

December 16, 2009

120 Lamplighter Park
North Conway, NH 03860

Ms Denise Dodney, Manager
Lamplighter Mobile Home Park
125 Lamplighter Park
North Conway, NH 03860

Dear Denise,

Enclosed find a copy of a residents' petition as forwarded today to the Executive Director of the New Hampshire Public Utilities Commission.

If desired, I can forward to you an electronic copy of the Petition. However, the electronic copy will not contain the various attachments. Those attachments are included in the enclosed hard copy.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Moughan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Thomas Moughan

December 16, 2009

120 Lamplighter Park
North Conway, NH 03860

Mr. Steven Hynes, President
The Hynes Group
210-1571 Bellvue Ave.
West Vancouver, British Columbia, Canada
V7VIA6

Dear Mr. Hynes,

Enclosed find a copy of a residents' Petition as forwarded today to the Executive Director of the New Hampshire Public Utilities Commission.

If desired, I can forward to you an electronic copy of the Petition. However, the electronic copy will not contain the various attachments. Those attachments, pages 11 through 17, are included in the enclosed hard copy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Moughan", with a long horizontal flourish extending to the right.

Thomas Moughan

BEFORE THE PUBLIC UTILITIES COMMISSION

REQUEST FOR DETERMINATION

DECEMBER 16, 2009

NAME OF UTILITY:

LAMPLIGHTER MOBILE HOME PARK, LP

[A business of The Hynes Group: Steven Hynes, Principal
210-1571 Bellvue Ave., West Vancouver, B.C., Canada V7VIA6]

MAILING ADDRESS:

125 LAMPLIGHTER PARK, NORTH CONWAY, NH, 03860

LOCATION:

WHITE MOUNTAINS HIGHWAY, CONWAY, NH

SUBJECT MATTER OF PETITION:

THE PETITIONERS REQUEST A COMMISSION DETERMINATION THAT
LAMPLIGHTER MOBILE HOME PARK, LP IS CONDUCTING BUSINESS AS A
PUBLIC UTILITY AS DEFINED AND PROVIDED FOR UNDER NH STATUTE
AND THEREFORE IS SUBJECT TO THE COMMISSION'S JURISDICTION AND
REGULATORY AUTHORITY

PETITIONER:

RESIDENTS AND HOMEOWNERS AT LAMPLIGHTER MOBILE
HOME PARK, CONWAY, NH

[Names and addresses provided in section (4) - page 5]

BEFORE THE N.H. PUBLIC UTILITIES COMMISSION

In accordance with the rules set forth in the NH Code of Administrative Rules, Part Puc 203 - Adjudicative Proceedings, the petitioners identified below hereby submit this petition to the Director of the Public Utilities Commission.

PUC 203.05 Pleadings.

(a) All petitions and motions shall include the following:

(1) A cover page identifying the name of the utility and the subject matter of the petition.

As provided.

(2) A clear and concise statement of the authorization or other relief sought.

We, the petitioners, hereby seek relief before the PUC by requesting the Commission to take the following actions:

A.) Make a Determination that Lamplighter Mobile Home Park, LP (the company) is a “public utility” as defined under New Hampshire statutes.

B.) Take appropriate actions through the Commission's regulatory and oversight authority as necessary to protect the public living at Lamplighter Park (the park) from unjust, unfair, and unreasonable rates, fees and costs associated with the company's present and planned water and sewer services.

C.) Take the appropriate action to prohibit any current or planned charges, fees or rent increases intended for or based upon costs associated with constructing, owning, maintaining or financing utility construction work in progress.

D.) In addition, we appeal to the Commission to halt all proposed or current charges relative to sewer system construction billed now or in the future to Lamplighter homeowners pending the outcome and resolve of this Petition.

(3) The statutory provisions or legal precedent under which the authority or other relief is sought.

A.) The petitioners contend that the utility services and infrastructure owned by, operated by, maintained by, and proposed by LMHP, LP are

consistent with the statutory definition of a “Public Utility” as defined under both *RSA 362:2 - Public Utility*; and again, under *RSA 362:4 - Water Companies, When Public Utilities*.

B.) The petitioners contend that charging customers for the costs of utility construction before that work is complete and serviceable is prohibited under NH Statute RSA 378:30-a.

C.) The petitioners believe that the specific costs, conditions and circumstances practiced or imposed by the company are contrary to the public good and beg the intervention of the Commission.

D.) Further, we maintain that the relief being sought is within the Commission’s purpose and mission statement: to “*provide necessary customer protection*”, to provide a “*regulatory process ... that is fair, open and innovative...and to ensure that customers ... receive safe, adequate and reliable service and reasonable rates.*”

**(4) The legal name of each person seeking the authorization or relief
and the address of the place of business of each person.**

[See Attachment A - Signatures of Petitioners]

1. Thomas F. Moughan Sr., 120 Lamplighter Park, No. Conway, NH 03860
2. Charles S. Miller, 35 Eastland Terrace, Haverhill, MA 01830
3. Cheryl L. Miller, 35 Eastland Terrace, Haverhill, MA 0130
4. Michael J. Leary, 57 Essex St., No. Andover, MA 01845
5. Carol A. Leary, 57 Essex St., No. Andover, MA 01845
6. Clair Stewart, 126 Lamplighter Park, No. Conway, NH 03860
7. Neil Stewart, 126 Lamplighter Park, No. Conway, NH 03860
8. Richard S. Colley, Jr., 72 Lamplighter Park, No. Conway, NH 03860
9. Jeanette Plimpton, 43 Lamplighter Park, No. Conway, NH 03860
10. Bernard Plimpton, 43 Lamplighter Park, No. Conway, NH 03860
11. Kevin Masi, 149 Lamplighter Park, No. Conway, NH 03860
12. Margaret Masi, 149 Lamplighter Park, No. Conway, NH 03860
13. Albert J. Shimkus, Jr., Bristol Ferry Road, Portsmouth, RI 02871
14. Lisa Paquette, 16A Hammond Road, Natick, MA 01760

15. Clement Paquette, 16A Hammond Road, Natick, MA 01760
16. Emil A. Weidner III, 58 Revere Beach Pkwy, Chelsea, MA 02150
17. Christine Warner-Weidner, 58 Revere Beach Pkwy, Chelsea, MA 02150

(5) The electronic mail address of the person making the filing ;

Thomas F Moughan, Sr. - email address at: tfmghn@aol.com

(6) A concise and explicit statement of facts upon which the commission should rely in granting authorization or relief;

A.) LMHP, LP currently owns, operates and maintains a water distribution system serving all 220 (+/-) homes at Lamplighter Park. The company purchases water from the Conway Village Water District as metered by a Master Meter located at the park's entrance. The company distributes the water to park tenants and meters customer consumption at each residence. Water use charges are then billed to each homeowner as a separate "utility" line-item on the monthly rental billing statement. Subsequently, the company pays the water district for the company's gross water usage, including company use and leakage losses, as determined at the Master Meter.

[See Attachment B - LMHP monthly billing statement]

B.) The company is preparing to construct a sewage collection system to service approximately 133 homes encompassing the west side of Lamplighter Park.

C.) On October 23, 2009 the company gave legal notice to all residents that a rent increase of \$30.00/month (\$360.00/yr) will be assessed to each homeowner, beginning January 1, 2010. The notice cited the anticipated cost of the sewer project as the primary reason for the increase.

**[See Attachment C: Notice of Rent Increase as required
under RSA 205-A:6]**

D.) In her September 2009 newsletter, Park Manager Denise Rodney described the sewer project's impact on future rent increases as a
“\$1.1 Million Capital Improvement that's a \$30/\$30/\$30 over three years by itself”.

**[See Attachment D: *PARK MANAGER NOTABLE NOTES*,
dated September 23, 2009]**

E.) On December 5, 2009 Mr. Gary Beers, Senior Manager for The Hynes Group, clearly stated before a meeting of park residents that the \$30.00/mo. rent increase to begin January 1, 2010 *is* intended for the sewer project

costs. In addition, Mr. Beers stated that another increase of at least \$30.00 can be expected in 2011 rent charges and still another increase of \$30.00 in 2012, all due to the costs of the sewer project and not as part of general overhead costs increases. In total that would be a cumulative increase of approximately \$480,000 (\$80,000/\$160,000/\$240,000) over the next three years. Mr. Beers could not say what the utility charges might continue to be beyond 2012.

[See Attachment E: Witness Statements regarding Mr. Beers’

December 5, 2009 comments]

(7) Such other data as the petitioner considers relevant to the request for authority or relief.

A.) We contend that the announced increases in rent charges over the next three years are in fact utility costs, as freely stated by Mr. Beers at the December 5, 2009 meeting. We believe those costs to be unfair, unreasonable, and not in the public good.

B.) Again, we contend that the \$30.00/mo. charges to homeowners beginning January 1, 2010 are in violation of NH RSA 378:30-a. There is no certainty the sewer project will be functional in 2010 nor any guarantee

or assurance that the funds to be collected will be used for that purpose or that any accounting system will be in place to separate the utility costs from other maintenance costs.

C.) Lamplighter Park homeowners have no other available option for water and sewer services. The company distributes all water services at present and will become the sole provider of sewer system services. In effect, the company has a monopoly on water and sewer service at Lamplighter Park.

D.) Aside from the process available via the Public Utilities Commission, there is no other judicial, regulatory, or official grievance procedure Lamplighter residents can appeal to.

E.) There is currently no outside oversight of the planned sewer project to justify, evaluate, or monitor the project's scope or costs.

F.) The projected sewer system charges described above are also being assessed to the eighty-eight homeowners on the east side of the park who will not be serviced by the project. Those homes will remain on septic systems into the foreseeable future while paying equally for the sewer project.

SUMMARY

It is unmistakably clear that LMHP, LP is using a rent increase charge to fund the company's sewer construction project. It is also clear that the company is assessing those charges to home owners well before the project is completed and serviceable, even though there is no guarantee that the collection of those fees will be used for, or accounted for, that project.

If construction work in progress charges are allowed to go forward it can be reasonably expected that many current Lamplighter rent and utility payers will never use the service for which they are being charged. As in any year, some homeowners will sell their homes. Still others may move from this park or abandon their homes as a result of increasing costs. They should not have to pay for a service they will never use. Nor should any homeowner pay for a service that is many months, if not more than a year, away. That was the basis for RSA 378:30-a, the "anti-CWIP" legislation, thirty years ago.

Because we believe the circumstances and charges outlined above are unfair, unreasonable and contrary to the public good, we the petitioners, seek the relief outlined above before the N.H. Public Utilities Commission.

Attachment A**BEFORE THE PUBLIC UTILITIES COMMISSION****PETITION FOR RELIEF****RE: Lamplighter Mobile Home Park, LP****Signatures of Petitioners**

SIGNATURE

PERMANENT
ADDRESSLMHP
STREET ADDRESS

SIGNATURE	PERMANENT ADDRESS	LMHP STREET ADDRESS
1) Thomas F. Moughan	125 Lamplighter Park No. Conway, NH 03860	15 Knobb Hill
2) Charles Miller	35 Eastland Terrace Haverhill MA 01830	17 Longboles
3) Gary L. Hunter	"	"
4) Will G. [Signature]	57 Essex St. N. Andover ^{MA 01845}	134 Finch Hill
5) Carol A. Leary	57 Essex St. N. Andover ^{MA 01845}	134 Finch Hill
6) Claire Stewart	133 Knobb Hill N Conway	126 Lamplighter Park
7) Will Stewart	138 Knobb Hill N Conway	126 Lamplighter Park
8) Richard Staller	72 Lamplighter Park	72 Knobb Hill
9) Jeannette Plimpton	43 Lamplighter Park	349 Lamplighter Dr
10) Bernard Plimpton	" " "	" "
11) L. Massi	149 Lamplighter Park	149 Lamplighter Park
12) Margaret J. Massi	149 Lamplighter Park	303 Beechmeadow Rd.

F Lamplighter Mobile Home
 R 125 Lamplighter Park
 O North Conway, NH 03860
 M

Attachment B

303-KNO-0015-2

DUE DATE: November 01, 2009

		Beginning		Ending		
Meter Usage	Date	Reading	Date	Reading	Usage	
WAT WATER	09/23/2009	841	10/22/2009	864	23	

Utility Charges		Description	Rate	Usage Amt	Flat Fee	Tax %	Tax Amt	Amount
WAT	base charge			0.00	4.42			4.42
WAT	water usage(1 unit=100gal)		0.280000	6.44	0.00			6.44

Total: 10.86

Other Charges		Previous Balance	Current Chgs	Amount
RNT	Rent	0.00	355.00	355.00
			Total:	365.86

LAMPLIGHTER MOBILE HOME PARK

LIMITED PARTNERSHIP

Conway, NH 03860
(603) 447-5720

Attachment C

OCTOBER 23, 2009

Re: NOTICE OF RENT INCREASE LAMPLIGHTER MOBILE HOME PARK

Dear Mr. Moughan,

Pursuant to NH RSA 205-A:6, Fees, Charges, Assessments, Lamplighter Mobile Home Park Limited Partnership, owner of Lamplighter Mobile Home Park, herewith notifies you of a planned rent increase for all tenants of Lamplighter Mobile Home Park:

Specifying the date of implementation: JANUARY 01, 2010

Explanation for the increase: You are undoubtedly aware that Conway Village Fire District is in process of installing a sewer system upgrade and wastewater treatment plant expansion. Lamplighter is obligated to connect the front (western) half of the Park (133 existing units plus 1 existing community building) to the Conway Village Fire District municipal sewer.

Please note that we are aware that NH RSA 205-A:2 prohibits Park owners or operators from: "IX. Charge or attempt to charge a tenant for **repair or maintenance** to any underground system, such as oil tanks, or water, electrical or septic systems....", however this effort is a mandated capital improvement not considered to be repair or maintenance.

Further note that during this calendar year to date there have been considerable efforts completed addressing tree removals, storm water drainage, electrical and septic systems improvements, in addition to increases in taxes, insurances, and legal fees.

As a result, Lamplighter Park monthly rent per lot will increase \$30.00/month to Three-Hundred-Eighty-Five (\$385.00) dollars.

If you have any questions, or need additional detail, please address them to me at (603) 447-5720.

Sincerely,

DENISE RODNEY
Park Manager

cc: BB/SL/GB

RECKLESS BEHAVIOR-DOWNHILLBOARDING: Don't know who. but here's what I do know....September 5, a Saturday night, a resident called with this complaint: Kids boards on their bellies. WHY would you risk your life and s home, as parents please have a talk with your kids about th and tried to reason with them only to be ignored. All reside see this happening. Pending on where I am, I can immedia

Attachment D

BACKYARD SHORTCUTS: Going out of the Park? Coming in to the Park? Please remind your family members and guests the correct way in. Residents of Lamplighter Park I empower you to call the police if and when you feel your lot is being invaded without invitation. I expect you will get a description, clear identification & direction of the shortcut takers. The lots are rented folks and I cannot have any resident be accosted by strangers so, if you are a resident plagued in any way by Trespassers than please call the Police and then call me.

UNDERGROUND OIL TANKS: Got one under your home? Please call me! 603-447-5720

OIL TANKS WITH ISSUES? Slanting or Cracked Concrete Pads? Tank tilting? Spout issues? Broken Parts or Pieces? Rusty? Please call me! 447-5720. In conjunction with Lyman Oil a fee for this replacement of tank normally runs \$1849.00. Lyman Oil is happy to announce a discount to our homeowners of \$1299.00. Ultimately it is the owner's responsibility to maintain your tanks. If you are able to take advantage of this offer, please do. The goal for this season is to get a handle on these critical condition tanks. Although I can't make an owner replace the tank, I can make you aware you are in need of one and by doing so, should there be a leak or hazardous issue with this tank, LLMHP will not be held liable and that may require the owner to absorb the total cost of the clean-up process. Please do not let this happen to you. If your tank is sketchy, add it's replacement to your list of to-do's!

CIGARETTE BUTTS: LLMHP is a Community not an ashtray. You got a butt? Put it out and then stick it in your pocket. Please don't throw it to the ground. Peppering the Roads and Driveways, should you see them? Please pick them up! Community project here folks!

LYMAN OIL DEAL: Jesse Lyman Oil Inc. has made an offer I've been asked to pass along to our residents. Given the volume of residents they would like to extend a special tune-up for winter offer of \$89.99 normally a \$129. value. The 15-Point Annual Tune-Up and Efficiency Test offer will Test and Check all burner safety controls, Clean or replace oil filters and strainers, test fuel pump pressure, clean nozzle assembly and replace nozzle if needed, check/replace end cone, clean/adjust ignitions system, inspect/vacuum smoke pipe, check chimney thimble, vacuum out boiler/furnace heat passages, inspect heat exchanger/firebox, lubricate motors and bearing assemblies, test safety switches, visually inspect wiring where possible, perform a combustion efficiency test with state of the art computerized equipment, make necessary adjustments to ensure optimum efficiency of the heating unit and last but not least, clean the location where the work was completed. This comprehensive annual tune-up will ensure that your system is always running safely, reliably and at its peak efficiency. In addition Lyman Oil is extending a 20% discount on all labor and parts on any work above and beyond the tune-up special. Please contact Lyman Oil by 11/15/2009 at (603) 356-2411

HEAT TAPE TIME: Cold spells are fast approaching. Now is the time to be sure you have heat tape in place and operating correctly. Please DO NOT ASSUME that it is working. A plumber would be a good place to begin the process and to protect yourself from incident. I DO have a few names I can share with you should you be interested.

DOUG ELLSWORTH MEMORIAL: I hope you are all okay with the little bit of landscape work done to update this area. I have saved what I could and will revisit this location in the spring to complete the project and add more splash.

WORK&ECONOMICS: It's a guarantee that we'll have another rent increase for 2010. Combining the no rent-vacant lots, homes not selling, tons of cost for tree work, landscaping, electrical and the existing septic repairs made, in conjunction with the beginning of the mandated sewer connection effort (\$1.1Million Capital Improvement.....that's a \$30/\$30/\$30 over three years by itself) and it's obvious. We don't get the bailout money and the numbers speak for themselves. You should expect a formal notice as required no later than November 1st.

MAINTENANCE PROJECTS: September 2009 - 25 projects completed. SHBB - 170 and will finish in one month.

"Negativity Breeds Negativity - We are neither judge nor jury!" Focus on yourselves, your homes and your families and the world will be much better for it.....Negativity Stinks!

Attachment E

page 1 of 2

From: Lisa Paquette [mailto:lisapaquette@verizon.net]

Sent: Monday, December 14, 2009 6:23 PM

Subject: Re: Gary Beers' remarks witness statement

Clem and I (Lisa Paquette) attended a meeting on Saturday, December 5, 2009 at Lamplighter Park. Gary Beers stated, the reason for the 30.00 rent increases for the next 3 years were just for the utility project.

Lisa and Clement Paquette
11 Firelite Road
Lamplighter Park, Conway, NH

December 16, 2009

TO: Debra A. Howland, Executive Director
NH Public Utilities Commission

FROM: Thomas F. Moughan Sr.

RE: Lamplighter Mobile Home Park, LP
Petition before the NH PUC
Attachment E - Witness Statement

On December 5, 2009 I attended a meeting sponsored by the management of Lamplighter Mobile Home Park. At that meeting I asked Mr. Gary Beers, Senior Manager of The Hynes Group, if the announced rent increases of \$30.00/mo. for each of the next three years are just for the planned sewer construction costs. Mr. Beers answered in the affirmative.

I also asked Mr. Beers if I was correct in understanding that the increase would mean a \$30.00 charge in 2010, an additional \$30.00 charge in 2011, and another additional charge in 2012. Mr. Beers answered in the affirmative.

I further asked Mr. Beers if I was correct in understanding that those increases were earmarked for the sewer project alone and not for general maintenance budget needs. M. Beers answered in the affirmative and added that those \$30.00 increases would be the minimum of increases residents could expect for the sewer project.

I further asked Mr. Beers if he knew what the charges for the sewer project would be beyond 2012. He responded that he did not know the answer to my question.

Signature:

Thomas F. Moughan Sr.

Date:

December 16, 2009