his first teaching position at Spaulding High School in Rochester in 1973, teaching distributive education. He also taught at Lacombe High School for a time, before his 10-year commitment to the Somersworth School System, first teaching, then working as vocational education director, as assistant superintendent, and finally as superintendent of schools. In 2003, Brian retired from education following several years as superintendent in SAU 13 encompassing Tamworth, Madison and Freedom. He taught for a short time at McIntosh College before becoming the superintendent of the Acton, Maine, School System where he made so many wonderful relationships, just as he had in the school systems he had served in for more than 35 years.

His love of education continued as he served several communities as a dedicated firefighter and fire officer. Brian served the community of Lebanon, Maine, from 1976 to 1981, serving as a firefighter and as deputy chief of the Blaisdell Corner Station. He began a career with the town of Berwick Fire Department in 1982, where he was well known throughout the region as a dedicated instructor of firefighters, a knowledgeable leader and a trusted friend to many. At the time of his death, Brian served as the deputy chief, training officer, arson investigator, certified EMT and most recently worked hard to establish an EMS program for the Berwick Fire Department. He also worked for a time with the Somersworth Fire Department. Brian was recognized in 2003 by the York County Fire Chiefs Association as Firefighter of the Year, as well as Berwick Volunteer Fire Firefighter of the Year in 1993.

His summers were spent for years working on the Wolfboro Railroad, in true Brian form, doing just about any job that needed to be done from maintaining the locomotive, repairing track, or serving as engineer, fireman, brakeman and conductor.

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He will be remembered for so much, his fun-loving ties and while in the school setting, his dedication, ability and reliability to the fire service and his willingness to do anything for anything in return. He continues to help others as more than 600 people have been added to the National Bone Marrow Registry in his honor.

Brian's lifetime of dedicated service set the bar for so many to strive for, but it was his dedication to his family for which he will be most missed. He recently enjoyed the birth and time spent with the light of his life, his grandson, Aidan Clark Beeler.

SERVICES: Family and friends are encouraged to share and remember memories of Brian's life at his wake from 3 to 8 p.m. Friday at Our Lady of Peace Church, 25 Saw Mill Hill Road, Berwick. A celebration of his life will take place at 1 p.m. Saturday, also at Our Lady of Peace Church, with burial to follow in Evergreen Cemetery in Berwick. The Brian A. Beeler Memorial Scholarship fund has been set up for students pursuing an education in fire science. Donations can be made out to the Acton School District 700 Milton Mills Road, Acton, ME 04001-5403. The family encourages friends to stop by his home to share happy memories. Arrangements for Brian's care have been entrusted to the Bernier-Gelinas Funeral Home, 49 South St., Somersworth, NH 03878. Online condolences may be made by visiting www.berniergelinas.com.

Warren T. Chandler

AVON PARK, Fla. — Warren Theodore Chandler, 75, of Avon Park, died Wednesday, April 22, 2009, at his home.

He was born April 17, 1934, to Paul and Catherine (Santner) Chandler in Lowell, Mass., and had been a resident of Avon Park since 1992, coming from Jacksonville, Fla.

He was an electrical construction manager for New England Power Company and was an avid golfer, being the founder of and member of the Men's Golf Association at Highlands Ridge. He is survived by his wife, Carol Chandler of Avon Park;

daughters, Nancy Connors, Kittery Point, Maine, and Lisa Forsberg, Vero Beach, Fla.; son, Michael Chandler, Hampton; stepdaughter, Susan Bayles, Pompano, Fla.; six grandchildren; and two great-grandchildren.

He was preceded in death by his parents, Paul and Catherine Chandler, and his nine brothers, Thomas, Paul, Carl, Harvey, Albert, Billy, James, Joseph, and Raymond.

Cremation arrangements have been entrusted to Stephenson-Nelson Funeral Home, Seabrook, Fla. 33870, (863) 385-0125.

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Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
Docket No. 09-045

AQUARIUM WATER COMPANY OF NEW HAMPSHIRE, INC.
Petition for Waiver of Short Term Debt Limit
Order: No. 24,853
April 22, 2009

I. BACKGROUND

On March 9, 2009, the petitioner, Aquarium Water Company of New Hampshire, Inc. (Aquarium) filed a petition seeking a waiver, nunc pro tunc, of the short term debt limit delineated in N.H. Code Admin. Rules Pub. 608.05. In brief, Aquarium seeks to increase its short term debt limit from ten percent (10%) to twenty percent (20%) of its net fixed plant primarily in order to fund capital improvements.

According to Aquarium, in 2005 it refinanced a large portion of its short term debt by issuing General Mortgage Bonds in an aggregate principal amount of \$5,300,000. This financing was authorized by the Commission in Order No. 24,482 (July 1, 2005). At the same time, Aquarium received a capital contribution from its parent, Aquarium Company. These transactions reduced Aquarium's short term debt to approximately \$900,000. Since that time, however, Aquarium has borrowed funds on a short term basis from its parent via a pass through short term credit facility between Dredner Bank and Aquarium Holdings. As of March 2008, Aquarium carried short term debt representing about 10.65% of its net fixed plant, but now carries short term debt of approximately \$4,100,000, a level representing about 16% of its current net fixed plant. This increase, Aquarium states, was necessitated by "ongoing capital improvements" to its water systems, including the replacement of the Mill Road standpipe, estimated to have cost about \$1,500,000. Aquarium states that the short term debt obtained through the credit facility for these projects has been at rates below the long term financing rate and is, therefore, more favorable. Aquarium contends that a waiver of the limit in Pub. 608.05, and approval of a short term debt limit of 20% of its net fixed plant, is necessary to permit it to continue borrowing funds through the short term credit facility so that it might continue to fund its ongoing capital improvements.

On April 13, 2009, Commission Staff recommended the approval of Aquarium's request. In light of Aquarium's failure to identify a date upon which the waiver would cease, Staff also recommended that the waiver terminate no later than March 30, 2010. In addition, Staff noted that Aquarium had previously been cautioned, by Secretarial Letter of October 1, 2003 in Docket No. DW 03-152, not to exceed the short term debt limit without prior commission approval or it would risk sanctions. Rather than sanction Aquarium, Staff recommended that the Commission consider the inclusion of short term debt in Aquarium's capital structure in its current rate case. Docket No. DW 08-088, because Aquarium appears to rely on such debt regularly as part of its capitalization.

II. COMMISSION ANALYSIS

Pursuant to N.H. Code Admin. Rules 201.05(a), the rules of the Commission may be waived if the Commission finds that the waiver is in the public interest and that it will not disrupt the orderly and efficient resolution of matters before the Commission. We agree with Staff that a waiver of the short term debt limit in Pub. 608.05 would serve these purposes. We conclude that the relevant projects, including the replacement of a major standpipe were reasonably necessary to ensure safe and adequate supply of water to Aquarium's customers. Furthermore, we conclude that the Company's desire to keep its capital projects on track by the use of short term credit at rates comparable to or better than those for long term credit, was in the public interest. However, we also agree that regardless of the quality of the short term debt, Aquarium's waiver should not last beyond the end of the first quarter of 2010. In that time, Aquarium ought to be able to arrange appropriate long term debt financing.

Finally, we recognize that large projects, such as the one referenced in the petition, can be costly and can cause difficulty in adhering to the limits of Pub. 608.05. Aquarium, however, has been previously cautioned about obtaining Commission approval before exceeding the short term debt limits. Rather than sanction Aquarium in this instance, we will adopt Staff's recommendation and consider the Company's use of short term debt as an element of its capitalization in its current rate case.

Based upon the foregoing, it is hereby

ORDERED NISI, that Aquarium Water Company of New Hampshire, Inc.'s request for a waiver of 608.05 is **APPROVED** subject to the effective date below; and it is

FURTHER ORDERED, that Aquarium Water Company of New Hampshire, Inc.'s waiver of 608.05 will terminate on March 31, 2010; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than May 1, 2009 and to be documented by affidavit filed with this office on or before May 22, 2009; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than May 8, 2009 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 15, 2009; and it is

FURTHER ORDERED, that this Order Nisi shall be effective May 22, 2009, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-second day of April 2009.

Thomas B. Gutz Chairman
Graham J. Morrison Commissioner
Clifton C. Below Commissioner

Attested by:
Kimberly Nolin Smith
Assistant Secretary
48905bp

11 P 4/28

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