

**THE STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

RESIDENTS OF COLONIAL DRIVE, MOULTONBOROUGH

Receivership of Community Church Sewer System

Docket No. DW 22-082

**OBJECTION TO RESIDENTS OF COLONIAL DRIVE  
PARTIALLY ASSENTED TO MOTION TO STAY PROCEEDING PENDING  
EXPLORATION OF ASSET TRANSFER**

Lamprey Suburban Septic, Inc. ("**Lamprey Septic**") hereby objects to the Residents of Colonial Drive ("**the Homeowners**")<sup>1</sup> Partially-Assented to Motion to Stay Proceeding Pending Exploration of Asset Transfer ("**Motion to Stay**") pursuant to Puc §203.07(e). In support of its Motion, Lamprey Septic says the following:

1. On or about December 2, 2022, the Homeowners filed their Consumer Complaint for Receivership invoking the jurisdiction of the Public Utilities Commission ("**PUC**").
2. On December 9, 2022, the PUC issued a Procedural Order re: Hearing on Preliminary Issues in which the Complaint "requested that the Commission open a receivership proceeding pursuant to RSA 374:47-a, enforce the provision of safe and adequate sewer utility service under RSA 374:1, and grant any other relief that may be just and reasonable."
3. On April 26, 2023, the PUC granted Lamprey Septic's intervention request; and on that same day, Lamprey Septic submitted its Brief of Position in this matter pursuant to the PUC's order during the Pre-Hearing Conference held on April 5, 2023.

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<sup>1</sup> As noted by Lamprey Septic in its Brief of Position submitted to the PUC on April 26, 2023, Lamprey Septic refers to the Petitioners Residents of Colonial Drive as the "Homeowners" who consist of Robert and Theresa Landry, Keith and Karen Bell, Albert and Susan Solomon, Blaise and Cheryl Winter, George Correia and Valerie Marchand, Michael and Heidi Thurston as Trustees of the Thurston Family 2021 Trust, Thomas and Jerelyn Moreau, Steven and Nancy Hamilton, James Vocell and Paula Sheehan, and Jason Ray.

4. On May 24, 2023, the Homeowners filed its Motion to Stay in order to allow the Homeowners time to investigate the feasibility of acquiring the sewer assets Agape Community Church.
5. Prior to filing this Motion to Stay, the Homeowners' Counsel sought assent from Lamprey Septic. In response, Lamprey Septic offered to assent if Paragraph 6 of the Motion were amended to include Lamprey Septic in the negotiations so that the substantial debt owed to Lamprey Septic for services rendered months ago to prevent the sewer system from failing and causing significant pollution would be addressed as part of the transfer of sewer assets to the Homeowners. If that amendment would not be made, then Lamprey Septic could not give assent to stay this matter because of the delay it presents in payment to Lamprey Septic for the substantial debt owed.
6. The Motion to Stay was filed, including Paragraph 9, stating Lamprey Septic's objection due to the delay in payment for services rendered. However, the Homeowners asserted they did not believe

this debt issue is noticed for this proceeding or is relevant to this proceeding given Lamprey's statements that the Town directed the pumping, Lamprey had worked on sewer system before for the Town and had been paid by the Town, and that Lamprey knew from Mr. Solomon that the Residents of Colonial Drive did not own the sewer system. ("**the Assertion**")

7. Lamprey Septic hereby timely objects to this Assertion, as this debt issue is wholly relevant to this Receivership proceeding requested by the Homeowners, which certainly requires addressing this issue in the interest of justice and the assurance that Lamprey Septic will get paid pursuant to the Receivership. See Puc § 203.07 ("objections to a motion, except for motions for rehearing, shall be in writing and filed within 10 days of the date on which the motion is filed").

8. As such, Lamprey Septic reiterates its request that the PUC cause other necessary parties, specifically the Town of Moultonborough (“the Town”), the New Hampshire Department of Environmental Services (“DES”), the Bay District Sewer Commission (“BDSC”), and the Winnepesaukee River Basin Program (“WRBP”) (collectively “**the Additional Parties**”) to be joined in this proceeding so that all potential parties, including the Homeowners and the Church, are before the Board so that the Board can determine as part of this Receivership who has responsibility to pay Lamprey Septic for the services rendered to prevent the sewer system from overflowing and causing an environmental catastrophe.
9. Accordingly, Lamprey Septic respectfully requests that the Homeowners’ Motion to Stay be denied and that, as part of this Receivership and in the interests of justice, the Additional Parties be joined in this Docket since the Additional Parties, whether individually or collectively, may have access to additional financial resources, along with the Homeowners and the Church, to pay Lamprey Septic the amount due as documented in Lamprey Septic’s April 26<sup>th</sup> Brief.

WHEREFORE, Lamprey Septic respectfully requests the Commission:

- A. Deny the Motion to Stay;
- B. Join the Additional Parties to this Case;
- C. Schedule this matter for a hearing; and
- D. Grant such other relief as is just and equitable.

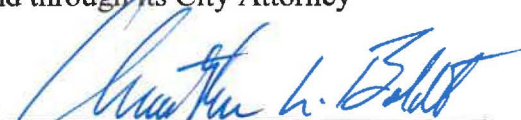
Respectfully submitted,

**Lamprey Suburban Septic, Inc.**

By and through its City Attorney

5/31/23  
Date

By:



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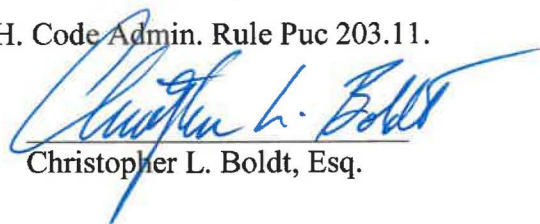
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### **CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached Objection to Residents of Colonial Drive Partially-Assented to Motion to Stay Proceeding Pending Exploration of Asset Transfer to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

5/31/23  
Date

  
Christopher L. Boldt, Esq.

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## Service List - Docket Related

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Printed: 5/31/2023

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