

THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DW 23-016

In Re: City of Laconia

**CITY OF LACONIA'S MOTION TO DISMISS WITHOUT PREJUDICE**

NOW COMES the City of Laconia (hereinafter "City"), by and through its attorneys, Mitchell Municipal Group, P.A., and in submitting its City of Laconia's Motion to Dismiss without Prejudice (hereinafter "Motion"), 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 Intervenor 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 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. Additional time was needed to address these issues, resulting in the further request made in the City of Laconia's Status Update Pursuant to Procedural Order re: City of Laconia's Motion to Extend DOE Deadlines.

3. Undersigned counsel was able to confer with all parties in this action and, as a result, the Intervenor, who is the developer of the project at issue, has chosen to

modify the project to remove the need for sewer service outside of the City's borders.

4. Consequently, as this decision will necessitate further engineering, potential local approvals, and modification of the applicable intermunicipal agreement, the matter as presently constituted should not move to adjudication.

5. Rather, the parties request that this matter should be dismissed without prejudice, allowing for the City to bring a new petition regarding providing water only outside of its borders.

6. The City has reached out to the Intervenor, who assents to the relief requested herein.

7. The City has reached out to the DOE, who does not object to the relief requested herein.

8. The City has reached out to the Town of Belmont, who assents to the relief requested herein.

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

- A. Dismiss this action without prejudice; 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: August 28, 2023

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