

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DW 19-131**

**OMNI MOUNT WASHINGTON HOTEL, LLC**

**Complaint Against Abenaki Water Company, Inc.**

**ORDER OF NOTICE**

On July 24, 2019, Omni Mount Washington Hotel, LLC (Omni) filed a complaint against Abenaki Water Company, Inc. (Abenaki), concerning its Rosebrook Water System. In its complaint, Omni maintains that Abenaki was responsible for repairing a water pipe on Omni's property that broke on April 21, 2019. The complaint 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://puc.nh.gov/Regulatory/Docketbk/2019/19-131.html>.

Abenaki's Rosebrook Water System, the water system serving Omni's property was previously owned by Rosebrook Water Company, Inc. (Rosebrook). In Docket No. DW 16-448, the Commission approved a settlement agreement providing for, among other things, Abenaki's acquisition of Rosebrook's franchise and assets, termination of Rosebrook's franchise, and revisions to Rosebrook's tariff. Order No. 25,934 at 4-8 (August 9, 2016). The tariff revisions included changes regarding the ownership and maintenance responsibility for service pipes from the property line or common area to the premises' exterior shut-off valve, placing more ownership and maintenance responsibility on customers than before. Revised Exhibit H, Terms and Conditions, ¶ 1 (Docket No. DW 16-448).

After reviewing the filings in the above-captioned docket, the Commission has determined that there are reasonable grounds for the complaint. The Commission is therefore

opening an adjudicative proceeding to resolve the complaint in accordance with N.H. Code Admin. Rules Puc 204.05 and Puc 203.

The filing raises, inter alia, issues related to the interpretation and application of Rosebrook's tariff, as amended; whether the amended tariff applies prospectively to new service pipes only or also retrospectively to existing service pipes; what constitutes the Omni premises' exterior shut-off valve; whether Abenaki furnished services and facilities that were reasonably safe and adequate under RSA 374:1; and whether Abenaki is liable for the costs of repairing the water pipe on Omni's property that broke on April 21, 2019. 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 January 6, 2020 at 1:00 pm, at which each party will provide a preliminary statement of its position with regard to the complaint 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, Omni, Abenaki, the Staff of the Commission, and any Intervenors hold a Technical Session, if necessary, to determine how to proceed with the investigation of the complaint; and it is

**FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.12, Omni 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, 2019, 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 3, 2020; 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 Omni, Abenaki, and the Office of the Consumer Advocate on or before December 31, 2019, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Code Admin. Rules Puc 203.17; and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before January 6, 2020.

By order of the Public Utilities Commission of New Hampshire this twelfth day of December, 2019.



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.

ExecutiveDirector@puc.nh.gov

donald.kreis@oca.nh.gov

dvaughan@newenglandservicecorr

mab@nhbrownlaw.com

NLaChance@NewEnglandService

ocalitigation@oca.nh.gov

thomas.getz@mclane.com

amanda.noonan@puc.nh.gov

anthony.leone@puc.nh.gov

Christopher.tuomala@puc.nh.gov

jayson.laflamme@puc.nh.gov

robyn.descoteau@puc.nh.gov

steve.frink@puc.nh.gov