

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 09-267

ORDER OF NOTICE

On December 18, 2009, residents of Lamplighter Mobile Home Park (Lamplighter residents) filed with the Commission a Request for Determination that the Lamplighter Mobile Home Park, LP (the Park) is a public utility under New Hampshire law, and for the Commission to take action through its regulatory and oversight authority to prevent the Park from charging unjust, unfair, and unreasonable rates, fees and costs. The Park is located in Conway, New Hampshire. The Lamplighter residents assert that the Park should be regulated as a public utility pursuant to RSA 362:2 and 362:4. The Lamplighter residents request that the Commission halt all proposed or current charges relative to sewer system construction billed now or in the future to Lamplighter residents.

On February 25, 2010, the Park filed a Motion to Dismiss Request for Determination. The Park asserts that it is not a public utility as a matter of law, and therefore the Request for Determination of the Lamplighter residents should be dismissed for lack of jurisdiction.

On March 5, 2010, Lamplighter residents filed an Objection to Motion to Dismiss. They argue that the Park's claim that the Park is not a utility is the central question raised by the residents in their initial filing as to whether the Commission has jurisdiction with respect to certain activities of the Park. The Lamplighter residents assert that it is within the Commission's statutory authority to decide questions of its jurisdiction based on the evidence and specific circumstances of this case.

The filing raises, inter alia, issues related to RSA 362:2 and RSA 362:4 and whether the park is a regulated public utility and whether the Commission has jurisdiction over utility-related costs included in park rents. In order to make the legal determination that the Park is or is not a public utility, a factual record must be created. Accordingly, Staff will conduct a technical session for the purpose of identifying relevant documents for entry into the record as exhibits and, if possible, development of a set of stipulated facts, which will provide the basis for legal argument. A prehearing conference will be held immediately thereafter to provide residents, the Park, and any other party in interest the opportunity to make oral argument. Each party has the right to have an attorney represent them at their own expense.

Based upon the foregoing, it is hereby

ORDERED, that Lamplighter residents, Park ownership, and Commission Staff hold a technical session at the Commission offices on May 13, 2010, beginning at 9:00 a.m., so that the parties can discuss the issues raised by the Park resident's Request for Determination, the Motion to Dismiss, and develop a set of stipulated facts; and it is

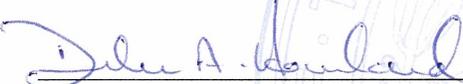
FURTHER ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 13, 2010 at 10:30 a.m., at which each party will provide oral argument with regard to the Request for Determination, Motion to Dismiss, and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by sending a copy of this notice to Lamplighter Residents; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Lamplighter Residents and the Office of the Consumer Advocate on or before May 10, 2010, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32, I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 13, 2010.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of March, 2010.



Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.