

DW 99-166

**LOWER BARTLETT WATER PRECINCT
BARTLETT VILLAGE WATER PRECINCT**

Requests for Franchise Expansion

**Order Clarifying Lower Bartlett Water Precinct
Franchise Boundary**

O R D E R N O. 23,938

March 18, 2002

This docket concerns requests by two municipal water precincts for franchise authority from the New Hampshire Public Utilities Commission (Commission) to provide water service along the Route 302 corridor in Bartlett. As recently summarized in Order No. 23,926 (March 4, 2002), the Commission has already granted certain franchise territory to petitioner Lower Bartlett Water Precinct (LBWP) and determined that further proceedings are necessary to allocate additional territory between the LBWP and petitioner Bartlett Village Water Precinct (BVWP). *See also Lower Bartlett Water Precinct*, Order No. 23,562, 85 NH PUC 635 (2000) (outlining initial Commission action on LBWP franchise authority request, which extended LBWP service territory westward to The Seasons resort on Route 302). A merits hearing is scheduled for November 15, 2002.

In connection with certain technical sessions conducted by the parties and Staff that culminated in the

issuance of Order No. 23,926, the LBWP submitted a letter to the Commission with copies to the service list on January 29, 2002 requesting that the Commission

establish the westerly boundary of the franchise awarded under Order No. 23,562 to the westerly boundaries of the following parcels, described by tax map references: Map 2Birch/ 2CovBr, which is the Birchview subdivision; Map 2RT 302-4 Bartlett Place subdivision; Map 3 RT 302-1 Lots # 028R00 north of Route 302 and # 041L00 south of Route 302 to the National [F]orest boundary.¹

The LBWP further averred that "[t]hese lots abut the existing franchise fronting on Route 302, are zoned commercial and could easily be served by the extension of distribution pipes to The Seasons."

No party has filed an objection to this proposal, which we deem to be a minor adjustment to the LBWP franchise boundary that is fully consistent with our 2000 ruling. At

¹ The January 29 letter additionally contained a request that the Commission treat the remainder of the LBWP's franchise expansion request as withdrawn. However, on February 15, 2002, the LBWP filed a letter asking the Commission to defer action on its January 29 withdrawal request until June 30, 2002. The LBWP further indicated in its February 15 submission that if the BVWP is unwilling or unable to serve its requested franchise territory, the LBWP would be willing to reconsider its position regarding the extent of its franchise territory. The Commission agreed that it would treat the LBWP petition as withdrawn only to the limited extent reflected in the February 15 letter. See Order No. 23,926, slip op. at 11.

that time, we determined that the LBWP has "the requisite financial, managerial and technical expertise" to undertake the additional service obligations, reserving decision on areas west of The Seasons because it was not clear that the LBWP intended to serve these areas within the two years specified in RSA 374:27 and the BVWP had requested additional time to explore its own interest in franchise territory along the Route 302 corridor. See *Lower Bartlett Water Precinct*, 85 NH PUC at 641, 644 (also reserving Commission right to award additional franchise territory to LBWP without additional hearings). Since it appears that the LBWP is in a position to serve the areas referenced in its January 29 letter immediately, and because those areas are not within the franchise territory requested by the BVWP, there is no reason for us to deny the LBWP request and we therefore grant it as consistent with the public interest.

Based upon the foregoing, it is hereby

ORDERED, that the Petition of the Lower Bartlett Water Precinct for expansion of its franchise territory, as granted in part by Order No. 23,562, is hereby further granted to the extent specified in the Precinct's January 29, 2002 letter and as described more fully above.

By order of the Public Utilities Commission of New
Hampshire this eighteenth day of March, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary