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October 4, 2022

New Hampshire Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, N.H. 03301-2429

Re:

In Re: City of Somersworth

Case No. DW 22-044

Dear Commission:

I enclose for filing in the above captioned matter an Affidavit of Publication certifying that the September 14, 2022 *Order Nisi* in the above captioned matter was published in the Union Leader on September 19, 2022. I apologize for the delay in filing this Affidavit; the city only received it today and only after following up with the Union Leader.

Thank you for your assistance, and please do not hesitate to contact me with any questions or concerns regarding the enclosed.

Sincerely,

Laura Spector-Morgan

laura@mitchellmunigroup.com

Enc.

CC:

Robert M. Belmore, City Manager, w/enc.

Service List, w/enc.

AFFIDAVIT OF PUBLICATION

STATE OF New Hampshire COUNTY OF Hillsborough CITY OF Manchester	_) _) .)
herein stated, nave been the publisher and designation herein stated as follows:	sworn on oath now and during all times ated agent of the publication known as, and have full knowledge of the facts
By:	
Subscribed and sworn to before me This Hum day of October, 202a.	Notary Seal:
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Notary Public	

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Legal Notice

TOWN OF HOOKSETT PUBLIC HEARING NOTICE

The Hooksett Town Council hereby provides notice that it will hold a Public Hearing regarding a proposed amendment to the Town's Charter at their regularly scheduled meeting, which will take place at the Hooksett Municipal Offices (35 Main Street, Hooksett, NH 03106) on Wednesday, September 28, 2022, at 6:00PM. The proposed amendments are as follows: Sec. 3.6. Ordinances. Amend paragraph F to the followwiters of the Town in necordance with the provisions of RSA 675. The Council may adopt, amend, or repeal zoning ordinances, historic district ordinances, or building codes after the Planning Board holds at least one public hearing in accordance with RSA 675:7. The hearing must occur within [30 days] of the introduction of a proposed change, and conclude with a vote by the Planning Board on a recommendation. In addition, creation, or amendment to zoning ordinances instoric district ordinances or building codes may be petitioned for by no less than two percent [289] of the voters of the town and chall be established or amended Twenty-five or more vot-ers may petition for an amend-ment to a zoning ordinance, historic district ordinance or a building code in accordance with the procedures outlined under RSA 675.4.

If the charter amendment is pussed, changing the vote on zoning amendments, building co-des and district ordinances, from Hooksett Voters to Town Council, then the following should also be amended in the zoning ordinance. HOOKSETT ZONING ORDINANCE Section 35 - Amendments. Amend to the following: This Ordinance may be amended by a majority vote of any legal Town Meeting Town Council, following the proce-dures set forth in the Town Charter, when such am is published in the warranter the man for the meeting. A Public Hearing must be held, notice of which shall meet the requirements to RSA 675:7. (UL - Sept. 19)

Legal Notice

STATE OF NEW HAMPSHIRE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION
DW 22-044
CITY OF SOMERSWORTH
Petition to Extend Water
Service Area
Order Nisi Granting Petition
to Extend Service Area
26.685
September 14, 2022
This order approves a petitio

This order approves a petition of the City of Somersworth to extend its existing water service area to include an additional residential property

I. PROCEDURAL HISTORY

1. FROCEDURAL HISTORY
The City of Somersworth
(Somersworth, or the Cityl filed a
petition (Petition) on August 1.
2022, to extend its water service
area to include one additional,
residential property located on Tax
Lot 5-20 along Rebym Drive
within the Town of Rollinsford and
adjacent to the City's existing
service area.

On August 100 - 2000.

On August 30, 2022, the New On August 30, 2022, the New Hampshire Department of Energy (the DOE) filed position statement in support of the Petition, with accompanying documentation.

The petition and subsequent docket filings, other than information for which confidential treatment is resisted for granted by

ment is requested of or granted by the Commission, are posted on the Commission's website at www.pu nh.gov/Regulatory/Docketbk/ 2-044.html II. PETITION

A. City of Somersworth
The City noted that the Commission previously approved an extension of the City's water imited to the residential property located on Kelwyn Drive within the Town of Rollinsford, as identified on Tax Map 5, Lot 20 in the City's water system to 39 residential customers in Rollinsford through Tariff NiFUC No. 1 (1) and to one commercial customer in Rollinsford located on Goodwin Road in Rollinsford through Order No. 17,832 (August 30, 1985) in Docket No. DE 85-268 (2); and a further extension to four residential properties in Rollinsford with contaminated wells through Order No. 25,420 (October 5, 2012) in Docket No. DW 12-272. The City now seeks approval to expand its franchise territory to include one additional residential property located along Kelwyn Drive in Rollinsford, as shown on Tax Map 5, Lot 20, included in Exhibit 2 attached to the Petition. The City's Petition is made in response to a request from one owner of residential property because Rollinsford does not provide water service to this property because Rollinsford does not provide water service to that area.

The City included with its petition a letter from City Manager Robert M. Belmore that stated: (i) the City of Somersworth City Council voted on June 6, 2022, to Council voted on June 6, 2022, to approve the proposed extension; (ii) the City of Somersworth Division of Water has determined that the City's water system contains sufficient capacity to accommodate this request and the addition will create no adverse effect on the existing water system or its current customers; and (iii) the City will provide service uniformly, and in accordance with its existing tariff, to all subscribers within Somersworth and to the additional service area created in Rollinsford. See Petition at Exhibit 3, Letter from City Manager Robert M. Bellmore.

The City further stated that

from City Manager Robert M. Belmore.

The City further stated that the Town of Rollinsford concurs with the City's request to establish the proposed franchise area. See Exhibit 4, Letter from Paul Toussaint, Town Administrator, Town of Rollinsford, Finally, the City submitted a letter from the New Hampshire Department of Environmental Services (NHDES), Drinking Water and Groundwater Bureau stating that "the subject public water system meets the suitability and availability criteria of NH RSA 374:22 III, for expansion of water service to one residential lot (Tax Map # sion of water service to residential lot (Tax Map 005-020-00) with the address Kelwyn Drive Rollinsford, NH". See Exhibit 3

Exhibit 3.

B. Department of Energy
The DOE stated that it "takes
no exception to Somersworth's
request" for the service area
extension and provided certain
discovery documentation in support of its position. DOE Position
Statement at 2. The DOE "contendled] that the City should not
be considered a public utility
subject to further regulation by
the . . . Commission." pursuant to
RSA 362:4, Ill-a (a), while noting
that the City is not exempted from hat the City is not exempted from the franchise application require-ments of RSA 374. DOE Position Statement at 1. The DOE further asserted that Somersworth has the requisite managerial, financial, the requisite managerial, financial, and technical expertise to provide water service to the referenced residential lot in Rollinsford, "pursuant to [the] public good requirement of RSA 374-26" and that "the expansion is in the public good [asj it is at the property owner's request and is a minor extension of an existing franchise." DOE Letter of August 30, 2022 at 1-2. The DOE further stated that, pursuant to RSA 12-P-2, IV, it considered the docket record "to be complete for consideration by the Commission."
III. COMMISSION ANALYSIS Pursuant to RSA 374-22, I

the Commission."

III. COMMISSION ANALYSIS

Pursuant to RSA 374:22, 1

"[n]o person or business entity...

shall exercise any right or privilege
under any franchise not theretofore actually exercised... without
first having obtained the permission and approval of the commission." The Commission will grant a
request for franchise authority if it
finds that it is for the public good.
RSA 374:26. When determining
whether a proposed franchise is
for the public good, the Commission assesses, among other things,
the managerial, technical, and
financial abilities of the petitioner.
See, e.g., City of Somersworth.
Order No. 25,420 at 3 (October 5,
2012) [granting the City's request
for franchise expansion to serve
four residential properties in the
Town of Rollinsford and the conversion of an existing commercial version of an existing commercial customer from private fire protection service to full water service). Under RSA 374:22, III, no water company shall obtain the permis-sion or approval of the Commis-sion to operate as a public utility without first satisfying any

NHDES requirements concerning the suitability and availability of water. The Commission has previously found that the City po es the requisite managerial, tech-nical, and financial capabilities to provide water service in the Town of Rollinsford City of C of Rollinsford. City of Somers-worth, Order Nisi No. 25.420 at 3. citing Somersworth Water Commission. Order No. 17,832, 70 NH PUC 744 (1985). Based on our review of the record and the letter of support filed by the DOE, we find that the City of Somersworth continues to possess the manage rial, technical, and financial capa bilities to provide water service We further find that the expansion of franchise area granted herein is limited to the residential property located on Kelwyn Drive within the

the City "will provide service uniformly, and in accordance with its existing tariff, to all subscribers within the City of Somersworth and to the additional service area created in the Town of Rollinsford." See Petition at paragraph 5. and Exhibit 3. Letter from City Manager Robert M. Belmore.

Finally, the City stated in its Petition that the expansion of the water line "will be funded by the proposed customer in the expanded service area, who will own the service line from the curb stop to his residence, so that approval of this request would also be in the best interest of the existing customers in that they will not endure any expansion cost." The City further stated that its "water system has sufficient excess capacity built into its water system to accommodate this request for additional service." Petition at paragraph 7.

RSA 374:26 authorizes the Commission to grant requests for franchise authority without a hearing "when all interested parties are in agreement." While we are not aware of any parties opposed to the franchise petition, we will nonetheless alford interested parties the comment. Accordingly, we will sisue our decision on a nisi basis.

Based upon the foregoing, it is the reby

Based upon the foregoing, it

ordered NISI, that the ORDERED MISI. that the request of the City of Somersworth to extend its existing franchise area pursuant to RSA 374:22 to provide water service to the residential property located on Tax Lot 5-20 along Kelwyn Drive in the Town of Rollinsford is AP-PROVED, subject to the effective date below; and it is

FURTHER ORDERED, that the City of Somersworth shall

FURTHER ORDERED, that the City of Somersworth shall cause a copy of this Order Nist to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than September 20, 2022 and to be documented by affidavit filled with this office on or before September 27, 2022; and it is FURTHER ORDERED, that persons interested in responding

persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing, which states the reason and basis for a hearing, no later than October 4, 2022 for the Commission's consideration; and it is

FURTHER ORDERED, that any person interested in respond-ing to such comments or request for hearing shall do so no later than October 11, 2022; and it is

than October 11, 2022; and it is FURTHER ORDERED, that this order shall be effective October 14, 2022, unless the City of Somersworth fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date. By order of the Public Utilities Commission of New Hampshire this fourteenth day of September 2022.

Daniel C. Goldner Pradip K. Chattopadhyay Commissioner Carleton B. Simpson

(1) See, e.g., DOE Position State-ment at Attachment A, City of Somersworth, New Hampshire Chapter 32-Water Ordinance at 3 (Bates Page 12), Section 2 at 2 This Ordinance applies to all Customers served by the Utility upon adoption of this Ordinance and to any connections made thereafter, which includes . . . Sunningdale Condominiums, Kelwyn Park, and Janco. Inc. Rollinsford".

(2) Id., referencing Janco, Inc Service List - Docket

Related Docket#: 22-044 Printed: 9/14/2022 Email Addresses ClerksOffice@puc.nh.gov Energy-Litigation@energy.nh.gov robyn, i.descotean@energy.nh.gov david.n.govette@energy.nh.gov jayson.p.laflamme@energy.nh.go ocalitigation@oca.nh.gov laura@mitchellmunigroup.com christopher.r.tuomala genergy.nh.gov Matthew.C.Young@energy.nh.gov (UL - Sept. 19)

Legal Notice

SALEM SCHOOL BOARD SCHOOL ADMINISTRATIVE UNIT #57

SCHOOL ADMINISTRATIVE UNTI #57

Salem, New Hampshire PUBLIC HEARING
Tuesday, September 27, 2022
6:45 p.m.
Johnson Media Center Salem High School
In accordance with RSA
198:20-b, the Salem School District School Board will be holding a public hearing on Tuesday.
September 27th at 6:45 p.m. in the Johnson Media Center of Salem High School at 44 Geremonty Drive, Salem NH to receive public comment on the acceptance and expenditure of the NH Public School Infrastructure Fund Secure Action of Education (SAFE) Grant of \$517,650 for security upgrades.
9-16-2022
(UL - Sept. 19)

(UL - Sept. 19)

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