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Courtesy Draft Order of Notice

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 22-__

BODWELL WASTE SERVICES CORPORATION

Petition to Discontinue Operations and Transfer Assets and Franchise

COMMENCEMENT OF ADJUDICATIVE PROCEEDING AND NOTICE OF HEARING

On March 10, 2022, Bodwell Waste Services Corporation (Bodwell or the Company) filed a petition requesting Commission authority to discontinue service within Bodwell's franchise area and for authority to transfer assets and its franchise to the City of Manchester and other assets to the Town of Londonderry. Bodwell also requested authority to impose a surcharge on customer bills to recover its costs of winding down its affairs. In support of its petition, Bodwell filed the direct testimony of Stephen P. St. Cyr, Bodwell's outside accountant. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-__.html.

I. BACKGROUND AND PROCEDURAL HISTORY

Bodwell is a regulated public utility that serves approximately 528 residential customers in the Town of Londonderry (Town) and City of Manchester (City). Bodwell operates a sewer system that transports its customers' wastewater to the City for treatment. The Commission first authorized Bodwell to provide sewer service in Order No. 20,404, dated February 28, 1992. In Order No. 22,295 (August 8, 1998), the Commission established Bodwell's flat quarterly-rate rate design. Bodwell currently charges \$64.17 per quarter (or \$256.68 per year). Customers also pay an additional quarterly flat and volumetric fee to the City.

Bodwell states that since approximately 2009, the City has been upgrading and expanding its wastewater collection system. Specifically, the City's Cohas Brook Sewer Project

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involves extending 10,800 feet of new 24-inch sanitary sewer mains to Bodwell's system.

Bodwell and the City have entered into a Memorandum of Understanding (MOU) whereby the City would acquire Bodwell's assets in Manchester and serve Bodwell's Londonderry and Manchester customers directly in exchange for the City decommissioning Bodwell's pump stations. Bodwell states it expects to enter an MOU with the Town for the similar transfer of Bodwell's Londonderry assets to the Town. If approved, the City and Town would acquire Bodwell's assets in their respective corporate boundaries and Bodwell's customers would only pay a sewer bill from the City and not sewer bills from both Bodwell and the City as is the present case.

II. ISSUES PRESENTED

The filing presents the following issues: RSA 374:22 and RSA 374:26 and whether the proposed franchise transfer is for the public good; RSA 374:30 and whether the City possesses the requisite managerial, financial, and technical expertise to operate a sewer utility; RSA 362:4 and whether the City charges equivalent rates to inside and outside customers; and RSA 374:28 and whether it is in the public good for Bodwell to discontinue regulated utility service. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will conduct a prehearing in this matter in person. Parties may, however, file a written request for the Commission to also use video conferencing to participate in hearings in this proceeding. Parties requesting teleconferencing should support their request with reasons as to why teleconferencing should be made available for a hearing, such as a health condition, or to reduce the cost of witness travel. Such requests shall be made within the time frame ordered below. If the Commission determines that a hybrid approach will be used, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform, and a remote hearing link will be posted on the Commission's website.

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Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA Chapter 374, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing in this matter at its offices located at 21 South Fruit St., Suite 10, Concord, New Hampshire, on _____, 2022, at __:00 a.m.; and it is

FURTHER ORDERED, that any party requesting a hybrid hearing format to accommodate those who will be participating remotely via teleconference capabilities should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the hearing date; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is,

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Bodwell and any other parties on the Commission's Docket-Related service list, on or before _____, 2022. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before _____, 2022; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the

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Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Bodwell shall notify all entities and individuals desiring to be heard at this prehearing by publishing a copy of this order of notice on its website or social media portal no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before _____, 2022. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this _____ March, 2022.

Daniel C. Goldner
Presiding Officer
Chairman

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.