

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
Clifton C. Below
Amy L. Ignatius

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

August 2, 2011

Re: DW 11-117, Rosebrook Water Company, Inc.
Request to Use CIAC Funds for Capital Improvements

To the Parties:

On May 26, 2011, Rosebrook Water Company, Inc. (Rosebrook) filed a request to use funds from a Contributions In Aid of Construction (CIAC) account for capital improvements in 2011 that would address deficiencies identified by the Department of Environmental Services in a Sanitary Survey dated October 22, 2010 and other longstanding system needs. The upgrades include, among other things, replacing the water storage tank roof, providing permanent power to the tank level telemetry system, and installing pressure reducers, a backup submersible pump, and a generator. The CIAC account was established by Order No. 23,441. See *Rosebrook Water Company, Inc.*, 85 NH PUC 150 (2000). As of March 31, 2011, the balance in the fund was \$212,350; the proposed capital improvements are estimated to cost between \$200,550 and \$219,450.

On June 29, 2011, Staff filed a recommendation that Rosebrook be permitted to use the CIAC funds for the proposed 2011 capital improvements on the strict condition that the funds be retained by the utility and be used only for the proposed improvements. Staff stated that it had reviewed the request and had conducted discovery and learned that Rosebrook had withdrawn \$16,578 in 2008 for a vehicle purchase without prior Commission approval. Staff recommended the Commission approve this use of funds *nunc pro tunc*.

On July 7, 2011, Rosebrook filed a letter advising the Commission that the recent foreclosure auction involving the Bretton Woods area properties did not include any utility assets. Rosebrook explained that the water and sewer utilities serving the Bretton Woods area were removed from the auction at the last minute and that Wells Fargo and the highest bidder, CNL, will be working through details relating to the future of the utility assets. Rosebrook stated it would inform the Commission of any potential change in ownership or structure of the utilities.

Please be advised that the Commission has approved Rosebrook's request to use CIAC funds for the 2008 vehicle purchase and proposed 2011 capital improvements. In light of the uncertainty surrounding the ownership of Rosebrook, the company is reminded that all CIAC funds must be retained by the utility.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

MEREDITH A HATFIELD
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301
meredith.a.hatfield@oca.nh.gov

STEPHEN P ST CYR
STEPHEN P ST CYR & ASSOC
17 SKY OAKS DR
BIDDEFORD ME 04005
stephenpstcyr@yahoo.com

Docket #: 11-117-1 Printed: August 02, 2011

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.