

**CLERKS REPORT**

Docket No. & Name: DW 19-131 Omni Mount Washington, LLC  
Complaint by Omni Mount Washington Hotel, LLC Against Abenaki Water  
Company, Inc.

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Date: Revised 11/13/20  
Hearing 10/22/20  
Opened: 09:18 am  
Closed: 04:32 pm  
PHC:  
Hearing: Yes

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Presiding Officer: Chairwoman Dianne Martin,  
with Commissioner Kathryn  
M. Bailey  
Hearing Examiner:

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Court Reporter: Susan Robidas-Morning Session  
Steve Patnaude-Afternoon Session  
Clerk: Doreen Borden

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Briefs Due: \_\_\_\_\_

Transcript Due Date: \_\_\_\_\_ Hearings Continued: \_\_\_\_\_

Hearing Examiner Report Due: \_\_\_\_\_ Under Advisement: Yes

Notice Made: Yes

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Appearances:

McLane Middleton for Omni Mount Washington, LLC-Thomas B. Getz, Esq.  
NH Brown Law for Abenaki Water Company, Inc.-Marcia A. Brown, Esq.  
Bretton Woods Property Owners Association-Paul Mueller  
Commission Staff-Christopher Tuomala, Esq.

Intervention Granted:

Other Rulings:

Exhibits 34-37 to be held open for parties to supply Special Contracts by November 2, 2020.

All parties agree attorneys and witnesses allowed to sit together, thereby appearing on same screen and that no witness coaching would occur.

Exhibits were entered into evidence and are listed below:

**Exhibit 1**

Omni Mount Washington, LLC Responses to Staff Set 1 (aka MOL Att C)

**Exhibit 2**

Abenaki Water Company, Inc. Response to Staff 1-1 and Final Audit Report

**Exhibit 3**

Not used

**Exhibit 4**

Abenaki Water Company, Inc. Response to Staff 1-7

**Exhibit 5**

Filings from DW 11-117

**Exhibit 6**

2016 Services Agreement Between Rosebrook Water Company and Omni Mount Washington Resort

**Exhibit 7**

Affiliate Agreements filed in DW 13-001

**Exhibit 8**

Abenaki Water Company, Inc. Response to Staff 1-12

**Exhibit 9 Confidential**

Horizons' 2017 Report

**Exhibit 10 Redacted**

Horizons' 2017 Report

**Exhibit 11**

Abenaki Water Company, Inc. Supplemental Response to Staff 1-16

**Exhibit 12**

Town of Carroll Tax Cards

**Exhibits 13**

Calculation of Purchase Price - 2016 Continuing Property Records

**Exhibit 14 Confidential**

2016 Horizons' Report

**Exhibit 15 Redacted**

2016 Horizons' Report

**Exhibit 16 Confidential**

Omni Mount Washington, LLC Complaint Attachments

**Exhibit 17 Confidential**

Omni Mount Washington, LLC Responses to Staff Set 2

**Exhibit 18 Confidential**

Omni Mount Washington, LLC Responses to Staff Tech 2

**Exhibit 19 Redacted**

Omni Mount Washington, LLC Responses to Staff Tech 2

**Exhibit 20**

Past and Current Tariffs

**Exhibit 21 Redacted**

Omni Mount Washington, LLC Complaint Attachments

**Exhibit 22**

Reports Filed in DR 89-031

**Exhibit 23**

As-Built Utility Plans Filed in DR 89-031

**Exhibit 24**

Missing Deeds From Omni Mount Washington, LLC Complaint Att. F

**Exhibit 25**

Table Comparing Water Main Lengths

**Exhibit 26**

Exterior Shut-offs and Interior Plumbing – Hotel and Bretton Arms

**Exhibit 27**

Exterior Shut-offs and Interior Plumbing – Ski Area

**Exhibit 28 Redacted**

Omni Mount Washington, LLC Resort Responses to Staff Set 2

**Exhibit 29 Confidential**

Abenaki Water Company, Inc. Response to 2-3

**Exhibit 30 Redacted**

Abenaki Water Company, Inc. Response to 2-3

**Exhibit 31**

Secretary of State Filings for MWH Preservation

**Exhibit 32**

Abenaki Water Company, Inc. 2019 Continuing Property Records

**Exhibit 33**

New England Service Company Invoice for Hotel Work

**Exhibit 34**

Record Request

**Exhibit 35**

Held open as record request for each party present at 10.22.20 hearing, to file special contracts between Abenaki and Omni - not used

**Exhibit 36**

Held open as record request for each party present at 10.22.20 hearing, to file special contracts between Abenaki and Omni - not used

**Exhibit 37**

Held open as record request for each party present at 10.22.20 hearing, to file special contracts between Abenaki and Omni - not used

WITNESSES:

Panel 1	Doug Brogan
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