

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DW 23-016

City of Laconia

Petition to Extend Water and Sewer Service in Areas of Belmont

**MOTION TO AMEND PROCEDURAL SCHEDULE to EXTEND THE DISCOVERY
PERIOD FOR THE DEPARTMENT OF ENERGY**

The Department of Energy (DOE) hereby moves the Commission, pursuant to New Hampshire Code Admin. Rules Puc 203.7, to amend the Prehearing Order issued by the Public Utilities Commission (Commission) in the above-captioned docket on April 18, 2023, and amended by the Procedural Order issued June 28, 2023.

In support of this Motion, the Department states as follows:

1. On February 17, 2023, the City of Laconia filed a petition requesting the approval of the extension of Laconia's water and sewer to 18 residential lots at the Mountain Lake Village, LLC in the Town of Belmont. The petition and related filings are available at the Commission's website at [New Hampshire Public Utilities Commission \(nh.gov\)](https://www.nh.gov/energy/public-utilities-commission).
2. Because the City of Laconia operates water and sewer service delivered as a municipal utility, the rates to be applied to the residents of the Town of Belmont must be 1) for water service, no more than 15% above the rates charged to residents of Laconia taking that service, and 2) for sewer service, the same rates charged to residents of Laconia taking that service. RSA 362:4, III(b) (sewer services) and RSA 362:4, III-a (a) (1) (water services). If these rates are exceeded, the municipal utility would be subject to Commission regulation as a public utility.

3. A prehearing conference was held on April 6, 2023. The Department Energy (DOE) emphasized the rate limit requirements during the prehearing conference. The DOE's understanding at the time of the prehearing conference was that the City of Laconia would be complying with the statutory requirements to maintain its status as a municipal utility, and charge rates consistent with the relevant provisions of NH RSA 362:4. Prehearing Transcript of April 6, 2023, at page 10.
4. Prior to June 8, 2023, the City of Laconia contacted DOE and said that it would be asking for an extension of time for DOE's filing of a recommendation because a complexity had arisen regarding the delivery and cost of sewer services that involved certain rights of the Town of Belmont. The City of Laconia said that it had initiated discussions with the Town of Belmont regarding the issue to see if they could reach an agreement on the matter. City of Laconia Motion to Stay Proceeding, [New Hampshire Public Utilities Commission \(nh.gov\)](https://www.nh.gov), Tab 12. On June 28, 2023, the Commission granted the Motion to Stay Proceedings and required the City of Laconia to report on the status of the discussions between Belmont and the City of Laconia by July 28, 2023. Also on June 8, 2023, the Town of Belmont entered an appearance in this proceeding.
5. On July 25, 2023, the DOE made an inquiry with the City of Laconia regarding the status of the discussions between the two municipalities. The City of Laconia said that discussions were ongoing. Accordingly, the DOE and the City of Laconia scheduled a teleconference for the following day, June 26, 2027, to discuss the matter further. During that call, the City of Laconia described the status and possible resolution of the disagreement between the two municipalities. The City of Laconia also said it would be requesting an extension of 30 days to present its proposal to the Commission.

6. The DOE is concerned that the proposed resolution regarding the delivery of and payment for sewer services in the proposed extension in Belmont is substantially different than what was presented in the original petition and at the prehearing conference. The DOE is not suggesting that any party misrepresented the case as it existed at the time. However, given the contemplated amended arrangement for the provision of sewer service between the City of Laconia and the Town of Belmont, the DOE believes that it needs additional time, and the opportunity for further discovery, to prepare a full analysis for the Commission that adequately addresses all of the issues included in the contemplated amended arrangement, as required in the prehearing order, and consistent with the requirements of NH RSA 12-P:2, IV.
7. Based on the foregoing, the DOE respectfully requests that the Commission approve an extension of the deadline for filing the DOE's analysis to 90 days subsequent to the City of Laconia's actual date of filing of its amended proposal with the Commission. This extension will provide the DOE with sufficient time to review and evaluate the proposal in the petition of the City of Laconia, as amended by whatever additional information is provided in this docket.
8. DOE reached out to the Intervenor and the Attorney for the Town of Belmont for a position on the Motion. The Attorney for Belmont is unavailable, and the Intervenor did not respond. DOE also sent a copy of the Motion to the City of Laconia but did not expect a response as Laconia had previously informed the DOE that it would be filing a separate motion.
9. In support of its motion, the DOE states that the requested extension is consistent with the public interest and is necessary to comply with its obligations pursuant to NH RSA 12-P:2, IV.

WHEREFORE, the Department respectfully requests that the Commission amend the existing Procedural Order to extend the deadline for DOE to file its recommendation to be no later than 90 days after the City of Laconia files the agreement related to the delivery of sewer services.

Respectfully

/s/ Suzanne G. Amidon

Suzanne G. Amidon, Esq.
Staff Counsel/Hearings Examiner
DOE Regulatory Division

Dated this day, July 28, 2023

cc: Service List (electronically)