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August 31, 2022

Mr. Daniel C. Goldner
Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

RE: Docket No. DW 22-012
Bodwell Waste Services Corporation
Condition No. 11 of Town-Bodwell MOU

Dear Chairman Goldner:

I am writing to inform the Commission and the parties about the status of Condition No. 11 of the Memorandum of Understanding (“Memorandum”) between the Town of Londonderry (the “Town” or “Londonderry”) and Bodwell Waste Services Corporation (“Bodwell”).¹ Condition No. 11 of the Memorandum conditions the Town’s “acceptance of the Acquired Sewer Facilities . . . on the Town of Londonderry’s Council’s approval” of the transaction.

At the hearing, questions arose regarding compliance with Condition No. 11 and the timing of such compliance. In response to those questions, I expressed a willingness on behalf of the Town to waive Condition No. 11. Following a colloquy with the Commission regarding the Town’s potential waiver of the Condition and the legality of that action, I further promised to write a letter expressing the Town’s position on its willingness to waive Condition No. 11 and the legality of it doing so.

After conducting a further review of the relevant and applicable law and discussing the Condition with Bodwell’s counsel, Londonderry has concluded that compliance with Condition No. 11 is prudent and necessary. Accordingly, Londonderry’s Town Council will consider the formal approval of the transaction at its next public hearing on the evening of September 12, 2022. Londonderry anticipates that any formal approval obtained at the meeting will authorize the Town Manager to enter into the transfer agreements contemplated by the Memorandum and accept the transferred sewer assets, so long as the other conditions in the Memorandum have been satisfied. The Town is hopeful that it will have a resolution of this issue on September 12,

¹ The Memorandum, which Bodwell and Londonderry entered into on August 18, 2022, is Hearing Exhibit No. 5. Condition No. 11 is located on Page 5 of the Memorandum in the section entitled “Other Conditions.”

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2022 and promises to send a letter on the morning of September 13, 2022, updating the Commission and the parties on the status of its approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Lirette". The signature is written in a cursive style with a large initial "R".

Ryan P. Lirette

RPL/dmh

cc: Docket-Related Service List