

DW 13-171



July 19, 2013

NHPUC 22JUL'13AM11:58

Debra Howland
Executive Director
NH Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301

Re: Eastman Sewer Company, Inc. – DW 13-171

Dear Debra,

Per DW 13-171, dated July 5, 2013, please find enclosed affidavits attesting to the publication and distribution of the Order of Notice.

Thank you, and please contact me at 863-4240 with any questions.

Respectfully,

A handwritten signature in black ink that reads "Brian Harding". The signature is written in a cursive style with a large, looping flourish at the end.

Brian Harding
General Manager
Eastman Sewer Company

cc: Attorney Jay Boynton



The newspaper of the Upper Connecticut River Valley

Valley News

Mailing Address: Box 877 White River Jct., VT 05001-0877 • Plant Location: 24 Interchange Drive, W. Lebanon, NH 03784-2084 • Telephone: 603/298-8711 FAX: 603/298-0212

July 17, 2013

AFFIDAVIT OF INSERTION

I, Kelly T. Vigue, hereby certify that the attached Legal Notice was advertised in the Valley News, a daily newspaper, published in Grafton County, state of New Hampshire on Tuesday, July 9, 2013.

RE: Eastman Sewer Company, Inc.

Signed Kelly T. Vigue
Kelly T. Vigue
Customer Relations Manager

County of Grafton
State of New Hampshire

Affirmed before me, this 17th day of July, 2013.

Signed: [Signature]
Notary Public

Commission Expires: AMY S. TIBBETTS, Notary Public
My Commission Expires February 6, 2018



ORDER OF NOTICE
On June 13, 2013, Eastman Sewer Company, Inc. ("Eastman Sewer"), the Village District of Eastman (the "Village District"), and the Eastman Community Association (the "Association") (together, the "Joint Petitioners") filed a joint petition seeking approval of the sale of the assets and liabilities of Eastman Sewer to the Village District, and exemption from further regulation by the Commission. The Joint Petitioners filed testimony in support of the joint petition on June 21, 2013. Eastman Sewer is a regulated sewer utility pursuant to RSA 362:2 and serves approximately 537 customers in a limited area of the Town of Grantham. The Village District is a municipal district organized under State law and owns and operates a water supply and distribution system with about 1,330 connections. The Association is a not-for-profit corporation and currently owns all of the corporate stock of Eastman Sewer. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-171.html>.

Eastman Sewer and the Village District have entered into a purchase and sale agreement to transfer all of the assets and liabilities of Eastman Sewer to the Village District. Subsequent to the transfer, sewer service to Eastman Sewer's customers will be provided by the Village District as a municipality serving within its municipal boundaries. Eastman Sewer would cease to exist. The current system operator, Water System Operators, Inc., an independent contractor, will continue to operate the system post-transfer. The voters of the Village District have approved the acquisition and the assumption of existing Eastman Sewer debt. The Joint Petitioners indicate that the sewer system is currently operating under a groundwater discharge permit issued April 19, 2013 by the New Hampshire Department of Environmental Services (NHDES), and that the NHDES has confirmed the transferability of this permit. The Village District and the current management of Eastman Sewer have reached agreement for the continuity of operational supervision with existing staff through a transition period.

The filing raises, inter alia, issues related to RSA 374:22 and 30 and whether the acquisition will be for the public good; RSA 374:4 and the Commission's oversight of the management of utility operations as well as the safety, adequacy, and accommodation of the utility service provided; and RSA Chapter 38 relative to the proposed transactions and purchase agreement. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby
ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on August 1, 2013 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition, and any of the issues set forth in N.H. Code Admin. Rule Puc 203.15(d) shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Eastman Sewer, the Staff of the Commission and any intervenors hold a Technical Session to review the petition and discuss the development of a procedural schedule for review of the petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, ESC shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than July 11, 2013 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 July 29, 2013; and it is

FURTHER ORDERED, that ESC serve a copy of this Order of Notice on current and known prospective customers as well as the Clerk of the Town of Grantham, New Hampshire, by first class U.S. Mail, postmarked no later than July 18, 2013; and it is **FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Eastman Sewer and the Office of the Consumer Advocate on or before July 29, 2013, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32, 1(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before August 1, 2013.

By order of the Public Utilities Commission of New Hampshire this fifth day of July, 2013.

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.

THE STATE OF
NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION

DW 13-171

EASTMAN SEWER
COMPANY, INC.

Joint Petition for Approval of
Sale to Village District of
Eastman and Exemption
from Further Regulation