



January 5, 2010

By Hand Delivery and Electronic Filing

Debra A. Howland, Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2425

Re: DG 09-239 Affidavit of Publication

Dear Director Howland:

Pursuant to the Order of Notice issued by the New Hampshire Public Utilities Commission on December 17, 2009, in the above-referenced docket, enclosed please find an Affidavit of Service and evidence of publication on behalf of Northern Utilities, Inc.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Epler", is written over a horizontal line.

Gary Epler
Attorney for NU

Enclosure

cc: Edward Damon, Staff Counsel

Gary Epler
Chief Regulatory Attorney
6 Liberty Lane West
Hampton, NH 03842-1720

Phone: 603-773-6440
Fax: 603-773-6640
Email: epler@unitil.com

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

UNITIL ENERGY SYSTEMS, INC., Petitioner
Petition for Authority to Issue Securities

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)
) DG 09-239
)

AFFIDAVIT

Gary M. Epler, having been duly sworn, states under oath as follows:

I certify that publication of the Order of Notice in Docket DG 09-239, issued on December 17, 2009, has been made as therein directed, and that it was published in the New Hampshire Union Leader on December 22, 2009.

DATED this 4th day of January, 2010



Gary M. Epler

STATE OF NEW HAMPSHIRE)

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COUNTY OF ROCKINGHAM)

On this 4th day of January, 2010, personally appeared before me Gary M. Epler, the signer of the above instrument, who duly acknowledged to me that he executed the same.



Notary Public

Residing in Rockingham County

My Commission Expires:

JOANNE L. ROBBINS, Notary Public
My Commission Expires December 3, 2013

THE STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMI

THE STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION DG 09-239 ORDER OF NOTICE On November 24, 2009, Northern Utilities, Inc. (Northern or Company) filed with the Commission a Petition for Authority to Issue Securities. Northern seeks to issue first mortgage bonds evidencing unsecured long-term debt in an aggregate amount of up to \$25,000,000. The bonds are proposed to be sold at par by private placement to institutional investors. According to Northern, the proposed long-term debt issuance will be used to pay off outstanding short-term debt, defray the costs and expenses of financing, and for other corporate purposes. In addition, Northern notes that it would also receive a \$7,500,000 equity contribution from its parent, Unitil Corporation, to support its capital structure. The proposed amounts of the debt issuance and equity contribution have been raised, from \$20,000,000 and \$5,000,000 respectively, because, Northern contends, market conditions are favorable for such an issuance. Northern avers that \$32,090,000 of the funds received from this debt issuance would be used to repay currently outstanding short-term debt and that \$410,000 will be used to cover the costs and expenses of the financing. Any remaining money is to be used for general corporate purposes. Northern contends that the proposed financing will actually strengthen its total debt to capitalization ratio since the proceeds will be used to repay short-term debt, and that because natural gas distribution companies generally have their strongest performance in the winter months, its ratios will further improve over that time. Northern's petition also reveals that as of September 30, 2009 it carried approximately \$33,000,000 in short-term debt and approximately \$150,000,000 in net fixed plant. Northern contends that this amount of short-term was incurred for additions, extensions and betterments to its property, plant and equipment. The filing raises, inter alia, issues related to RSA chapter 369, including the proposed uses of the funds and whether the issuance of up to \$25,000,000 of unsecured long-term debt are in the public good, and the appropriate amount of short-term debt for Northern. Each party has the right to have an attorney represent them at their own expense. Based upon the foregoing, it is hereby ORDERED, that a hearing be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on January 5, 2010 at 10:00 a.m.; and it is FURTHER ORDERED, that Northern, the Staff of the Commission and any interested parties hold a Technical Session at the Commission on December 31, 2009 at 9:00 a.m. to review the petition and allow Northern to provide any amendments or updates to its filing; and it is FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, Northern shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than December 23, 2009, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before January 5, 2010; and it is FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Northern and the Office of the Consumer Advocate on or before December 31, 2009, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32, I(b); and it is FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before January 5, 2010. By order of the Public Utilities Commission of New Hampshire this seventeenth day of December, 2009. Debra A. Howland Executive Director Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event. (UL - Dec. 22) 12/17/09 - 2 - DG 09-239 12/17/09

Appeared in: **The Union Leader** on Tuesday, 12/22/2009

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THE STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMI

THE STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION DE 09-236 ORDER OF NOTICE On November 23, 2009, Unitil Energy Systems, Inc. (UES or Company) filed with the Commission a Petition for Authority to Issue Securities. UES seeks to issue first mortgage bonds evidencing secured long-term debt in an aggregate amount of up to \$15,000,000. The bonds are proposed to be sold at par by private placement to institutional investors. According to UES, the proposed long-term debt issuance will be used to pay off outstanding short-term debt, defray the costs and expenses of financing, and for other corporate purposes. In addition, UES notes that it would also receive a \$5,000,000 equity contribution from its parent, Unitil Corporation, to support its capital structure. UES avers that \$16,696,000 of the funds received from this debt issuance would be used to repay currently outstanding short-term debt and that \$550,000 will be used to cover the costs and expenses of the financing. The remaining \$2,754,000 is to be used for general corporate purposes. UES contends that the proposed financing will actually strengthen its total debt to

capitalization ratio. As part of the proposed financing, UES also notes that it is in the process of seeking a waiver and amendment of requirements in its twelfth and thirteenth supplemental indentures. According to UES, under the indentures it must meet certain ratios relative to its Earnings Available for Interest Charges (EAIC), and its Net Bondable Expenditures. UES states that it meets the ratio required for its Net Bondable Expenditures, but not for EAIC. It is, therefore, seeking a waiver and amendment from its current investors relative to the EAIC ratio. According to the petition, in order to approve the waiver, UES' current investors are requesting that various conditions be placed on UES, including: a temporary fee of 100 basis points per annum for all bondholders should any bondholder be required to post additional reserves with respect to the bonds; a waiver fee of 10 basis points of the principal amount of the bonds; and other, undefined representations and warranties from UES. UES states that if it is unable to agree with the bondholders on an acceptable waiver it may wait until its next rate case before going to market. The filing raises, inter alia, issues related to RSA chapter 369, the proposed uses of the funds and whether the issuance of up to \$15,000,000 of long-term debt, the mortgaging of property and the waiver and amendment of indentures are in the public good. Each party has the right to have an attorney represent them at their own expense. Based upon the foregoing, it is hereby ORDERED, that a hearing be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire on January 5, 2010 at 11:00 a.m.; and it is FURTHER ORDERED, that UES, the Staff of the Commission and any interested parties hold a Technical Session at the Commission on December 31, 2009 at 10:00 a.m. to review the petition and allow UES to provide any amendments or updates to its filing; and it is FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, UES shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than December 23, 2009, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before January 5, 2010; and it is FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to UES and the Office of the Consumer Advocate on or before December 31, 2009, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32, I(b); and it is FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before January 5, 2010. By order of the Public Utilities Commission of New Hampshire this seventeenth day of December, 2009. Debra A. Howland Executive Director Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event. (UL - Dec. 22) 12/17/09 - 2 - DE 09-236 12/17/09

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