

DW 01-217

**LAKES REGION WATER COMPANY, INC.
AND CONSOLIDATED WATER COMPANY, INC.**

**Petition for Authority to Purchase and Sell Assets and
Transfer Franchise Rights**

Order Approving Discovery Schedule

O R D E R N O. 23,901

January 17, 2002

APPEARANCES: Raymond Seeley on behalf of Consolidated Water Company, Inc., Thomas Mason on behalf of Lakes Region Water Company, Inc., and Marcia A. B. Thunberg, Esq., on behalf of Staff of the New Hampshire Public Utilities Commission.

I. PROCEDURAL HISTORY AND BACKGROUND

On November 2, 2001, Lakes Region Water Company, Inc. (Lakes Region) and Consolidated Water Company, Inc. (Consolidated)(together, the Petitioners), both public utilities regulated by the New Hampshire Public Utilities Commission (Commission) pursuant to RSA 362:2 and RSA 362:4, filed a Joint Petition to transfer Consolidated's Hidden Valley franchise and 175 Estates franchise to Lakes Region. Hidden Valley is a water distribution system providing service to 26 customers in the Town of Tuftonboro. It is adjacent to but separate from a water system also known as Hidden Valley, owned by Lakes Region, which is located in both Tuftonboro and Wolfeboro. 175 Estates is a water distribution system providing service to 42 customers in the Town of Thornton.

Consolidated wishes to convey, and Lakes Region wishes to purchase, the distribution systems and associated easement rights for both Hidden Valley and 175 Estates.

The Commission issued an Order of Notice on December 4, 2001, and identified issues which included rates under RSA 378, impacts upon customers, and the need for Commission approval of the transfer of the franchise and assets to Lakes Region under RSA 362:2 and RSA 362:4.

A prehearing conference was held December 31, 2001, and a technical session between the parties followed thereafter. The Parties agreed to an abbreviated discovery schedule which Staff submitted to the Commission for approval:

Staff's Data Requests to Parties	January 11, 2002
Data Responses due from Parties	January 22, 2002

II. POSITION OF THE PARTIES

A. Petitioners

Consolidated wishes to convey, and Lakes Region wishes to purchase, the distribution systems and associated easement rights, and transfer the franchise, Hidden Valley. The Petitioners indicate that in the interest of operational efficiency the proposed transfer is in the best interest of the customers. It is necessary, as the water distribution systems now operate, for Consolidated to pass through the

water system, known as Hidden Valley, owned and operated by Lakes Region, to provide services to its franchise areas. The Petitioners assert that operational efficiency will improve service to customers if the franchise is transferred to Lakes Region.

B. Staff

Staff feels that a period of discovery is needed to ensure that the best interest of the consumers is met by the transfer of the franchise.

III. COMMISSION ANALYSIS

Upon consideration, we find the proposed discovery schedule is reasonable and will, therefore, approve it for the duration of the proceeding. We note that the schedule does not include a hearing date. Pursuant to RSA 374:26, we are authorized to approve this filing without a hearing when all parties are in agreement. Even if we find that to be the case at the time of our consideration of the merits of this docket, we will nonetheless issue an order NISI in this matter to afford any interested party the opportunity to request a hearing.

Based upon the foregoing, it is hereby

ORDERED, that the abbreviated discovery schedule

outlined above is approved and shall govern the remainder of this proceeding.

By order of the Public Utilities Commission of New Hampshire this seventeenth day of January, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary