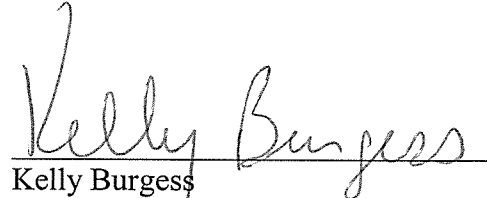


AFFIDAVIT OF PUBLICATION

I hereby certify that the foregoing legal notice was published once in the Portsmouth Herald, Exeter News Letter and the Hampton Union on February 5, 2010.

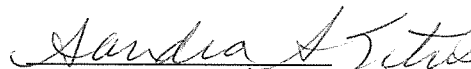
In addition, all legal ads can be viewed at seacoastlegals.com.


Kelly Burgess
Credit Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Sworn to this 3 day of March, 2010

Before me,


Notary Public

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

OBITUARIES

Jeanne A. Eon

SEABROOK — Jeanne A. Eon, 68, died Wednesday, Feb. 3, 2010, in Exeter Hospital.

She was born Feb. 13, 1941, in Beverly, Mass., the daughter of the late Owen and Alice (Gillman) Proud. She was raised in Danvers, Mass., moving to Seabrook in 1985.

Mrs. Eon was employed by the Yankee Restaurant in Peabody, Mass., for many years and also worked as a bartender and waitress at several other area restaurants, retiring in 1999.

She was a member of the Women's Auxiliary of the Raymond E. Walton American Legion Post 70.

She is survived by one daughter, Gwendolyn J. Denis-Pignatari and her husband Joe of Westfield, Mass.; two sons,

L. Raymond Denis of Woodstock and Roger Eon of Hampton; two grandchildren, Bryan Roderick and Sean Denis; one sister, Carolyn Page of The Villages, Fla.; and several nieces and nephews.

She was predeceased by one brother, George Proud.

SERVICES: There are no calling hours.

Services will be held Monday, Feb. 8, at 11 a.m. in the Remick & Gendron Funeral Home-Crematory, 811 Lafayette Road, Hampton.

In lieu of flowers, memorial donations may be made to the charity of one's choice.

To sign an online guest book visit www.RemickGendron.com.

Geraldine P. Martel

WINTER HAVEN, Fla. — Geraldine Page Martel, 72, formerly of Exeter, N.H., died Friday, Jan. 29, 2010.

She was born April 28, 1937, in Exeter, the daughter of the late Lewis H. and Frances (Dumelle) Page. She moved to Florida in 1989.

She loved her family dearly. She was an avid gardener and loved working with her flowers.

She is survived by her husband of 34 years, Roland A. Martel; three daughters and their husbands, Jeanne and Bill Radford of South Carolina, Julie and Dan Cronin of Lincoln, Mo., and Melissa and Jay Bouchard of Milton; two sons and their wives, Roland "Tony" and Terry Martel of

New Hampshire, and Jon and Karen Martel of Bristol, Conn.; 15 grandchildren; one great-grandson; three sisters, Caroline Smith of Exeter, Glenda Treet of Magnolia, Del., and Louella "Sue" Mazurek of Newmarket, N.H.; three brothers, Mark and Margie Page of Wells, Maine, David Page of Boston and Daniel Page of Cottonwood, Ariz.; and many nieces, nephews and cousins.

WE REMEMBER: In lieu of flowers, memorial donations may be made to Good Shepherd Hospice, 105 Ameson Ave., Auburndale, Fla. 33823, or to a hospice of your choice.

Mary J. Graham

EXETER — Mary Jarvis Graham, 92, died Monday, Jan. 25, 2010, at Langdon Place, Exeter.

She was born Jan. 29, 1917, in Albany, N.Y., the daughter of the late Clarence and Mary Jarvis (Fish) Graham.

She was educated in New York schools.

Ms. Graham did volunteer charitable work under the auspices of International Volunteer services of London, England. She especially worked with children in Morocco.

She is survived by one nephew, Peter Graham of Belfast, Maine, and one niece, Kristianne Andrews of Falmouth, Mass.

She was predeceased by one brother, John Graham.

Services will be announced at a later date.

Arrangements are by the Brewitt Funeral Home, Exeter.

To sign an online guest book visit www.brewittfuneralhome.com.

Mary O'Connor



NORTH ANDOVER, Mass. — Mary O'Connor, 100, of Berkeley Road, died Monday, Jan. 25, 2010, at Academy Manor, Andover.

She was born in Lawrence, Mass., and had resided in North Andover for 27 years. She was a graduate of Lawrence High School.

Mrs. O'Connor was employed by A.B. Sutherland Company in Lawrence for several decades. She was a member of St. Michael Church, North Andover.

Her greatest joy was spending time with her family and summers at Salisbury Beach.

The widow of patrolman Thomas F. O'Connor of the Lawrence Police Department, she is survived by two daughters and their husbands, Anne Marie and Timothy Samway of Hampton Falls, N.H., and Maureen and Alan Roberts of North Andover; two grandchildren, Kristen Gohr and

her husband Greg of Reading, and Jennifer Roberts of Boston; three great-grandchildren, Jack, Hannah and Kathryn Gohr of Reading; and several nieces and nephews.

WE REMEMBER: She was predeceased by two brothers, Joseph and Augustine Farragher; one sister, Catherine; and an infant son, Dennis.

At her request there are no calling hours and funeral services will be private.

Memorial donations may be made to the O'Connor/Samway Scholarship Fund at Merrimack College, North Andover, MA 01845.

Arrangements are by the Conte Funeral Home of North Andover.

To sign an online guest book, visit www.contefuneralhomes.com.

George M. Davis

HAMPTON — George M. Davis, 68, of Appleton Oaks, died Monday, Feb. 1, 2010, at his home following a lengthy illness.

He was born Sept. 28, 1941, in Reading, Mass., the son of the late Charles and Evelyn (Riles) Davis.

Mr. Davis was a licensed plumber and worked many years for New England Deaconess Hospital and 19 years for Boston University as plumbing manager for their properties, retiring in December 2006.

He is survived by his wife of 46 years, Roberta M. (Nichols) Davis of Hampton; two sons and their wives, Leonard C. and Susan Davis of Rowlett, Tex., and Brian M. and Kelly Davis of Exeter; one daughter and her husband, Pamela and George McGuinness of Methuen, Mass.; six grandchildren, Paige, Alec, Dylan, Eryn, Carter and Madison; one sister, Louise Mason of Woburn, Mass.; and several nieces, nephews and cousins.

He was predeceased by one

brother, Everett Davis, and one sister, Lois McInnis.

WE REMEMBER: He resided in Wilmington and Billerica, Mass., before retiring to Silver Lake in Madison, moving to Hampton in November 2009. He was educated in Reading schools and was a U.S. Navy veteran, serving from 1959 to 1962, followed by several years with the reserves.

He was an avid gardener, making his Billerica home a showplace, and also enjoyed hard work and fishing.

SERVICES: Services will be held Friday, Feb. 5, at 1 p.m. in the Remick & Gendron Funeral Home-Crematory, 811 Lafayette Road, Hampton.

In lieu of flowers, memorial donations may be made to Amedys Hospice Services, 95 Brewery Lane, Unit 14, Portsmouth, NH 03801, or to the charity of one's choice.

To sign an online guest book visit www.RemickGendron.com.

Spotlight online

seacoastonline.com/
spotlight

Muriel M. Barr

PORT CHARLOTTE, Fla. — Muriel M. (Moulton) Barr, 93, of Port Charlotte, died Thursday, Nov. 26, 2009.

She was born April 17, 1916, in Portsmouth, N.H., the daughter of the late Ernest J. and Harriet (Goss) Moulton, and lived most of her life in Rye, N.H.

Mrs. Barr was a registered nurse but, above all else, enjoyed being a housewife.

She and her late husband moved to Florida in 1980 after his retirement from teaching in Hampton, N.H.

While in Florida, she was a member of St. Nathaniel Church, the Locke Family Association and the Holiday Park Homeowners.

The widow of John D. Barr, who died in 1993, she is survived by one nephew and several cousins.

She was predeceased by one brother, William Moulton.

SERVICES: A graveside service will be held Saturday, May 15, at 11 a.m. in Central Cemetery, Rye.

Memorial donations may be made to a charity of one's choice.

Local arrangements are by the Remick & Gendron Funeral Home-Crematory, Hampton. To sign an online guest book visit www.RemickGendron.com.

Legal Notice

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DWR 09-193

AQUARIUM WATER COMPANY OF NEW HAMPSHIRE, INC.
PETITION FOR APPROVAL TO ISSUE PROMISSORY NOTE
ORDER NISI APPROVING PETITION
ORDER NO. 25,022
FEBRUARY 1, 2010

I. BACKGROUND

Aquarium Water Company of New Hampshire, Inc. (Aquarium) is a regulated water utility pursuant to RSA 262:2 and 362:4 and serves approximately 8,770 customers in Hampton, North Hampton, and Rye. On October 9, 2009, Aquarium filed a petition for authority to issue a promissory note. Aquarium seeks to borrow up to \$4 million from an affiliate, Aquarium Company, Inc., over a five-year term, on an unsecured basis, at a fixed interest rate of 4.62%. Aquarium Company, Inc. is the immediate parent of Aquarium Water Company, Inc. which in turn is the immediate parent of Aquarium Water Company of New Hampshire, Inc. The petition was accompanied by financial schedules, proposed loan documents, and the testimony of Donald J. Smiarowski, Manager of Treasury and Risk at Aquarium Water Company of Connecticut, another affiliate of Aquarium. Mr. Smiarowski is responsible for treasury matters for each of Aquarium Water Company's regulated subsidiaries.

Aquarium is operating under a temporary waiver of the short-term debt limit of 10% of net fixed assets delineated in N.H. Code Admin. Rules Puc 608.05. *Aquarium Water Company of New Hampshire, Inc., Order No. 24,950, Docket No. DW 09-045 (April 22, 2009).* The Commission authorized Aquarium to carry short-term debt in an amount up to 20% of its net fixed plant until March 31, 2010. Specifically, in Order No. 24,959 the Commission stated, "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 long term debt financing." Therefore, the Company's filing here is in compliance with a Commission directive.

Mr. Smiarowski states that the proceeds of the financing will be used to refinance Aquarium's existing short-term debt thereby reducing its short-term debt from 16.85% to 1.18% of its net fixed plant. Mr. Smiarowski states that all of the improvements that were financed by the existing short-term debt, including the \$15 million Mill Road standpipe project, are in service and are already included in its rate base as result of Aquarium's recent rate case. Order No. 25,019, *Aquarium Water Company of New Hampshire Intent to File Rate Schedules (Sept. 25, 2009).*

The loan will not amortize and the entire amount will be payable at maturity. Interest will be payable semi-annually in arrears. Aquarium sought long term financing but because an existing short-term credit facility between Aquarium Holdings, Inc. and Dredner Bank prohibits Aquarium from providing a security interest in its assets, Aquarium was unable to obtain an unsecured loan on a term greater than five years. Rather than risk losing this short-term debt facility, which would be harmful to the company and its customers, Aquarium opted to borrow from an affiliate at a rate that was lower than what it could obtain from CoBank and Bank of America. The proposed financing would increase the percentage of total debt to total capitalization from 51.7% to 60.9%. Aquarium's Board of Directors approved the terms of the proposed financing.

On November 16, 2009, Staff recommended that the Commission approve Aquarium's financing request. Staff stated that Aquarium's proposal to borrow from an affiliate at an interest rate of 4.62% is very favorable given Aquarium's need to reduce the level of its short-term debt. Because of the low interest rate and minimal issuance costs, Staff stated that the overall impact of this financing on customers will be minimal.

On November 16, 2009, the Office of the Consumer Advocate (OCA) filed a letter requesting that the Commission obtain additional information regarding the use of the short-term debt before ruling on Aquarium's petition. OCA also requested that the Commission require Aquarium to provide its customers with notice of the pending request and, subsequent to such notice, provide Aquarium's customers with the opportunity to be heard. OCA stated that Aquarium's petition and testimony do not provide adequate information as to the use of the short-term funds to be replaced with long-term debt, indicating that while Aquarium cites capital improvements as to the use of the funds, the company only identifies one specific capital project. OCA stated Staff's recommendation letter provides no additional information about the specific uses of the short-term debt and that, therefore, the Commission lacks sufficient information on which to base a decision.

On November 25, 2009, Staff responded to OCA's request. Staff stated that it believed that the Commission has adequate information on which to base a decision. Staff stated that Aquarium has expended about \$1.8 million annually on capital improvements in the last three years and that, given the vagaries of cash flows in a utility, there cannot be a direct match between a utility's short-term debt level and its current capital spending.

II. COMMISSION ANALYSIS

Pursuant to RSA 360:1, public utilities engaged in business in this State may issue evidence of indebtedness payable more than 12 months after the date thereof only if the Commission finds the proposed issuance to be "consistent with the public good." Analysis of the public good consideration involves looking beyond actual terms of the proposed financing to the use of the proceeds of those funds and the effect on rates to ensure the public good is protected. See *Appeal of Easton*, 125 N.H. 205, 211 (1984).

In compliance with Commission Order No. 24,959 in Docket No. DW 09-045, Aquarium seeks to borrow up to \$4 million from its affiliate to refinance existing short-term debt. The proposed loan is for a five-year term, is unsecured, and is at an annual interest rate of 4.62%. Aquarium will pay interest only on a semi-annual basis in arrears as the proposed loan is not amortizing. Aquarium will use the proceeds of the loan to retire existing short-term debt and thus reduce its balance of short-term debt to a level below the ceiling of 10% of net fixed assets as established in N.H. Code Admin. Rules Puc 608.05.

The capital assets funded through the short-term debt are already in rate base. Staff states that because the issuance costs are negligible and the interest rate is low that the overall impact of the financing on customers will be minimal in any future rate case. Thus, Staff recommends approval of the short-term debt being refinanced; however, we agree with Staff that we have adequate information on which to base a decision, in that the financing was undertaken in compliance with the Commission's directive in Order No. 24,959. Furthermore, the proposed financing will have no discernable impact on rates or deleterious effect on Aquarium's capitalization. We consider the proposed use of the funds to retire short-term debt as a legitimate and routine use of funds in a long-term debt issue. Additionally, in this case, the capital additions that were fully or partly funded with short-term debt have already been reviewed and approved in Aquarium's recent rate case and are now in rate base.

We therefore find the proposed financing and uses of the funds to be consistent with the public good and will approve the amount and purpose of the financing. This approval is given on the condition that the final terms are not substantially different from those proposed in Aquarium's filing and that if such terms vary significantly, we will require Aquarium to seek additional Commission approval.

As for notice to customers requested by OCA, we will issue this order on a nisi basis to afford interested parties notice and an opportunity to be heard.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, authority to undertake the financing proposed by Aquarium, upon the terms and conditions proposed in its petition is hereby APPROVED; and it is

FURTHER ORDERED, that Aquarium, no later than February 10, 2010 shall cause a copy of this Order Nisi to be published once in those newspapers with circulation in those portions of the state where operations are conducted; 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 February 17, 2010 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 February 24, 2010; and it is

FURTHER ORDERED, that this Order Nisi shall be effective March 1, 2010, unless Aquarium fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarium shall file true copies of the loan documents executed or otherwise finally issued in connection with the closing of the transactions contemplated hereby.

By order of the Public Utilities Commission of New Hampshire this first day of February, 2010.

Thomas B. Getz
Chairman

Clifton C. Below
Commissioner

Amy L. Ignatius
Commissioner

Commissioner

Attested by:

Debra A. Howland
Executive Director
#89055p

11 PHE 2/5

Legal Notice

TOWN OF BRENTWOOD, NEW HAMPSHIRE
PUBLIC NOTICE

The Brentwood Board of Selectmen and Brentwood School District will hold a Public Hearing on Tuesday, February 16, 2010 at the Brentwood Community Center immediately following the 7:00 p.m. Bond Hearing. The purpose of this hearing is to discuss the following:

A petition Warrant Article re: the adoption of RSA 40:13 (known as SB-2). This article will be voted on by ballot at the Brentwood Community Center on March 9, 2010.

Signed,

Brentwood Board of Selectmen
Brentwood School District
#337bp

11 EH 2/5

Legal Notice

TOWN OF HAMPTON, NEW HAMPSHIRE

The Planning Board will hold a Public Hearing on Wednesday, February 17, 2010 at 7:00 p.m., in the Selectmen's Meeting Room, 100 Winnacunn Road to consider the proposals listed below:

1 Liberty Lane, Map: 104 Lot: 1. Applicant: RMMC Liberty Lane LLC. Site Plan Review: Construct an additional 100 parking spaces for the existing office building. Waiver Requests: Section VII, D.9 subsections c, e & f of the Site Plan Review Regulations.

THE HAMPTON PLANNING BOARD

Mark Loopley
Chairman

Publish: February 5, 2010
11 EH 2/5

LEGAL NOTICE OF PUBLIC HEARING
HAMPTON FALLS ZONING BOARD OF ADJUSTMENT

The Hampton Falls Zoning Board of Adjustment will conduct a Public Hearing on Thursday, February 25, 2010 at 7:00 p.m. in the Town Hall, 1 Drinkwater Road.

Case # 10-01: Application from Lynda and Raymond Talkington requesting a Variance to the terms of Article III, Section 3.8.1, and asks that said terms be waived to permit a small farm stand to be located within the 25 foot setback (specifically 8 feet from the property line). The applicant additionally requests either the above or, an Equitable Waiver to the terms of Article III, Section 3.8.1, and asks that said terms be waived to permit a small farm stand to be located within the 25 foot setback (specifically 8 feet from the property line) in Zone A on property located at 307 Exeter Road (Map 6, Lot 40).

Case # 10-02: Application from Robert and Lori Ruest requesting an Appeal from an Administrative Decision. The applicants allege that the Building Inspector has made an error in the decision, determination, or requirement on January 29, 2010 to a zoning inquiry and hereby appeals said decision, which the applicants believe was made in error in Zone A on property located at 25 Couch Lane. (Map. 8 Lot 83-14)

Richard McDermott, Chairman
Zoning Board of Adjustment
#1207bp

11 EH 2/5

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OBITUARY NOTICES

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Please email them to:

ehobits@seacoastonline.com

OBITUARIES

Jeane E. Eon

SEABROOK — Jeane E. Eon, 68, died Wednesday, Feb. 3, 2010, in Exeter Hospital. She was born Feb. 13, 1941, in Beverly, Mass., the daughter of the late Owen and Alice (Gibson) Proud. She was raised in Danvers, Mass., moving to Seabrook in 1985. Mrs. Eon was employed by the Yankee Restaurant in Peabody, Mass., for many years and also worked as a bartender and waitress at several other area restaurants, retiring in 1999. She was a member of the Women's Auxiliary of the Raymond E. Walton American Legion Post 70. She is survived by one daughter, Gwendolyn J. Denis-Pignatari and her husband Joe of Westfield, Mass.; two sons,

L. Raymond Denis of Woodstock and Roger Eon of Hampton; two grandchildren, Bryan Roderick and Sean Denis; one sister, Carolyn Page of The Village, Fla., and several nieces and nephews. She was predeceased by one brother, George Proud. SERVICES: There are no calling hours. Services will be held Monday, Feb. 8, at 11 a.m. in the Remick & Gendron Funeral Home-Crematory, 811 Lafayette Road, Hampton. In lieu of flowers, memorial donations may be made to the charity of one's choice. To sign an online guest book visit www.RemickGendron.com.

Geraldine P. Martel

WINTER HAVEN, Fla. — Geraldine P. Martel, 72, formerly of Exeter, N.H., died Friday, Jan. 29, 2010. She was born April 28, 1937, in Exeter, the daughter of the late Lewis H. and Frances (Damsell) Page. She moved to Florida in 1989. She loved her family dearly. She was an avid gardener and loved working with her flowers. She is survived by her husband of 54 years, Roland A. Martel; three daughters and their husbands, Jeane and Bill Radford of South Carolina, Julie and Dan Cronin of Lincoln, Mo., and Melissa and Jay Bouchard of Milton; two sons and their wives, Roland "Tony" and Terry Martel of

New Hampshire, and Jon and Karen Martel of Bristol, Conn.; 15 grandchildren; one great-grandson; three sisters, Caroline Smith of Exeter, Glenda Treet of Magnolia, Ill., and Louella "Sue" Mazurkiewicz of Newmarket, N.H.; three brothers, Mark and Margie Page of Wells, Maine, David Page of Boston and Daniel Page of Cottonwood, Ariz.; and many nieces, nephews and cousins. WE REMEMBER: In lieu of flowers, memorial donations may be made to Good Shepherd Hospice, 105 Ames Ave., Auburndale, Fla. 33623, or to a hospice of your choice.

Mary O'Connor



NORTH ANDOVER, Mass. — Mary Farragher O'Connor, 100, of Berkeley Road, died Monday, Jan. 25, 2010, at Academy Manor, Andover. She was born in Lawrence, Mass., and had resided in North Andover for 27 years. She was a graduate of Lawrence High School. Mrs. O'Connor was employed by A.B. Sutherland Company in Lawrence for several decades. She was a member of St. Michael Church, North Andover. Her greatest joy was spending time with her family and summers at Salisbury Beach. The widow of patrolman Thomas F. O'Connor of the Lawrence Police Department, she is survived by two daughters and their husbands, Anne Marie and Timothy Samway of Hampton Falls, N.H., and Maureen and Alan Roberts of North Andover; two grandchildren, Kristen Gohr and

her husband Greg of Reading, and Jennifer Roberts of Boston; three great-grandchildren, Jack, Hannah and Kathryn Gohr of Reading; and several nieces and nephews. WE REMEMBER: She was predeceased by two brothers, Joseph and Augustine Farragher; one sister, Catherine; and an infant son, Dennis. At her request there are no calling hours and funeral services will be private. Memorial donations may be made to the O'Connor/Samway Scholarship Fund at Merrimack College, North Andover, MA 01845. Arrangements are by the Conte Funeral Home of North Andover. To sign an online guest book visit www.contefuneralhomes.com.

Mary J. Graham

EXETER — Mary Jarvis Graham, 92, died Monday, Jan. 25, 2010, at Langdon Place, Exeter. She was born Jan. 29, 1917, in Albany, N.Y., the daughter of the late Clarence and Mary Jarvis (Fish) Graham. She was educated in New York schools. Ms. Graham did volunteer charitable work under the auspices of International Volunteer services of London, England. She especially worked with children in Morocco. She is survived by one nephew, Peter Graham of Belfast, Maine, and one niece, Kristianne Andrews of Falmouth, Mass. She was predeceased by one brother, John Graham. Services will be announced at a later date. Arrangements are by the Brewitt Funeral Home, Exeter. To sign an online guest book visit www.brewittfuneralhome.com.

George M. Davis

HAMPTON — George M. Davis, 68, of Appleton Oaks, died Monday, Feb. 1, 2010, at his home following a lengthy illness. He was born Sept. 28, 1941, in Reading, Mass., the son of the late Charles and Evelyn (Fife) Davis. Mr. Davis was a licensed plumber and worked many years for New England Deaconess Hospital and 19 years for Boston University as plumbing manager for their properties, retiring in December 2006. He is survived by his wife of 46 years, Roberta M. (Nichols) Davis of Hampton; two sons and their wives, Leonard C. and Susan Davis of Rowlett, Tex., and Brian M. and Kelly Davis of Exeter; one daughter and her husband, Pamela and George McGuinness of Methuen, Mass.; six grandchildren, Paige, Alec, Dylan, Eryn, Carter and Madison; one sister, Louise Mason of Woburn, Mass.; and several nieces, nephews and cousins. He was predeceased by one

brother, Everett Davis, and one sister, Lois McInnis. WE REMEMBER: He resided in Wilmington and Silver Lake, before retiring to Bitter Lake in Madison, moving to Hampton in November 2009. He was educated in Reading schools and was a U.S. Navy veteran, serving from 1959 to 1962, followed by several years with the reserves. He was an avid gardener, making his Bitter Lake home a showplace, and also enjoyed hard work and fishing. SERVICES: Services will be held Friday, Feb. 5, at 1 p.m. in the Remick & Gendron Funeral Home-Crematory, 811 Lafayette Road, Hampton. In lieu of flowers, memorial donations may be made to Amedisys Hospice Services, 95 Brewery Lane, Unit 14, Portsmouth, NH 03801, or to the charity of one's choice. To sign an online guest book visit www.RemickGendron.com.

Muriel M. Barr

PORT CHARLOTTE, Fla. — Muriel M. (Moulton) Barr, 93, of Port Charlotte, died Thursday, Nov. 26, 2009. She was born April 17, 1916, in Portsmouth, N.H., the daughter of the late Ernest J. and Harriet (Goss) Moulton, and lived most of her life in Rye, N.H. Mrs. Barr was a registered nurse but, above all else, enjoyed being a housewife. She and her late husband moved to Florida in 1989 after his retirement from teaching in Hampton, N.H. While in Florida, she was a member of St. Nathaniel Church, the Locke Family Association and the Holiday Park Homeowners. The widow of John D. Barr, who died in 1993, she is survived by one nephew and several cousins. She was predeceased by one brother, William Moulton. SERVICES: A graveside service will be held Saturday, May 15, at 11 a.m. in Central Cemetery, Rye. Memorial donations may be made to a charity of one's choice. Local arrangements are by the Remick & Gendron Funeral Home-Crematory, Hampton. To sign an online guest book visit www.RemickGendron.com.

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Legal Notice
TOWN OF BRENTWOOD, NEW HAMPSHIRE
PUBLIC NOTICE
The Brentwood Board of Selectmen and Brentwood School District will hold a Public Hearing on Tuesday, February 16, 2010 at the Brentwood Community Center immediately following the 7:00 p.m. Bond Hearing. The purpose of this hearing is to discuss the following:
A petition Warrant Article re: the adoption of RSA 40:13 (known as SB-2). This article will be voted on by ballot at the Brentwood Community Center on March 9, 2010.
Signed,
Brentwood Board of Selectmen
Brentwood School District
#337bp
1t EH 2/5

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THE HAMPTON PLANNING BOARD
Mark Loopley
Chairman
#1221bp
Publish: February 5, 2010
1t EH 2/5

LEGAL NOTICE OF PUBLIC HEARING
HAMPTON FALLS ZONING BOARD OF ADJUSTMENT
The Hampton Falls Zoning Board of Adjustment will conduct a Public Hearing on Thursday, February 25, 2010 at 7:00 p.m., in the Town Hall, 1 Drinkwater Road.
Case # 10-01, Application from Lynda and Raymond Talkington requesting a Variance to the terms of Article III, Section 3.8.1, and asks that said terms be waived to permit a small farm stand to be located within the 25 foot setback (specifically 8 feet from the property line). The applicant additionally requests either the above or, an Equitable Waiver to the terms of Article III, Section 3.8.1, and asks that said terms be waived to permit a small farm stand to be located within the 25 foot setback (specifically 8 feet from the property line) in Zone A on property located at 307 Exeter Road (Map 6, Lot 40).
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Richard McDermott, Chairman
Zoning Board of Adjustment
#1207bp
1t EH 2/5

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Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 09-191
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE, INC.
PETITION FOR APPROVAL TO ISSUE PROMISSORY NOTE
ORDER NISI APPROVING PETITION
ORDER N.D. 25,022
FEBRUARY 1, 2010

I. BACKGROUND
Aquarium Water Company of New Hampshire, Inc. (Aquarium) is a regulated water utility pursuant to RSA 262:2 and 262:4 and serves approximately 8,770 customers in Hampton, North Hampton, and Rye. On October 9, 2009, Aquarium filed a petition for authority to issue a promissory note. Aquarium seeks to borrow up to \$4 million from an affiliate, Aquarium Company, Inc., over a five-year term, on an unsecured basis, at a fixed interest rate of 4.62%. Aquarium Company, Inc. is the immediate parent of Aquarium Water Company, Inc. which in turn is the immediate parent of Aquarium Water Company of New Hampshire, Inc. The petition was accompanied by financial schedules, proposed loan documents, and the testimony of Donald J. Smiarowski, Manager of Treasury and Risk at Aquarium Water Company of Connecticut, another affiliate of Aquarium. Mr. Smiarowski is responsible for treasury matters for each of Aquarium Water Company's regulated subsidiaries. Aquarium is operating under a temporary waiver of the short-term debt limit of 10% of net fixed assets delineated in N.H. Code Admin. Rules Puc 608.05. *Aquarium Water Company of New Hampshire, Inc., Order No. 24,959, Docket No. DW 09-045 (April 22, 2009).* The Commission authorized Aquarium to carry short-term debt in an amount up to 20% of its net fixed plant until March 31, 2010. Specifically, in Order No. 24,959 the Commission stated, "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 long term debt financing." Therefore, the Commission's finding here is in compliance with a Commission directive. Mr. Smiarowski states that the proceeds of the financing will be used to refinance Aquarium's existing short-term debt thereby reducing its short-term debt from 16.85% to 1.18% of its net fixed plant. Mr. Smiarowski states that all of the improvements that are made to the existing short-term debt, including the \$15 million Mill Road wastewater project, are in service and are already included in its rate base as result of Aquarium's recent rate case. Order No. 25,019, *Aquarium Water Company of New Hampshire Intent to File Rate Schedules* (Sept. 25, 2009). The loan will not amortize and the entire amount will be payable at maturity. Interest will be payable semi-annually in arrears. Aquarium sought longer term financing but because an existing short-term credit facility between Aquarium Holdings, Inc. and Dredner Bank prohibits Aquarium from providing a security interest in its assets, Aquarium was unable to obtain an unsecured loan on a term greater than five years. Rather than risk losing this short-term debt facility, which would be harmful to the company and its customers, Aquarium opted to borrow from an affiliate at a rate that was lower than what it could obtain from CoBank and Bank of America. The proposed financing would increase the percentage of total debt to total capitalization from 51.7% to 60.9%. Aquarium's Board of Directors approved the terms of the proposed financing. On November 10, 2009, Staff recommended that the Commission approve Aquarium's financing request. Staff stated that Aquarium's proposal to borrow from an affiliate at an interest rate of 4.62% is very favorable given Aquarium's need to reduce the level of its short-term debt. Because of the low interest rate and minimal issuance costs, Staff stated that the overall impact of this financing on customers will be minimal. On November 16, 2009, the Office of the Consumer Advocate (OCA) filed a letter requesting that the Commission obtain additional information regarding the use of the short-term debt before ruling on Aquarium's petition. OCA also requested that the Commission require Aquarium to provide its customers with notice of the pending request and, subsequent to such notice, provide Aquarium's customers with the opportunity to be heard. OCA stated that Aquarium's petition and testimony do not provide adequate information as to the use of the short-term funds to be replaced with long-term debt, indicating that while Aquarium cites capital improvements as to the use of the funds, the company only identifies one specific capital project. OCA stated Staff's recommendation letter provides no additional information about the specific uses of the short-term debt and that, therefore, the Commission lacks sufficient information on which to base a decision. On November 25, 2009, Staff responded to OCA's request. Staff stated that it believed that the Commission has adequate information on which to base a decision. Staff stated that Aquarium has expended about \$18 million annually on capital improvements in the last three years and that, given the vagaries of cash flows in a utility, there cannot be a direct match between a utility's short-term debt level and its current capital spending. **II. COMMISSION ANALYSIS** Pursuant to RSA 360:1, public utilities engaged in business in this State may issue evidence of indebtedness payable more than 12 months after the date thereof only if the Commission finds the proposed issuance to be "consistent with the public good." Analysis of the public good consideration involves looking beyond actual terms of the proposed financing to the use of the proceeds of those funds and the effect on rates to ensure the public good is protected. See *Appeal of Easton*, 125 N.H. 205, 211 (1984). In compliance with Commission Order No. 24,959 in Docket No. DW 09-045, Aquarium seeks to borrow up to \$4 million from its affiliate to refinance existing short-term debt. The proposed loan is for a five-year term, is unsecured, and is at an annual interest rate of 4.62%. Aquarium will pay interest only on a semi-annual basis in arrears as the proposed loan is not amortizing. Aquarium will use the proceeds of the loan to retire existing short-term debt and thus reduce its balance of short-term debt to a level below the ceiling of 10% of net fixed assets as established in N.H. Code Admin. Rules Puc 608.05. The capital assets funded through the short-term debt are already in rate base. Staff states that because the issuance costs are negligible and the interest rate is low that the overall impact of the financing on customers will be minimal in any future rate case. Thus, Staff recommends approval of the financing. The OCA has requested that we seek additional information on the specific uses of the short-term debt being refinanced; however, we agree with Staff that we have adequate information on which to base a decision, in that the financing was undertaken in compliance with the Commission's directive in Order No. 24,959. Furthermore, the proposed financing will have no discernible impact on rates or deleterious effect on Aquarium's capitalization. We consider the proposed use of the funds to retire short-term debt as a legitimate and routine use of funds in a long-term debt issue. Additionally, in this case, the capital additions that were fully or partly funded with short-term debt have already been reviewed and approved in Aquarium's recent rate case and are now in rate base. We therefore find the proposed financing and uses of the funds to be consistent with the public good and will approve the amount and purpose of the financing. This approval is given on the condition that the final terms are not substantially different from those proposed in Aquarium's filing and that if such terms vary significantly, we will require Aquarium to seek additional Commission approval. As for notice to customers requested by OCA, we will issue this order on a nisi basis to afford interested parties notice and an opportunity to be heard. **Based upon the foregoing, it is hereby ORDERED NISI**, that subject to the effective date below, authority to undertake the financing proposed by Aquarium, upon the terms and conditions proposed in its petition is hereby APPROVED; and it is **FURTHER ORDERED**, that Aquarium, no later than February 10, 2010 shall cause a copy of this Order Nisi to be published once in those newspapers with circulation in those portions of the state where operations are conducted; 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 February 17, 2010 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 February 24, 2010; and it is **FURTHER ORDERED**, that this Order Nisi shall be effective March 1, 2010, unless Aquarium fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is **FURTHER ORDERED**, that Aquarium shall file true copies of the loan documents executed or otherwise finally issued in connection with the closing of the transactions contemplated hereby. By order of the Public Utilities Commission of New Hampshire this first day of February, 2010.

Thomas B. Getz
Chairman

Clifton C. Below
Commissioner

Amy L. Ignatius
Commissioner

Attested by:
Debra A. Howland
Executive Director
#6905hp
1t PHE 2/5

OBITUARIES/NEW ENGLAND

Clifton E. Philbrick

RYE—Clifton E. Philbrick died Thursday, Feb. 4, 2010, at his family home, following a long illness.

Born Dec. 15, 1918, in Portsmouth, he was the son of Ervin C. and Mary Philbrick.

He was a 1938 graduate of Portsmouth High School, and a lifelong resident of Rye.

He is survived by his wife of 64 years, Grace V. Philbrick; one son, Walter and his wife, Joan, of Rye; a daughter, Evelyn and her

husband, Bruce Whitten, of Amesbury, Mass., and their children, Jill Inge and her husband, Paul, and their son Robert, and Peter Whitten and his wife, Madeline; one daughter, Elinor Snell of Wolfeboro, and her two sons, David Snell III, USMC, and Jonathan Snell, USAF; a sister, Louise Philbrick of Rye; and many nieces and nephews.

Clifton was predeceased by three siblings, Marion Rawding, John Philbrick and Harlan Philbrick.

WE REMEMBER: Clifton, who worked on the family farm and other area farms, carpentered and operated the Philbrick Greenhouses with his father-in-law, Walter Vickery, formerly of Greenland.

Clifton was a member of the Portsmouth Advent Christian Church.

SERVICES: Memorial visitation will be held from 2 to 4 p.m. Saturday at the J. Verne Wood Funeral Home-Buckminster

Chapel, 84 Broad St., Portsmouth. A memorial service will follow at 4 p.m. Saturday at the funeral home. A private family burial will be held. In lieu of flowers, memorial contributions may be made to Operation Blessing, 600A Lafayette Road, Portsmouth, NH 03801, or Beacon Hospice, 42 Brickyard Court, York, Me 03909. Visit www.jwoodfuneralhome.com to sign the funeral home online guest book and/or to send a private condolence.

Margaret J. Grant

PORTSMOUTH—Margaret Jane Allen Grant, formerly of Vienna, Va., died peacefully Sunday, Jan. 31, 2010, at The Mark Wentworth Home, surrounded by her children.

Preceded in death by her dear husband of 59 years, James A. Grant, she is survived by her children: Allen Grant of Takoma Park, Md., Suzanne Grant of Seattle, Wash., Peggy Minckler of Fort Lauderdale, Fla., and Lucinda Grant Clarke of Portsmouth; six grandchildren; two great-grandchildren; and her sister.

Margaret was devoted to her family and actively contributed to her church. She enjoyed traveling the world, the neighborhood parties, being a Girl Scout leader, cooking, crafts, sewing and her dogs. Her positive outlook, creative talents, and beautiful blue eyes will be fondly remembered and missed.

SERVICES: A memorial service will be held in Vienna, Va. In lieu of flowers, donations may be sent in Margaret's name to The Church of the Holy Comforter, 543 Beulah Road, Vienna, VA 22180.

MASSACHUSETTS HOUSE OKS LIMITS ON CELL PHONE USE WHILE DRIVING

BY STEVEN LEBLANC
Associated Press

BOSTON — The use of cell phones by drivers in Massachusetts would be severely restricted under a bill approved Thursday by House lawmakers.

The legislation would ban drivers from using any kind of cell phones except hands-free models with voice-activated dialing.

"It is impossible to be dialing a phone and watching the road at the same time," said Rep. Jay R. Kaufman, D-Lexington, the bill's sponsor.

The handheld cell phone ban, approved on a 91-66 vote, was offered as an amendment to a larger bill designed to crack down on distracted drivers and tighten oversight of older motorists. The bill, which passed 146-9, now heads to the Senate where the cell phone ban will face resistance.

In addition to restrictions on cell phone use, the bill would ban all drivers from texting, receiving or making voice calls while driving. It also would prohibit the use of all cell phones by drivers under 18, except to make emergency calls, and would ban school bus drivers and all public and private bus and train drivers from using cell phones.

The proposed texting and

cell phone ban attempts to respond to growing public anger about drivers taking their eyes off the road to send or receive text messages. Supporters say the teen cell ban is important because new drivers can't afford to be distracted while operating a car.

Currently, 19 states and the District of Columbia prohibit all drivers from text messaging. Another 34 states are considering bills related to distracted driving, according to the National Conference of State Legislatures.

The legislation also addresses the more contentious issue of older drivers in the wake of a series of high profile accidents that involved elderly motorists.

The bill would mandate vision tests for drivers over 75 by requiring them to renew their licenses in person every five years at their local registry office, while at the same time requiring everyone who renews their license in person to undergo a vision test.

Licenses must be renewed every five years, but drivers under 75 would continue to be required to show up in person only every 10 years, with the option of renewing online in between those visits.

The bill also allows doctors and health care providers to report to the Registry of Motor Vehicles the names of any patient "that has a cognitive or

functional impairment that the health care provider reasonably believes will affect the patient's ability to safely operate a motor vehicle."

Critics said the requirement of vision tests is a watered down version of tougher legislation that stalled in committee last year. That bill would have required drivers 75 or older to pass both cognitive and physical exams.

AARP Massachusetts State Director Deborah Banda said the group opposes any age requirement in the bill. She said the bill should be changed to require in-person license renewals for all drivers at five-year intervals.

"AARP believes driver licensing standards must focus on ability, not age," Banda said. "Health conditions and impairments do not occur universally and are not age specific."

The tougher legislation appeared to gain momentum throughout the summer and early fall after a spate of car accidents involving elderly drivers, including the death last June of 4-year-old Dora Patel, who was struck and killed by 88-year-old Ise Horn while she crossed a Stoughton street in a crosswalk with her grandfather.

Horn later pleaded guilty to negligent motor vehicle homicide and lost her driver's license for 10 years.

N.H. death penalty panel to hear from public today

CONCORD (AP) — A commission studying New Hampshire's death penalty law will hear from those who are for it and against it.

The commission will hold its first public hearing at 10 a.m. today in the Legislative Office Building in Concord.

A coalition of opponents of the death penalty — including crime victims, clergy and a man who spent nearly 19 years on death row for a crime he didn't commit — are expected to turn out to speak in favor of repealing the law.

Lawmakers created the commission to review all aspects of the capital murder law.

Jewish community upset by cemetery swastikas in Maine

PORTLAND, Maine (AP) — Members of Maine's Jewish community say they're disgusted that someone spray-painted swastikas on four headstones in a Portland cemetery.

Emily Chaleff of the Jewish Community Alliance of Southern Maine said the group hopes those responsible for the vandalism are found and punished.

Chaleff said the cemetery is hallowed ground and the sanctity of that space has been violated by a universal symbol of hate and intolerance, a symbol of particular loathing to the Jewish community.

Almost a year ago a swastika was painted on a message board outside a Portland synagogue.

The Portland Press Herald says the vandalism at the Mount Sinai Cemetery was reported Tuesday.

Maine milk fee faces changes

AUGUSTA, Maine (AP) — The Maine Senate has given its final approval to a bill to adjust Maine's milk handling fees to help farmers cope with the rising costs of production.

The bill was approved without debate by a 33-0 vote Thursday. The House has given its final approval. Gov. John Baldacci supports it.

The bill establishes a minimum fee of 4 cents per gallon and a maximum fee of 84 cents per gallon. As milk prices drop, the handling fees rise, so consumers are not likely to notice swings in retail prices.

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Portsmouth Herald, Exeter News-Letter,
Hampton Union, York Weekly,
York County Coast Star

Legal Notice
NEWINGTON, NH
NOTICE OF PUBLIC HEARING
ADOPTING THE SB2 FORM OF TOWN GOVERNMENT
To the residents of the Town of Newington, in Rockingham County in the State of New Hampshire. Notice is hereby given of a PUBLIC HEARING on the following which was brought forth by petition.
'Shall we adopt the provisions of RSA 40:13 (known as SB2) to allow official ballot voting on all issues before the Town of Newington on the second Tuesday of March?'
Public Hearing to be held Wednesday, February 10, 2010 at Town Hall 6:30pm - 205 Nimble Hill Road Newington NH for the purpose of openly discussing this change in the form of local government.
#9043bp 11 P 2/5

Got an opinion?

E-mail opinion@seacoastonline.com

Legal Notice
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 09-193
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE, INC.
PETITION FOR APPROVAL TO ISSUE PROMISSORY NOTE
ORDER NISI APPROVING PETITION
Q R D E R N O. 25-672
FEBRUARY 1, 2010

I. BACKGROUND

Aquarium Water Company of New Hampshire, Inc. (Aquarium) is a regulated water utility pursuant to RSA 362:2 and 362:4 and serves approximately 8,770 customers in Hampton, North Hampton, and Rye. On October 9, 2009, Aquarium filed a petition for authority to issue a promissory note. Aquarium seeks to borrow up to \$4 million from an affiliate, Aquarium Company, Inc., over a five-year term, on an unsecured basis, at a fixed interest rate of 4.62%. Aquarium Company, Inc. is the immediate parent of Aquarium Water Company, Inc., which in turn is the immediate parent of Aquarium Water Company of New Hampshire, Inc. The petition was accompanied by financial schedules, proposed loan documents, and the testimony of Donald J. Smiarowski, Manager of Treasury and Risk at Aquarium Water Company of New Hampshire, Inc., another affiliate of Aquarium. Mr. Smiarowski is responsible for treasury matters for each of Aquarium Water Company's regulated subsidiaries.

Aquarium is operating under a temporary waiver of the short-term debt limit of 10% of net fixed assets delineated in N.H. Code Admin. Rules Puc 608.05. Aquarium Water Company of New Hampshire, Inc., Order No. 24,959, Docket No. DW 09-045 (April 22, 2009). The Commission authorized Aquarium to carry short-term debt in an amount up to 20% of its net fixed plant until March 31, 2010. Specifically, in Order No. 24,959 the Commission ordered, "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 long term debt financing." Therefore, the Company's filing here is in compliance with a Commission directive.

Mr. Smiarowski states that the proceeds of the financing will be used to refinance Aquarium's existing short-term debt thereby reducing its short-term debt from 16.85% to 11.8% of its net fixed plant. Mr. Smiarowski states that all of the improvements that were financed by the existing short-term debt, including the \$15 million Mill Road standpipe project, are in service and are already included in its rate base as result of Aquarium's recent rate case. Order No. 25,019, Aquarium Water Company of New Hampshire Intant to File Rate Schedules (Sept. 25, 2009).

The loan will not amortize and the entire amount will be payable at maturity. Interest will be payable semi-annually in arrears. Aquarium sought longer term financing but because an existing short-term credit facility between Aquarium Holdings, Inc. and Dredner Bank prohibits Aquarium from providing a security interest in its assets, Aquarium was unable to obtain an unsecured loan on a term greater than five years. Rather than risk losing this short-term debt facility, which would be harmful to the company and its customers, Aquarium opted to borrow from an affiliate at a rate that was lower than what it could obtain from CoBank and Bank of America. The proposed financing would increase the percentage of total debt to total capitalization from 51.7% to 60.9%. Aquarium's Board of Directors approved the terms of the proposed financing.

On November 10, 2009, Staff recommended that the Commission approve Aquarium's financing request. Staff stated that Aquarium's proposal to borrow from an affiliate at an interest rate of 4.62% is very favorable given Aquarium's need to reduce the level of its short-term debt. Because of the low interest rate and minimal issuance costs, Staff stated that the overall impact of this financing on customers will be minimal.

On November 16, 2009, the Office of the Consumer Advocate (OCA) filed a letter requesting that the Commission obtain additional information regarding the use of the short-term debt before ruling on Aquarium's petition. OCA also requested that the Commission require Aquarium to provide its customers with notice of the pending request and, subsequent to such notice, provide Aquarium's customers with the opportunity to be heard. OCA stated that Aquarium's petition and testimony do not provide adequate information as to the use of the short-term funds to be replaced with long-term debt, indicating that while Aquarium cites capital improvements as to the use of the funds, the company only identifies one specific capital project. OCA stated Staff's recommendation letter provides no additional information about the specific uses of the short-term debt and that, therefore, the Commission lacks sufficient information on which to base a decision.

On November 25, 2009, Staff responded to OCA's request. Staff stated that it believed that the Commission has adequate information on which to base a decision. Staff stated that Aquarium has expended about \$1.8 million annually on capital improvements in the last three years and that, given the vagaries of cash flows in a utility, there cannot be a direct match between a utility's short-term debt level and its current capital spending.

II. COMMISSION ANALYSIS

Pursuant to RSA 369:1, public utilities engaged in business in this State may issue evidence of indebtedness payable more than 12 months after the date thereof only if the Commission finds the proposed issuance to be "consistent with the public good." Analysis of the public good consideration involves looking beyond actual terms of the proposed financing to the use of the proceeds of those funds and the effect on rates to ensure the public good is protected. See *Appeal of Easton*, 125 N.H. 205, 211 (1984).

In compliance with Commission Order No. 24,959 in Docket No. DW 09-045, Aquarium seeks to borrow up to \$4 million from its affiliate to refinance existing short-term debt. The proposed loan is for a five-year term, is unsecured, and is at an annual interest rate of 4.62%. Aquarium will pay interest only on a semi-annual basis in arrears as the proposed loan is not amortizing. Aquarium will use the proceeds of the loan to retire existing short-term debt and thus reduce its balance of short-term debt to a level below the ceiling of 10% of net fixed assets as established in N.H. Code Admin. Rules Puc 608.05.

The capital assets funded through the short-term debt are already in rate base. Staff states that because the issuance costs are negligible and the interest rate is low that the overall impact of the financing on customers will be minimal in any future rate case. Thus, Staff recommends approval of the financing.

The OCA has requested that we seek additional information on the specific uses of the short-term debt being refinanced; however, we agree with Staff that we have adequate information on which to base a decision, in that the financing was undertaken in compliance with the Commission's directive in Order No. 24,959. Furthermore, the proposed financing will have no discernable impact on rates or deleterious effect on Aquarium's capitalization. We consider the proposed use of the funds to retire short-term debt as a legitimate and routine use of funds in a long-term debt issue. Additionally, in this case, the capital additions that were fully or partly funded with short-term debt have already been reviewed and approved in Aquarium's recent rate case and are now in rate base.

We therefore find the proposed financing and uses of the funds to be consistent with the public good and will approve the amount and purpose of the financing. This approval is given on the condition that the final terms are not substantially different from those proposed in Aquarium's filing and that if such terms vary significantly, we will require Aquarium to seek additional Commission approval.

As for notice to customers requested by OCA, we will issue this order on a nisi basis to afford interested parties notice and an opportunity to be heard.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, authority to undertake the financing proposed by Aquarium, upon the terms and conditions proposed in its petition is hereby APPROVED; and it is

FURTHER ORDERED, that Aquarium, no later than February 10, 2010 shall cause a copy of this Order Nisi to be published once in those newspapers with circulation in those portions of the state where operations are conducted; 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 February 12, 2010 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 February 24, 2010. It is

FURTHER ORDERED, that this Order Nisi shall be effective March 1, 2010, unless Aquarium fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarium shall file true copies of the loan documents executed or otherwise finally issued in connection with the closing of the transactions contemplated hereby.

By order of the Public Utilities Commission of New Hampshire this first day of February, 2010.

Thomas B. Gatz
Chairman

Clifton C. Below
Commissioner

Amy L. Ignatius
Commissioner

Commissioner

Attested by:

Debra A. Howland
Executive Director
#6905bp