

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Fryeburg Water Company  
Docket No. DW 09-291

**ASSENTED TO MOTION FOR WAIVER OF PUC 1604 FILING  
REQUIREMENTS**

NOW COMES the Fryeburg Water Company, by and through its attorneys, Upton & Hatfield, LLP, and requests that the Commission waive certain filing requirements pursuant to Puc 201.05, and in support hereof states as follows:

1. Commission Rule Puc 201.05 provides for a waiver of the Commission's Procedural Rules where the "waiver serves the public interest" and "will not disrupt the orderly and efficient resolution of matters before the Commission."

2. On April 20, 2010, the Fryeburg Water Company (the "Company") obtained approval from the Maine Public Utilities Commission (the "Maine PUC") for a 12.9% percent increase in rates. The Maine PUC conducted a thorough review and investigation, applying criteria substantially similar to those applied by this Commission. *See Pre-filed Testimony of Jean Andrews.*

3. The Company requests waiver of the filing requirements for a full rate case for its 67 New Hampshire customers set forth in Puc 1604.01, 1604.02, 1604.06 & 1604.07. The Company also requests waiver of the 60-day time period for submission of schedules set forth in Puc 1604.05 (c), as the Company filed its *Notice of Intent to File Rate Schedules* on December 31, 2009 concurrently with its case before the Maine PUC.

4. The Company submits herewith the schedules and other information provided to the Maine PUC as Exhibit JA-2 to the *Pre-filed Testimony of Jean Andrews.*

This information explains in detail the basis for the Company's request for a rate increase. The Company will provide additional supporting information upon request or in response to discovery requests as appropriate.

5. This Commission has historically accepted the Company's rates approved by the Maine in lieu of the requirements for a full rate case due to the Company's unique status, described in the *Pre-Filed Testimony of Jean Andrews*. See e.g. *Fryeburg Water Company*, 62 NHPUC 168, Order No. 12,788 (1977) ("in preceding cases involving Fryeburg Water Company, the Commission has relied on and accepted the decision of the Maine Public Utilities Commission in matters regarding the customers served in New Hampshire"); *Fryeburg Water Company*, 67 NHPUC 591, Order No. 15,818 (1982); *Fryeburg Water Company*, 75 NHPUC 133, Order No. 19,733 (1990); *Fryeburg Water Company*, 78 NHPUC 28, Order No. 20,732 (1993); *Riverside Water Works*, 85 NHPUC 332, Order No. 23,458 (2000); *Fryeburg Water Company*, 86 NHPUC 828, Order No. 23,854 (2001) ("we have previously adopted the position of the Maine Commission where the Company has requested a rate increase, noting the Maine Commission had jurisdiction over 92.2% of the customers served by the utility.")

6. Granting waiver of the Commission's Puc 1600 filing requirements will serve the public interest because it will reduce rate case expenses to customers for rates that have already been approved and found to be just and reasonable by the Maine PUC. In addition, the schedules and documentation provided to the Maine PUC and responses to discovery requests in this proceeding will serve as an alternative method of compliance under Puc 201.05 (b)(2).

7. Compliance with the requirements for a full rate case filing under Puc 1600 requirements would be onerous and not in the public interest because of the financial impact on the Company's New Hampshire customers and because the Company's rate consultant and accountant are unavailable. *See Pre-Filed Testimony of Jean Andrews*. Moreover, Rule Puc 1601.01 provides that a water utility "having gross annual revenues under \$100,000" may make "alternative filings pursuant to a petition filed by the utility as specified in Puc 200." The Company's gross annual revenues from its New Hampshire customers fall well below the \$100,000 threshold contemplated by the rule.

8. Staff assents to this request.

9. The Office of the Consumer Advocate took no position.

WHEREFORE, the Company respectfully requests that this Commission:

- A. Waive the requirements for a full rate case under Puc Rule 1604 *et seq.*;
- B. Waive the date for submission of schedules under Puc 1604.05 (b); and
- C. Grant such other relief as justice may require.


Respectfully submitted,

**FRYEBURG WATER COMPANY**

By Its Attorneys,

**UPTON & HATFIELD, LLP**

Date: August 10, 2010

By:   
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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document by electronic mail on all persons on the official service list in this proceeding.

A handwritten signature in black ink, appearing to read "Justin C. Richardson", written over a horizontal line.

Justin C. Richardson, Esq.