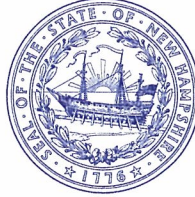


THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Amy L. Ignatius

COMMISSIONERS
Michael D. Harrington
Robert R. Scott

EXECUTIVE DIRECTOR
Debra A. Howland



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

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

Tel. (603) 271-2431

FAX (603) 271-3878

Website:
www.puc.nh.gov

September 27, 2012

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



Re: DW 12-272 City of Somersworth
Extension of Water Service in the Town of Rollinsford

Dear Ms. Howland:

On September 14, 2012, the City of Somersworth (Somersworth) filed a petition pursuant to RSA 362:4 III-a and RSA 374:22 to extend water service in the Town of Rollinsford. Somersworth seeks to establish a new franchise area to serve four residential properties which can no longer use their on-site private wells due to groundwater contamination. Somersworth also seeks approval to expand its existing water service to one property in Rollinsford, a franchise for which the Commission has previously provided approval. Staff has reviewed this filing and propounded data requests, the responses to which are provided as Attachment 1 to this letter. After review, Staff recommends approval of the request of Somersworth to establish a new franchise in Rollinsford.

In Docket No. DE 85-268, by Order No. 17,832 issued August 30, 1985, the Commission granted approval for Somersworth to provide water service for private fire protection to Janco, Inc., a manufacturing plant located on Goodwin Road in Rollinsford. See 70 NH PUC 744 (1985). A ten inch water main extension from the Somersworth water system was installed to serve Janco at that time, and that same water main would now be used to provide domestic water service to the four residential properties nearby. In addition, Somersworth now seeks authority to provide water service for consumption within the Janco facility, in addition to the current provision of private fire service.

Staff's review of this filing necessitated a review of the petition filed by Somersworth in 1985 relative to the fire service to Janco, to determine if the four customers to now be served

would have been included in the franchise established at that time¹. It does not appear that those properties were included. Staff has attached to this letter as Attachment 2 a copy of the petition which appears to request franchise approval solely for the Janco property². Staff has clarified through its discovery requests that the specific franchise area now being sought is the four properties to be served, identified as lots 25-1, 34, 36, and 39-1 of Rollinsford tax map 1. Exhibit 2 attached to the petition illustrates the location of these properties relative to the water main located within the right of way of Goodwin Road. The Janco property is lot 24-1 on exhibit 2.

Somersworth's petition indicates that the Somersworth City Council has voted to approve this extension. Exhibit 3 to the petition is a letter from the City Manager indicating the City's support. The petition further states that the City's Division of Water has indicated that the water system has sufficient capacity to accommodate the new customers in the proposed franchise area as well as full water service to the Janco facility. Staff is aware of the support of the New Hampshire Department of Environmental Services (DES) for this franchise expansion. Janco's consultant, Environmental and Industrial Waste Management, provided Staff with a letter from DES indicating their support for connecting the affected customers to the Somersworth water system. That letter is included with this letter as Attachment 3. Further, the Town of Rollinsford supports the establishment of this additional franchise area as evidenced by the two letters provided as the response to Staff data request 1-2.

Somersworth has asserted in its petition that service to the customers in the proposed franchise area in Rollinsford will be provided under the same tariff provisions as service is provided within the City of Somersworth. Staff therefore believes that Somersworth's provision of water service outside its municipal boundaries should remain exempt from Commission regulation going forward. While Staff supports approval of the establishment of this new franchise area in Rollinsford, Staff does not believe the Commission need provide any approval for conversion of Janco to a full water service customer as Somersworth has requested. As the Commission's only jurisdiction in this matter relates to the establishment of a franchise by a municipal water utility serving outside its municipal boundaries, Staff's view is that it is irrelevant as to what rate class a customer may be a part of in making the appropriate determinations as to the franchise sought.

Given that the City of Somersworth has requested expedited review and approval of this petition, and the fact that all parties concerned support approval, Staff recommends the Commission forgo the issuance of an order nisi and instead provide for approval which does not require publication and a comment period. Staff understands that the intention is to connect these customers to the Somersworth water system prior to the onset of the winter season.

¹ In addition to the 1985 docket DE 85-268, Staff has identified two other Commission approvals for the provision of water service by the City of Somersworth in Rollinsford. These are 46 NH PUC 260 (1964), and 57 NH PUC 11 (1972). In neither case was the proposed franchise area in the instant case included.

² The Commission in Order No. 17,832 in DE 85-268 approves the petition but does not provide a specific description of the franchise thus established.

DW 12-272
City of Somersworth
Extension of Water Service in the Town of Rollinsford

If there are any questions regarding these matters, please let me know.

Sincerely,

A handwritten signature in blue ink, reading "Mark A. Naylor". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Mark A. Naylor
Director, Gas & Water Division

Attachments
Cc: service list

DW 12-272
City of Somersworth
Petition to Extend Water Service in Rollinsford

Staff Data Requests Set #1

Date Request Received: 9/19/12
Request No. Staff 1-1

Date of Response: 9/25/12
Witness: City Manager Robert M. Belmore

REQUEST: Is the specific franchise area the City is now seeking limited to the four properties to be served (i.e. lots 25-1, 34, 36, and 39-1)?

RESPONSE: The specific franchise area is limited to these four residential properties, as well as an expansion of the water service provided to Janco, Inc. from fire protection to full water service.

DW 12-272
City of Somersworth
Petition to Extend Water Service in Rollinsford

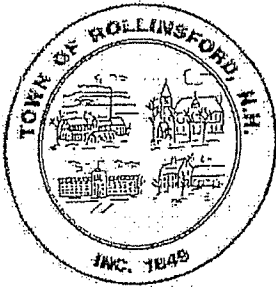
Staff Data Requests Set #1

Date Request Received: 9/19/12
Request No. Staff 1-2

Date of Response: 9/25/12
Witness: City Manager Robert M. Belmore

REQUEST: Please provide verification that the Town of Rollinsford concurs with the City's request to establish the proposed franchise area.

RESPONSE: Please see attached.



TOWN HALL
667 Main Street

TOWN OF ROLLINSFORD

P.O. Box 509 • Rollinsford, New Hampshire 03869-0509
Telephone (603) 742-2510 • Fax (603) 740-0254

April 12, 2011

Mr. Lewis Janetos
169 Rollins Road
Rollinsford, NH 03869

Dear Mr. Janetos:

The Rollinsford Board of Selectmen on April 11, 2011 voted to authorize the Janco Company to place waterlines in the road right-of-way on Goodwin and Rollins Road. The purpose of the waterlines will be to bring drinking water from Somersworth to homes owned by Paul Janetos, Jay Whitehouse and Lieldan Baker that are located near the Janco facility. Janco will be responsible for securing all state and dig safe permits required for the project. Any proposed cutting of the road pavement on Goodwin or Rollins Roads must have approval from Division 6, NH Department of Transportation.

Sincerely,

Edmund F. Jansen, Jr.
Edmund F. Jansen, Jr.
Chairman, Board of Selectmen



Rollinsford Water & Sewer District

Commissioners:
Dennis St. Hilaire,
Chair

Normand Giroux

Michael Lapoint

Clerk:
Gailann St. Hilaire

Treasurer:
Julie Gosselin

Janco Realty, Inc
PO Box 857
Dover NH 03820

August 7, 2009

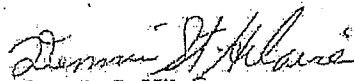
Dear Mr. Campbell,

The Rollinsford Water & Sewer District can not supply the properties on Goodwin Rd and Rollins Rd, with District water.

You have the Rollinsford Water & Sewer District's approval for an extension of the existing water line from the City of Somersworth to provide drinking water to these residents.

If you have any further questions or concerns please call the office 742-8124.

Sincerely,


Dennis St. Hilaire
Chairman

PO Box 174 Rollinsford, NH 03869-0174
Telephone (603) 742-8124 FAX: (603) 749-4399

DW 12-272
City of Somersworth
Petition to Extend Water Service in Rollinsford

Staff Data Requests Set #1

Date Request Received: 9/19/12
Request No. Staff 1-3

Date of Response: 9/25/12
Witness: City Manager Robert M. Belmore

REQUEST: Reference paragraph 7 of the petition. Please clarify how the cost of connecting the four new customers is being allocated.

RESPONSE: The property owners will be responsible for the cost of connecting to the city's water system. It is the city's understanding that Janco Realty is either paying that cost directly or reimbursing the property owners for that cost.

DW 12-272
City of Somersworth
Petition to Extend Water Service in Rollinsford

Staff Data Requests Set #1

Date Request Received: 9/19/12
Request No. Staff 1-4

Date of Response: 9/25/12
Witness: City Manager Robert M. Belmore

REQUEST: Will the four new customers to be served own the service line from the curb stop to their residence?

RESPONSE: Yes.

July 9, 1985

The Honorable Board of Selectmen
Town of Rollinsford
Rollinsford, New Hampshire 03869

Gentlemen:

On June 7, 1985, the Board of Water Commissioners of the City of Somersworth, New Hampshire approved the extension of their franchise area to include a water main running from the Somersworth/Rollinsford line on the northerly side of Goodwin Road, thence running along the State right-of-way to the manufacturing facility of Janco, Inc. for the purpose of providing fire protection services only. Said extension is shown on the plan previously submitted to the Salmon Falls Water District Board of Water Commissioners by letter dated May 29, 1985.

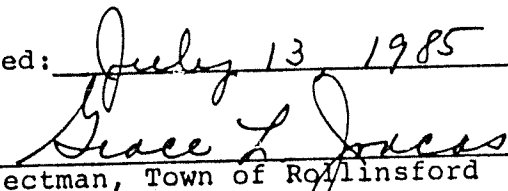
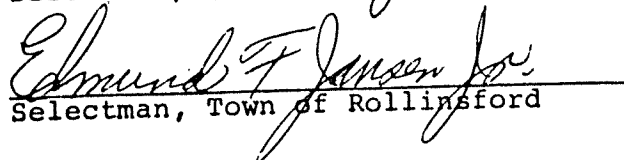
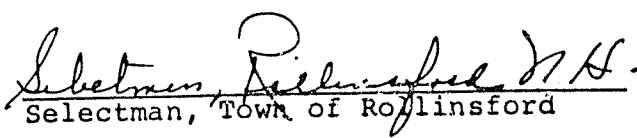
Since this proposed extension is outside the existing franchise area as determined by the Public Utilities Commission, we hereby request your Honorable Board to approve this franchise extension. To our knowledge, this proposed franchise extension does not infringe on any other franchise or precinct area. If you are in agreement with the above petition and attached plan, and also request a public hearing before the Public Utilities Commission be waived, please sign the four copies enclosed herein, keeping one copy for your records and returning the other copies and original to Norman C. LeClerc, Board of Water Commissioners, Somersworth City Hall, Somersworth, New Hampshire 03878.

Very truly yours,


Norman C. LeClerc

mjb
Enclosures

Dated:

July 13 1985
Selectman, Town of Rollinsford
Selectman, Town of Rollinsford
Selectman, Town of Rollinsford

The State of New Hampshire
Public Utilities Commission

July 1, 1985

Petition for Waiver of Public Hearing

Re: Board of Water Commissioners of the City of Somersworth
Petition for Extension of Franchise Area into Rollinsford,
New Hampshire, for Fire Protection at Janco, Inc.
Manufacturing Facility

NOW COMES the City of Somersworth by and through its Board of Water Commissioners in the above-captioned matter and says:

1. That the City of Somersworth Board of Water Commissioners is petitioning to extend water service outside of its franchise area into the unfranchised area of the Town of Rollinsford.
2. That the City of Somersworth Board of Water Commissioners has no knowledge or belief of residents who object to said franchise extension.
3. That the public is best served by a speedy approval of said petition.

WHEREFORE, your Petitioner respectfully prays of the Honorable Commission:

- a. That the Public Utilities Commission issue orders of publication of the above-captioned matter in Foster's Daily Democrat, a newspaper of general circulation in the franchise areas.
- b. That the Public Utilities Commission waive the public hearing request if no parties file an objection to said petition to extend franchise area.
- c. That the Public Utilities Commission approve the request by the City of Somersworth Board of Water Commissioners for an extension of the franchise area in Rollinsford, New Hampshire for fire protection purposes only at the Janco, Inc. facility.
- d. That the Public Utilities Commission make such further findings and orders as may be appropriate under the circumstances.

-2-

Dated at Somersworth, New Hampshire this 8th day of July, 1985.

Respectfully submitted,

CITY OF SOMERSWORTH BOARD OF
WATER COMMISSIONERS

By: Charles D. Burkham
Its Chairman, Duly Authorized

The State of New Hampshire
Public Utilities Commission

Petition of the Somersworth Water Commission for authority to extend a ten inch pipe from its main to the manufacturing plant of Janco, Inc. on Goodwin Street in the Town of Rollinsford, New Hampshire.

TO THE PUBLIC UTILITIES COMMISSION:

The Somersworth Water Commission, hereinafter called the "petitioner", duly organized and operating a water system under the Laws of the State of New Hampshire, respectfully represents as follows:

1. That Janco, Inc., owner of property in the hereinafter described part of the Town of Rollinsford, said part hereinafter being referred to as a "new fire protection service area", desires to have water service from the petitioner for the sole purpose of fire protection.
2. That there is no other water utility serving water in this area.
3. That the addition of a central water utility service would provide better fire protection for the general public and the employees and property of Janco, Inc.
4. That the petitioner is able and willing to supply water services for fire protection in the new service area under rates on file or to be filed with the Public Utilities Commission.

WHEREFORE, your petitioner prays:

- a. That the Commission find that it would be for the public good for the petitioner to engage in the business of supplying Janco, Inc. with water service for fire protection in the Town of Rollinsford to better protect the general public and employees of said plant as shown on the attached map.
- b. That the Commission approve a request by the Somersworth Water Commission of the City of Somersworth, New Hampshire for an extension of the franchise area in Rollinsford, New Hampshire to service parcels of property owned by Janco, Inc. over and above that established in the initial franchise order dated the 11th day of August, 1972 and known as PUC order #10689, and

-2-

subsequent orders as follows:

A parcel of land owned by Janco, Inc. on the westerly side of Goodwin Road with an extension of water service beginning at the southerly most limit of franchise for Goodwin Road, granted on the 11th day of August, 1972 at an existing fire hydrant connected to an eight inch pipe at a point on the Somersworth-Rollinsford town line; from said point continuing in a southwesterly direction along the State of New Hampshire right-of-way on the westerly sideline of Goodwin Road as shown on a plan entitled "Proposed Water Line Extension, Somersworth-Rollinsford line to Janco, Inc." dated 5/14/84, Leclerc-Sewall Associates, Surveyors to the northerly most lot line of property of Janco, Inc. as shown on said plan, located on the westerly side of Goodwin Road, for the sole purpose of providing water services for fire protection; thence running westerly along the southerly perimeter of the property of said Janco, Inc. as shown on said plan and connecting two hydrants and three sprinkler connections all to be maintained by Janco, Inc.

- c. That the Commission, by appropriate order, grant to the petitioner permission and approval to exercise all rights necessary to engage in business as a public utility and to authorize construction of a ten inch line to the new service area.
- d. That the Commission make such further findings and orders as may be appropriate in the circumstances.

The Somersworth Water Commission has also attached authorization of the above-referenced project by the Selectmen of the Town of Rollinsford.

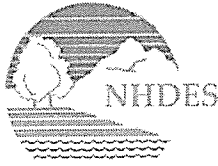
Dated at Somersworth, New Hampshire this 8th day of July, 1985.

Respectfully submitted,

CITY OF SOMERSWORTH BOARD OF
WATER COMMISSIONERS

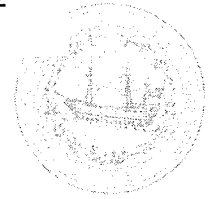
By: 

Its Chairman, Duly Authorized
Charles D. Burkam, Mayor



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



May 26, 2009

Lewis Janetos
Janco Realty, Inc.
P.O. Box 1309
Dover, NH 03820

SUBJECT: Rollinsford – Janco Realty, Inc., 50 Goodwin Road
DES Site # 198909002, Project RSN # 9940RE

Dear Mr. Janetos:

Recent groundwater sampling conducted on January 20, 2009 and May 7, 2009 from on-site monitoring wells and private residential wells located near the Janco Realty site have found the contaminant 1,4-dioxane to be present. At the two on-site monitoring wells and one of the private residential wells the concentrations were found to be above New Hampshire Ambient Groundwater Quality Standards. It is the Department of Environmental Service's (Department's) understanding that bottled water is currently being supplied to the affected homes as a short term measure to provide potable water.

Over the past several years, the Department has discovered 1,4-dioxane at over 30 sites throughout the state, frequently at locations where chlorinated solvents were historically used or disposed. This compound is not a "new" chemical but certainly an emerging contaminant of concern for the Department. The Department established an Ambient Groundwater Quality Standard for 1,4-dioxane in 2005 of 3 µg/L due to its potential carcinogenic properties.

Your consultant, Environmental and Industrial Waste Management (EIWM), has reviewed the effectiveness of current, conventional residential water treatment systems to treat this chemical. Although these systems are effective in removing many volatile organic compounds from drinking water, they are only marginally effective, at best, in removing 1,4-dioxane. EIWM recommended that the best long term solution for the affected homes is to connect them to the City of Somersworth water system. The Department's research into the treatment for this chemical has drawn the same conclusions as your consultant and we concur with their recommendation to connect the affected homes to City water. Connection to the City's distribution system would be a permanent solution to providing a reliable and safe potable water supply to the affected residential properties. We understand that the nearest water main is located in Goodwin Road, in front of the homes.

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

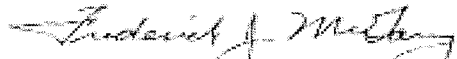
Telephone: (603) 271-2900 Fax: (603) 271-2456 TDD Access: Relay NH 1-800-735-2964

Mr. Lewis Janetos
May 26, 2009
Page 2 of 2

In closing, the Department strongly recommends that you contact the City of Somersworth and initiate the necessary administrative steps to facilitate connection to the City water system. Please continue to monitor for 1,4-dioxane at the on and off-site wells that have exceeded Ambient Groundwater Quality Standards during the November 2009 sampling round as required by Groundwater Monitoring Permit GWP-198909002-R-002. Since 1,4-dioxane can be absorbed through the skin and can be volatilized while taking a shower, the residents of the affected homes and workers at the Janco facility are at risk even though bottled water is being provided. Please include an additional round of sampling of the Baker, Janetos and Whitehouse private wells in August if connection to the Somersworth water supply has not been completed by that time. Include in the January 2010 Summary Report a status report on this issue.

Should you have any questions, please feel free to contact me.

Sincerely yours,



Frederick J. McGarry, P.E. BCEE

Tel: - (603) 271-4978

Fax: (603) 271-2456

Email: Frederick.McGarry@des.nh.gov

Assistant Director

cc: Ronald Rayner, P.E., EIWM
David Bowen, P.G., DES
Health Officer, Town of Rollinsford
City of Somersworth, Dept. of Public Works