

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 23-016

In Re: City of Laconia

**CITY OF LACONIA'S STATUS UPDATE PURSUANT TO PROCEDURAL ORDER RE:
CITY OF LACONIA'S MOTION TO EXTEND DOE DEADLINES**

NOW COMES the City of Laconia (hereinafter "City"), by and through its attorneys, Mitchell Municipal Group, P.A., and in submitting this update in accordance with the Commission's Procedural Order Re: City of Laconia's Motion to Extend DOE Deadline (hereinafter "Order"), states as follows:

1. The City of Laconia submitted its Petition Pursuant to RSA 362:4 and RSA 374:22 to Extend Water and Sewer Service Area (hereinafter "Petition") on, or about, February 16, 2023. A Prehearing Order in this matter issued on April 18, 2023, delineating the procedural schedule in this matter.

2. Due to further discussions regarding the applicable costs associated with delivery of services outside the City's borders, the City, the Town of Belmont (hereinafter "Town"), and the Intervener Mountain Lake Village, LLC (hereinafter "Intervenor"), endeavored to modify the current draft intermunicipal agreement (hereinafter "IMA"). As a result, the City submitted its Motion to Stay Proceedings (hereinafter "Motion") requesting to extend the deadline for the DOE report, thus allowing the parties to submit any changes to the DOE for its review and inclusion in its report. The Order allowed for this extension and called for the City to submit "a status update by July 28, 2023[.]" Order, pg. 1.

3. Undersigned counsel expected that further discussions and a resultant agreement would have been completed as of the time of this filing, but they have not.

The parties attempted to meet in-person the week of June 11, 2023, as indicated in the Motion, in an effort to come to a resolution but due to scheduling conflicts said meeting occurred on June 28, 2023, and only included the City and the Town. Both parties left the meeting satisfied with the agreed upon course of action, and undersigned counsel discussed same with the Intervenor who was also in agreement.

4. The course of action contemplates a contract between the municipalities consistent with RSA 362:4, III, b, wherein the City would provide the 18 residential properties in question with sewage disposal services, and bill the Town for said service at a rate that utilizing the rate charged to Laconia residents, with an additional charge to compensate the City for the additional overhead incurred due to this arrangement. This additional charge will be fully articulated in the agreement between the City and Town.

5. In light of the delay, on July 25, 2023, undersigned counsel had a lengthy and detailed videoconference with members of the DOE regarding this proposed course of action, in which the DOE was able to request additional information for their review, and raise potential issues that the parties will need to address in any final agreement struck.

6. As of the time of this filing, the City and Town are in the process of arriving at said additional charge, drafting the necessary agreement, formulating any necessary revision to the subject IMA and the Petition in this matter, and will endeavor to complete same within the next 30 days. Therefore, to keep the Commission apprised of the agreement contemplated herein, and to move this matter forward, the City will submit a status update 30 days after the order on this request or an update upon the execution of the contemplated agreement and revised IMA, whichever occurs first.

7. Additionally, as this agreement has not been finalized, and thus has not been provided to the DOE for review, the City requests that the present order allowing for

submission of the DOE report 30 days after receipt of said agreement, to remain in full force and effect.

7. The City has reached out to the Intervenor, and has not received a position on this additional 30 day status update request.

8. The City has reached out to the DOE, and the Department takes no position with regard to this additional 30 day status update request.

9. The City has reached out to the Town of Belmont, and has not received a position on this additional 30 day status update request.

WHEREFORE, the City of Laconia respectfully requests that this Commission:

- A. Stay the present proceedings consistent with the above; and
- B. Grant such other and further relief as the Commission deems just and necessary.

Respectfully submitted,

CITY OF LACONIA

By Its Attorneys
MITCHELL MUNICIPAL GROUP, P.A.

Date: July 27, 2023

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