

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 22-082

RESIDENTS OF COLONIAL DRIVE, MOULTONBOROUGH

Complaint by Residents of Colonial Drive, Moultonborough Against Agape

Community Church Sewer System

Procedural Order Re: Hearing on Preliminary Issues

On December 2, 2022, the residents of Colonial Drive in Moultonborough, New Hampshire (Residents) filed a complaint with the Commission. 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.

The Residents represented that they own lots served by a sewer system that is owned by Agape Community Church (ACC).¹ The complaint asserted that ACC is the owner of the sewer system and that ACC has never sought exemption from regulation as a public utility under RSA 363:4. But the complaint noted the Residents have never been billed by ACC. Rather, the Residents have paid sewer bills issued by Bay District Sewer² since purchasing their properties. The complaint alleged the Residents received incorrect disclosures stating that they were receiving entirely municipal sewer service. The


¹ It is unclear from the complaint what entity is the alleged public utility subject to Commission jurisdiction. Per the complaint, it appears the original entity involved was the Center Harbor Christian Fellowship, however, the deed attached to the complaint refers only to an easement reserved by the realty grantor for utility lines, including sewer. The complaint asserts a name change occurred in 1994 to Center Harbor Christian Church and again in 2018 to Agape Community Church. Agape Community Church is a registered domestic non-profit with the New Hampshire Secretary of State (Business ID: 24789). The complaint also references Agape Ministries Servants, Inc., a charitable trust registered with the New Hampshire Attorney General's Office and also registered with the Secretary of State (Business ID: 354695). As noted, the relationship between Agape Community Church, Agape Ministries Servants, Inc., and the sewer system at issue is unclear.

² Per the complaint, Bay District Sewer is part of the State-owned sewer system under the Winnipisaukee River Basin Program managed by the New Hampshire Department of Environmental Services.

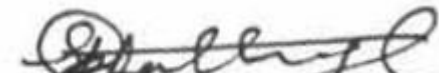
complaint contended the sewer system has now failed, resulting in a serious and imminent threat to the Residents' health and welfare.

After reviewing the Residents' complaint, the Commission has determined it is unable to proceed in this matter until the following preliminary issues have been decided: (1) whether, under the stated circumstances, ACC is a "public utility" subject to regulation by the Commission under RSA 362:2 and :4; and (2) whether the Residents' complaint must first be filed with the New Hampshire Department of Energy (DOE), served upon the utility, and investigated pursuant to RSA chapter 365, as amended. Accordingly, the Commission is scheduling a hearing on these preliminary issues for Thursday, January 12, 2023, at 9:00 a.m. The Commission requests the New Hampshire Department of Environmental Services to participate in the hearing. Three hours are allotted for this hearing, which shall be conducted in person, in accordance with the attached hearing guidelines. Any memoranda of law shall be filed no later than January 4, 2023.

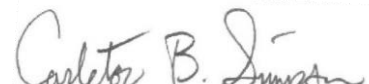
So ordered, this ninth day of December, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-082

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Email Addresses

ClerksOffice@puc.nh.gov
mab@nhbrownlaw.com
Energy-Litigation@energy.nh.gov
ocalitigation@oca.nh.gov
Kerry.d.barnsley@des.nh.gov
Kurt@devylderlaw.com
mserge@dwmlaw.com