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**I N D E X**

**PAGE NO.**

**ISSUE RE: PETITION FOR INTERVENTION**

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**STATEMENTS OF PRELIMINARY POSITION BY:**

Mr. Driscoll

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Ms. Amidon

6

Mr. Brouillard

7

**QUESTIONS BY CHAIRMAN GOLDNER**

9

**FURTHER STATEMENTS BY:**

Mr. Driscoll

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Ms. Amidon

15

Mr. Brouillard

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**ISSUE RE: PROCEDURAL SCHEDULE**

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**P R O C E E D I N G**

CHAIRMAN GOLDNER: Okay. Good morning, everyone. I'm Chairman Goldner, Presiding Officer for the prehearing conference today, pursuant to RSA 363:16. We're here this morning in Docket 23-016 regarding a Petition filed by the City of Laconia on February 17th, 2023, for approval to extend the City's water and sewer service in the Town of Belmont, to serve 18 lots within the Mountain Lake Village development.

Let's begin by taking appearances, beginning with the City of Laconia.

MR. DRISCOLL: Good morning Chairman. Joe Driscoll, from the Mitchell Municipal Group, and we represent the City of Laconia. With me today is the Director of Public Works, Wes Anderson, he has a injury, so forgive him for not standing; and Ben Crawford, the Superintendent of Water Works.

CHAIRMAN GOLDNER: Thank you. Thank you. And no need to stand today, but unless you wish. So, --

MR. BROUILLARD: I'm Attorney Philip Brouillard, representing Mountain Lake Village.

1 And this is Jon Rokeh, the engineer.

2 CHAIRMAN GOLDNER: Thank you. Thank  
3 you. And we -- so, for Mountain Lake Village.  
4 And how do you pronounce your name, sir?

5 MR. BROUILLARD: Brouillard, "brew  
6 yard".

7 CHAIRMAN GOLDNER: Thank you. And the  
8 New Hampshire Department of Energy?

9 MS. AMIDON: Good morning. Suzanne  
10 Amidon, for the Department. And with me is  
11 Jayson Laflamme, who is the Director of the Water  
12 Group in the Department of Energy; and Robyn  
13 Descoteau, who is an Analyst in that division.

14 CHAIRMAN GOLDNER: Very good.

15 Okay. Mountain Lake Village submitted  
16 a timely Petition to Intervene, which has not  
17 been objected to. Does anyone have anything  
18 further to say with respect to the Petition to  
19 Intervene?

20 MS. AMIDON: We do not have anything at  
21 the Department. Thank you.

22 MR. DRISCOLL: We do not object.

23 CHAIRMAN GOLDNER: Okay. Thank you.

24 Okay. Seeing none, I've reviewed and

1           determined that the Mountain Lake Village  
2           intervention would be in the interest of justice,  
3           and would not impair the orderly and prompt  
4           conduct of the proceeding, and therefore grant  
5           intervention pursuant to Puc 203.17 and RSA  
6           541-A:32 II.

7           Okay. I'd like to start today's  
8           proceeding with taking preliminary positions, and  
9           beginning with the City of Laconia.

10          MR. DRISCOLL: Good morning, Chair.

11          *[Court reporter interruption regarding*  
12          *the use of the microphone.]*

13          MR. DRISCOLL: As has been noted, we  
14          filed this Petition to service 18 residential  
15          lots. This is the product of a intermunicipal  
16          subdivision that's been created, approximately 52  
17          lots. I'll let the intervenor speak more on the  
18          details of that. They are the developer of the  
19          property. The intent here is to get the services  
20          necessary, both water and sewer, from the City of  
21          Laconia, that would branch off into the  
22          development starting in the City of Laconia, and  
23          this, as you can see from our plans, if you'd  
24          like to see, kind of needs to wiggle across the

1 line in a couple different ways. The stricter  
2 compliance is in the City of Laconia, as opposed  
3 to the Town of Belmont. That will be followed,  
4 as opposed to any sort of transition to the  
5 Belmont's standards of things.

6 Outside of that, you know, it's --  
7 frankly, it's something that the City supports.  
8 It is something that the services can handle.  
9 And, you know, I have the gentlemen here that can  
10 speak to that, if there's any further questions  
11 on it.

12 Thank you.

13 CHAIRMAN GOLDNER: Thank you, sir. And  
14 let's move to the New Hampshire Department of  
15 Energy.

16 MS. AMIDON: Thank you.

17 The Department has already commenced  
18 one set of discovery on this. And, from what we  
19 can ascertain, Laconia intends to charge no more  
20 than 15 percent over the rate that it charges for  
21 its municipal customers to those Belmont  
22 customers, which is consistent with the  
23 requirements of the statute. In addition, we've  
24 been able to determine that the sewage rates are

1 going to be the same as those in Laconia. So,  
2 that also satisfies the statute.

3 However, we're missing a couple of  
4 things. One of them is the Department of  
5 Environmental Services' letter attesting to the  
6 availability of the water. And we requested that  
7 in a data request. And, initially, we were going  
8 get that, I think, on the 18th or the 19th, but  
9 there's another date that has been set at this  
10 point. So, we're looking forward to getting  
11 that. And, based on the fact that we haven't  
12 gotten that letter yet, we're going to have an  
13 additional set of discovery, or at least allow  
14 for an additional set, so we can make sure that  
15 we have everything we need to complete our review  
16 of the docket.

17 Thank you. And you have any questions,  
18 please let me know.

19 CHAIRMAN GOLDNER: Okay. Thank you,  
20 Attorney Amidon. And let's move to Mountain Lake  
21 Village, and Mr. Brouillard.

22 MR. BROUILLARD: Well, I'm usually --  
23 *[Court reporter interruption regarding*  
24 *the use of the microphone.]*

1 MR. BROUILLARD: Sorry. I'm usually  
2 accused of saying too much. But I do subscribe  
3 to the adage of "A picture is worth a thousand  
4 words." And I don't know if you've seen this  
5 particular plan.

6 CHAIRMAN GOLDNER: I have. It's in the  
7 filing.

8 MR. BROUILLARD: Okay. Great. And, as  
9 you can see, the town line sort of bisects the  
10 property. And the Town of Belmont regulations  
11 say that, if you have a cluster subdivision, you  
12 need water and sewer. And, also, this was 107  
13 acres, and part of the development and the  
14 approvals is we had to give a conservation  
15 easement on 50 acres to the Town of Belmont and  
16 actually deed it to them, which we have done.

17 So, we've got -- the other thing is, if  
18 you look at the subdivision, all the lots back up  
19 to the common area. It's a very nice  
20 subdivision. You know, water and sewer are very  
21 nice amenities, and it's good for the  
22 environment, treated water and everything.

23 So, you know, basically, we would like  
24 to have the Department of Energy complete their



1 review and have the Board look favorably upon it.

2 CHAIRMAN GOLDNER: Thank you. And I'll  
3 just maybe some -- a couple of follow-up  
4 questions.

5 What I take from the opening statements  
6 is that all of the parties to the proceeding are  
7 in agreement with the costs, with the setup, with  
8 the implementation. The only concern at this  
9 point is from the -- the approval from the New  
10 Hampshire Department of Environmental Services.  
11 Is that a fair summary?

12 MS. AMIDON: Yes. But one thing I did  
13 want to emphasis is that the Department is  
14 reviewing it for purposes of determining whether  
15 they're acting as a municipal utility, not  
16 subject to the Commission's jurisdiction, and the  
17 rates that they are assessing the Belmont  
18 residents of this proposed subdivision. So,  
19 that's really what we're looking at.

20 One of those factors, obviously, also  
21 that we are required to look at is the  
22 availability of water. So, we are looking for  
23 that letter, and assume that that will be  
24 forthcoming at some point.

1                   CHAIRMAN GOLDNER: Does the Department  
2                   have any concern with the rates, the 15 and zero  
3                   percent? Those are the maxes allowed by statute.  
4                   Does the Department accept the proposal from the  
5                   Petitioner? Or, are you doing some analysis to  
6                   determine some different numbers?

7                   MS. AMIDON: We have that information.  
8                   And, in order to avoid being a public utility,  
9                   the municipal water utility can charge no greater  
10                  than 15 percent over the municipal water tariff  
11                  itself for their residents. And that is the case  
12                  in this case. They are within -- I think they  
13                  are charging the 15 percent in excess of the  
14                  Laconia municipal water rate. But that's  
15                  consistent with the statute, to avoid being under  
16                  the jurisdiction of the Commission. And the same  
17                  with the sewer rates being the same as the rates  
18                  that are charged the Laconia municipal residents  
19                  under that tariff. That is also consistent with  
20                  being able to be a municipal utility not subject  
21                  to the full regulation of the Commission.

22                  So, those are the two aspects that  
23                  we're looking at. We also looked at the  
24                  managerial, financial, and technical abilities of

1 the Town [sic] to be able to serve these  
2 additional customers, and that appears to be  
3 adequate as well. But we need just one more set  
4 of discovery to complete our review.

5 And I would say -- I wouldn't say that  
6 we agree that the Petition is in the best -- is  
7 in the public interest, the Petition satisfies  
8 the requirements of the statute.

9 CHAIRMAN GOLDNER: Okay. Any comments  
10 from the City of Laconia?

11 MR. DRISCOLL: Is there any way I could  
12 speak with my client briefly on a certain point?

13 CHAIRMAN GOLDNER: Of course. Yes,  
14 please.

15 MR. DRISCOLL: Is it -- can we do it in  
16 the hallway or something?

17 CHAIRMAN GOLDNER: That would be fine.  
18 We can stay here, yes. If nobody objects, that's  
19 fine with me.

20 And I don't want to rush you. If you  
21 need 15 or 20 minutes, we can take a break. If  
22 it's just going to be a few minutes, we can just  
23 stay. Do you have a preference?

24 MR. DRISCOLL: About 10 minutes is kind

1 of the preference.

2 CHAIRMAN GOLDNER: Okay.

3 MR. DRISCOLL: So, I leave that to the  
4 Board, however you would like to handle that.

5 CHAIRMAN GOLDNER: Is everyone okay  
6 staying or would you like to adjourn for the 10  
7 or 15 minutes?

8 MS. AMIDON: We'll probably stay here.  
9 Thank you.

10 CHAIRMAN GOLDNER: Okay. Mr.  
11 Brouillard, are you okay just to stay, while they  
12 take a break?

13 MR. BROUILLARD: I am. But I may go to  
14 the men's room.

15 CHAIRMAN GOLDNER: Okay.

16 MR. BROUILLARD: Yes.

17 CHAIRMAN GOLDNER: Okay. So, let's --  
18 I'll stay here. But let's reassemble at 9:25.

19 MR. BROUILLARD: Thank you.

20 *(Recess taken at 9:14 a.m., and the*  
21 *prehearing conference resumed at*  
22 *9:22 a.m.)*

23 CHAIRMAN GOLDNER: Okay. We'll go back  
24 on the record. City of Laconia.

1 MR. DRISCOLL: Just wanted to raise a  
2 couple kind of quick points.

3 As to the discovery, that's completely  
4 understood. We know that information that the  
5 Department needs is -- it's coming to us from  
6 DES. I think -- April 20th I think was discussed  
7 as probably the timeline for that to come in.  
8 So, obviously, that comes in, we get that over,  
9 and any further discovery requests, obviously,  
10 will be accommodated.

11 I don't believe -- is there any other  
12 questions that I should be addressing at this  
13 time?

14 CHAIRMAN GOLDNER: No. I just wanted  
15 to make sure you had an opportunity to comment  
16 after the Department.

17 MR. DRISCOLL: No. Appreciate that.  
18 Thank you.

19 CHAIRMAN GOLDNER: Sure. Maybe a  
20 question for the Department.

21 I know that you're awaiting the report  
22 from Environmental Services. Can you maybe lay  
23 out, Attorney Amidon, your thoughts on a  
24 procedural schedule or how you see this docket

1 rolling out?

2 MS. AMIDON: I have Mr. Laflamme next  
3 to me. I guess what I would suggest is that  
4 maybe we will be looking at doing a technical  
5 statement or something of that nature. But I'm  
6 going to let him look at the calendar and inform  
7 me of what is an appropriate time for that,  
8 because the calendar is pretty busy right now.

9 MR. LAFLAMME: Yes. What we were --  
10 what we were going to propose, we haven't  
11 discussed this with the City of Laconia yet or  
12 the other intervenor, but what we were going to  
13 propose is that, anticipating that the last  
14 discovery response would be on the 20th, we were  
15 going to propose a follow-up round of discovery  
16 going out on April 27th, with responses due on  
17 May 11th. And then, our report from the -- on  
18 our analysis of this proceeding would be by  
19 June -- by June 8th.

20 CHAIRMAN GOLDNER: Okay. Thank you,  
21 Mr. Laflamme. That's very helpful.

22 I'll turn to the City and Mountain Lake  
23 Village. Is that procedural schedule fast enough  
24 for your needs?

1 MR. DRISCOLL: We are fine with that.  
2 Again, I believe on the 20th is when we're  
3 anticipating getting that information, and that  
4 seems to expedite it. But I'll let the  
5 intervenor speak on that issue.

6 CHAIRMAN GOLDNER: Okay. Mr.  
7 Brouillard.

8 MR. BROUILLARD: Mountain Lake thinks  
9 that's fine.

10 CHAIRMAN GOLDNER: Okay.

11 MR. BROUILLARD: Thank you, Chairman.

12 CHAIRMAN GOLDNER: Okay. Any other  
13 concerns, Attorney Amidon, from your perspective?

14 MS. AMIDON: There is no other  
15 concerns, just one comment. We have that set  
16 aside, that discovery is on a sort of like "as  
17 needed" basis. So, we may or may not use those  
18 times. But that's what we're planning at this  
19 point.

20 CHAIRMAN GOLDNER: Okay. Yes. My  
21 interest was just in making sure that -- is that  
22 the issue is resolved in a timely fashion for  
23 everyone. And it sounds like the procedural  
24 schedule meets everyone's needs.

1           Is there anything else that we need to  
2 discuss today? I think -- I think we have a  
3 clear understanding of scope, I think we have a  
4 clear understanding of timeline. And I just want  
5 to make sure that everyone is comfortable, before  
6 you go off to subsequent sessions?

7           MR. DRISCOLL: No.

8           MS. AMIDON: Yes. The Department is  
9 happy that the City agrees with our proposed  
10 procedural schedule. And, so, we'll -- I don't  
11 know what we have to discuss more this morning,  
12 but we're certainly available for a technical  
13 session following this.

14          CHAIRMAN GOLDNER: Thank you. City of  
15 Laconia, anything to add?

16          MR. DRISCOLL: Nothing to add. Thank  
17 you for your time.

18          CHAIRMAN GOLDNER: Okay. Thank you.  
19 Mr. Brouillard, Attorney Brouillard?

20          MR. BROUILLARD: I would just say that,  
21 this has nothing to do with what you've just been  
22 talking about, but it's something I neglected to  
23 say that my engineer pointed out to me.

24                 About 15 or 20 years ago, this project



1 was approved for 77 lots. There was another 31  
2 lots in Laconia. And I'm not -- and it's still  
3 at the same 18 lots in Belmont. And there were  
4 no, you know, issues about capacity back then.  
5 But, of course, that was 15 years ago or so. And  
6 I don't -- I don't recall the PUC or the  
7 Department of Energy being involved back then.  
8 But I just want you to know, this is actually  
9 about 31 lots less than it was before.

10 CHAIRMAN GOLDNER: Okay.

11 MR. BROUILLARD: That's all I wanted to  
12 say.

13 CHAIRMAN GOLDNER: Okay. No, thank  
14 you. That will be recorded by the court  
15 reporter. So, it's in the record.

16 Okay. Let's see. Is there anything  
17 else that we need to cover today?

18 MR. DRISCOLL: Nothing for our  
19 purposes.

20 CHAIRMAN GOLDNER: Okay. Thank you.  
21 Just a moment, let me check with Attorney  
22 Fabrizio. Just a moment please.

23 *[Chairman Goldner and Atty. Fabrizio*  
24 *conferring.]*

1                   CHAIRMAN GOLDNER: Okay. So, seeing  
2                   that there's nothing else to cover, the  
3                   Commission will issue a short procedural order  
4                   just summarizing this session so it's in the  
5                   docket.

6                   And I'll thank everyone for their time  
7                   today, and we are adjourned.

8                   ***(Whereupon the prehearing conference***  
9                   ***was adjourned at 9:28 a.m.)***

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