

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 18-099

TOWN OF DERRY

**Petition for Approval of Franchise Expansion in the Town of Londonderry
and Approval of MSDC Rates for Lorden Commons**

ORDER OF NOTICE

On June 22, 2018, the Town of Derry (the Town) filed a petition for approval of franchise expansion in the Town of Londonderry (Londonderry) and approval of Merrimack Source Development Charge (MSDC) rates for Lorden Commons. The petition and subsequent docket filings, other than any 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/2018/18-099.html>.

The filing raises, *inter alia*, issues related to statutory requirements under RSA Chapters 362, 374, and 378, specifically, RSA 362:4, whether the Town of Derry should remain exempt from Commission regulation; RSA 374:1, whether the Town can furnish reasonably safe and adequate, and in all other respects, just and reasonable water service and facilities to the Lorden Commons development in Londonderry, including all aspects of engineering, safety, and adequacy of water supply; RSA 374:2, whether the Town can offer its proposed service at just and reasonable charges to customers in Londonderry without burdening the Town's existing customers with unreasonable rates due to cross-subsidization; RSAs 374:8 and 374:13, whether the Town keeps, and will continue to keep, accounts and records in the forms prescribed by the Commission in connection with its existing franchises and the proposed franchise in

Londonderry; and RSAs 374:22 and 374:26, granting the Commission authority to determine whether the Town possesses the financial, technical, and managerial capability to own and operate the proposed water main extension and associated facilities in Londonderry; whether the Town meets all applicable requirements of the New Hampshire Department of Environmental Services; whether the authority requested in the petition would be for the public good; whether terms and conditions for the franchise privilege should be applied by the Commission for the public interest; and whether the Town's proposed rates and tariffs for service in Londonderry, and any updated rates and tariffs for the Town's existing customers, will be just and reasonable and, in all other respects, will conform with the Commission's regulations. 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 September 6, 2018 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. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, the Town, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition; and it is


FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, the Town shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than August 9, 2018, 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 September 4, 2018; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to the Town and the Office of the Consumer Advocate on or before September 4, 2018, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rule Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before September 6, 2018.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of July, 2018,


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.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.