



McLane, Graf,  
Raulerson & Middleton  
Professional Association

DW 11-238

NHPUC JAN13'12 PM 4:16

Eleven South Main Street, Suite 500 | Concord, NH 03301  
Tel: 603.226.0400 | Fax: 603.230.4448 | www.mclane.com

MANCHESTER  
CONCORD  
PORTSMOUTH  
WOBBURN, MA

January 13, 2012

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 S. Fruit St., Suite 10  
Concord, New Hampshire 03301

**Re: DW 11-238, Aquarion Water Company of New Hampshire, Inc.  
Water Infrastructure and Conservation Adjustment (WICA)**

Dear Ms. Howland:

Enclosed for filing with the Commission are affidavits of publication stating that Order No. 25,311 was published in the Union Leader on January 4, 2012 and in the Portsmouth Herald, Exeter News Letter and Hampton Union on January 6, 2012.

Please do not hesitate to contact me with any questions regarding this filing.

Sincerely,

Donna Schesser  
Assistant to Steven Camerino, Esq.

Enclosures

cc: Service List (via electronic mail)

581888

# UNION LEADER CORPORATION

P O BOX 9513  
MANCHESTER, NH 03108

MC LANE GRAF  
RAULERSON & MIDDLETON PA  
PO BOX 326  
MANCHESTER NH 03105

I hereby certify that the legal notice of AQUARION WATER CO.,  
PO number:90711 was published in the New Hampshire Union Leader  
and/or New Hampshire Sunday News, newspapers printed at Manchester, NH  
by the Union Leader Corp.

On :

01/04/2012

State of New Hampshire  
Hillsborough County  
Subscribed and sworn to before me this

11th day of January, 2012

*Phyllis E Manning*

Notary Public



by the Mortgagee and accepted by the successful bidder(s) without any other express or implied representations or warranties whatsoever including, without limitation, representations or warranties relating to title, possession, construction or fitness for habitation, compliance with state or local codes, recitation of acreage and hazardous waste.

Reservation of Rights: The Mortgagee reserves the right to (1) cancel or continue the foreclosure sale and/or the secured party sale to such later date as the Mortgagee may deem desirable; (2) bid on and purchase the Mortgaged Premises and/or the Personality at the foreclosure sale; (3) reject any and all bids for the Mortgaged Premises and/or the Personality; (4) sell the Mortgaged Premises and the Personality together or separately, at its sole discretion, and to announce the same at the auction; (5) waive reading this notice or any portion thereof at the foreclosure sale; and (6) amend or alter the terms of sale stated in this notice by oral or written announcement made at any time before or during the foreclosure sale. Such changes or amendments shall be binding on all bidders.

For further information regarding the Mortgaged Premises or Personality, contact James R. St. Jean Auctioneers at (603) 734-4348.

Dated the 28th day of December, 2011.

Farm Credit East, ACA,  
successor in interest to  
First Pioneer Farm Credit, ACA  
By its Attorneys,  
Devine, Millimet & Branch,  
Professional Association  
By: Matthew R. Johnson, Esquire  
111 Amherst Street  
Manchester, NH 03101  
Tel. (603) 669-1000

(UL - Jan. 4, 11, 18)

## Legal Notice

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DW 11-238  
AQUARIUM WATER COMPANY OF  
NEW HAMPSHIRE  
Water Infrastructure and Conservation  
Adjustment 2012-2014 Projects  
and 2012 Surcharge  
Order Nisi Granting Petition  
ORDER NO. 25,311  
December 30, 2011

### I. BACKGROUND

Aquarion Water Company of New Hampshire, Inc. (Aquarion) is a regulated public utility as defined by RSA 362:2 and 362:4 and provides water service to approximately 8,700 customers in the towns of Hampton, North Hampton, and Rye. On October 27, 2011, Aquarion filed a petition for approval of its 2012 Water Infrastructure and Conservation Adjustment (WICA) surcharge and proposed 2012-2014 capital projects under its WICA tariff provision. The WICA tariff provisions were approved as a pilot program in Aquarion's rate case, Docket No. DW 08-098, see Aquarion Water Company of New Hampshire, Order No. 25,019, 94 NH PUC 510, 520 (2009). The purpose of the WICA is to allow Aquarion to recover the fixed costs of certain pre-approved non-revenue producing capital improvements completed and placed in service between general rate cases. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-238.html>. Aquarion requests approval of a surcharge on customer bills to reflect recovery of \$939,492 in 2011 WICA capital spending. These projects were approved in Docket No. DW 10-293, with a budget of \$988,012, see Aquarion Water Company of New Hampshire, Order No. 25,186 (Dec. 22, 2010). Aquarion's 2011 capital spending for WICA projects, according to its filing, included: water main replacements costing \$698,937; replacement of customer meters costing \$135,298; and replacement of services, hydrants, valves and production meters costing \$105,258. Including return, depreciation expense, and taxes, Aquarion requests new revenues of \$128,442 in addition to revenues of \$93,614 previously approved for 2010 WICA expenditures in DW 10-293. Aquarion seeks a cumulative 3.7276 percent surcharge to customer bills, for service rendered on or after January 1, 2012.

Aquarion, in conformity with the WICA provisions, also seeks Commission approval for its proposed 2012 WICA capital projects, which would be included in the WICA surcharge for service rendered on and after January 1, 2013. According to Aquarion's filing, these projects would have a construction budget in the amount of \$970,960, and, as with its 2011 WICA spending, the majority of this investment is dedicated to the replacement of water main. Furthermore, Aquarion seeks preliminary Commission approval for its proposed 2013 projects, with capital spending indicated as \$1,021,600. Aquarion also has provided a list of proposed 2014 projects for advisory purposes.

On December 21, 2011, the Town of Hampton filed a letter indicating its opposition to the proposed WICA surcharge and stated Aquarion's allowed rate of return was disturbing in light of the down economy. Hampton also stated the WICA has not reduced the frequency of rate increases and that Aquarion intends to file its next rate case in 2012. Hampton stated that it was not requesting an evidentiary hearing on Aquarion's proposed WICA surcharge.

On December 21, 2011, Staff filed a letter recommending the Commission approve Aquarion's request. Staff stated that the Office of the Consumer Advocate and the Towns of North Hampton and Rye were notified of the filing but did not partici-

is issued in this case. Staff noted that the cumulative surcharge resulting from the 2013 WICA improvements, estimated at 8.0663 percent, would otherwise exceed the overall 7.5 percent cap between general rate filings imposed by Order No. 25,019 (Sept. 25, 2009) in Docket No. DW 08-098 but that the surcharge would be reset to zero at the time of Aquarion's next rate filing, anticipated in 2012.

On December 27, 2011, Aquarion filed a response to the Town of Hampton's opposition to the proposed WICA surcharge based on Aquarion's intent to file a general rate case in 2012. Aquarion pointed out that the WICA program was also established to encourage the company to accelerate necessary improvements to its infrastructure, and to mitigate the rate shock inherent in general rate cases by recovering certain capital costs gradually. Aquarion asserted that the WICA is achieving these goals, and therefore does not believe its intent to file a rate case in 2012 provides a reasonable basis for rejecting the company's current WICA surcharge, as Hampton requests.

### II. COMMISSION ANALYSIS

In Order No. 25,019, the Commission approved the WICA as a pilot program to allow Aquarion to place into rates a surcharge to recover pre-approved investment in replacing aging infrastructure. Aquarion has submitted, as amended by subsequent discovery, completed and proposed projects and associated budgets for our review. In 2011, Aquarion actually spent \$939,256 for projects approved in Order No. 25,186; for 2012, Aquarion proposes to spend \$973,350, largely for water main replacement. For 2013, Aquarion proposes a construction budget of \$1,022,590, \$782,000 of which is dedicated to water main replacement. Aquarion's filing, as well as its responses to discovery requests, shows that it continues to develop a priority list of needed improvements to its physical plant, including water mains and valves. Staff has reviewed the three-year list of WICA projects, conducted discovery, and met with Aquarion and the Town of Hampton in a technical session to discuss the filing. Staff has also corrected computational errors and recommends approval of Aquarion's request.

Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton's objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion's rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion's filing and the recommendations of Staff and Hampton, we approve Aquarion's 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby ORDERED NISI, that subject to the effective date below, Aquarion's 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is FURTHER ORDERED, that Aquarion's schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is FURTHER ORDERED, that Aquarion's schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is

FURTHER ORDERED, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b). By order of the Public Utilities Commis-

Road (Rte. 3A) & Cross Road owned by Paul L. & Marie P. Burnor, 5 Cross Road, Hooksett NH 03106\* Prepared for MTS Associates, LLC, 561 Route 3A, Bow, NH 03304, dated February 23, 2007 Scale 1" = 50' as recorded in the Merrimack County Registry of Deeds as Plan No. 18397, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the within described lot and on the easterly side of Interstate 93 and running along Interstate 93 and a wire fence N 02° 52' 16" W a distance of 468.78 feet, to a tie course of S 01° 46' 53" E a distance of 2.56 feet; thence

Turning and running, along lot 17-10, N 82° 06' 52" E a distance of 438.65 feet; thence

Turning and running, along a curve of West River Road a/k/a Route 3A, a radius of 757.30 feet and a length of 464.70 feet; thence

Continuing along West River Road S 03° 54' 42" E a distance of 74.61 feet, to a point; thence

Turning and running, along Lot 17-37, S 87° 13' 31" W a distance of 584.37 feet, to the point of beginning.

The within described premises contains 6.1248 acres, more or less, according to said plan.

The above described property is conveyed together with the following easements, as shown on the above-mentioned subdivision plan:

1. Utility easement to Public Service Company of New Hampshire over gravel drive from Cross Road.

2. Drainage easement over Lot 17-37 for the benefit of Lot 17-37-1.

3. Sign easement for the benefit of Lot 17-37-1.

4. Access, Slope and Drainage Easement from Cross Road to the westerly side of the within described Lot 17-37-1 as shown on the above described Plan, and more particularly described as follows:

Beginning on the northerly side of Cross Road and the easterly side of Interstate 93, running along Interstate 93 and the westerly side of Lot 17-37, N 02° 52' 16" W a distance of 371.25 feet, to a point; thence

Turning and running along Lot 17-37-1, N 87° 13' 31" E a distance of 131.12 feet to a point; thence

Turning and running, through Lot 17-37, S 09° 42' 59" E a distance of 265.43 feet; thence

Running S 07° 14' 12" W a distance of 107.81 feet; thence

Turning and running, along Cross Road, S 87° 07' 44" W a distance of 170.97 feet to the point of beginning.

Said Access, Slope and Drainage Easement shall be for the purposes of obtaining access to the above described Lot 17-37-1 from Cross Road, which easement may be utilized for all purposes permitted for public highways in the Town of Hooksett including without limitation access by vehicles, pedestrians and utilities, and in addition for slopes and drainage for the benefit of said Lot 17-37-1 together with the right to locate a sign within said easement area.

Meaning and intending to describe and convey a portion of the premises conveyed to the Mortgagor by deed of Paul L. Burnor and Marie P. Burnor of approximately this date and recorded in the Merrimack County Registry of Deeds.

Less any portion of the premises subject to previous release from the Mortgage.

### [End of Description]

To the Mortgagor or any other person claiming a lien or encumbrance against the Mortgaged Premises: YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE. Failure to institute such petition and complete such service upon the Mortgagee conducting the sale prior to sale shall thereafter bar any action or right of action of the Mortgagor based on the validity of the foreclosure.

**Liens and Encumbrances:** The Mortgaged Premises shall be sold subject to any and all unpaid taxes, mortgages, condominium fees, liens and other encumbrances entitled to precedence over the Mortgage and the security interest held by the Mortgagor.

**Terms:** To qualify to bid, bidders other than the Mortgagee must place **Fifty Thousand Dollars (\$50,000.00)** on deposit with the auctioneer in cash, by certified check or other form of payment acceptable to the Mortgagee prior to the commencement of the foreclosure sale.

The successful bidder(s) will be required to execute a Memorandum of Foreclosure (the "Memorandum") at the time and place of sale, and, if the successful bidder(s) shall refuse to sign the Memorandum, that bidder's deposit shall be retained by the Mortgagee. The successful bidder shall be required to tender an additional deposit within five (5) business days (time being of the essence) of the conclusion of the auction so that the total non-refundable deposit amount held by or on behalf of the Mortgagee shall be equal to 10% of the successful bid. The failure of the successful bidder(s) to tender such additional deposit shall be a breach of the said bidder's obligations under the Memorandum, entitling the Mortgagee to all of its rights and remedies thereunder. The balance of the purchase price must be paid in full by the successful bidder(s) in cash or by certified check within thirty (30) days after the sale, on or before the close of business on February 23, 2012. If the successful bidder(s) fails to complete the purchase of the Mortgaged Premises on or before the close of business on February 23, 2012, then the Mortgagee reserves the right to exercise all of its remedies as set forth in the Memorandum. If the deposit is retained for any reason, it shall

at the foreclosure sale; and (6) amend or alter the terms of sale as stated in this Notice by oral or written announcement made at any time before or during the foreclosure sale, and such changes or amendments shall be binding on all bidders.

For further information regarding the Mortgaged Premises, contact the auctioneer, Tranzon Auction Properties, 93 Exchange Street, Portland, Maine, 04101, telephone 866-503-1212, [www.tranzon.com](http://www.tranzon.com).

December 27, 2011  
TD Bank, N.A., by its Attorneys  
Ford & Weaver, P.A.  
10 Pleasant Street, Suite 400  
Portsmouth, NH 03801  
603-433-2002

By: /s/Mark F. Weaver, Esq.  
Mark F. Weaver, Esq.  
(UL - Dec. 28; Jan. 4, 11)

## Legal Notice

### NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **DOREEN M. PAWELSKI AND KENNETH J. PAWELSKI** to MORTGAGE ELECTRONIC SYSTEMS INC. AS NOMINEE FOR AMERICAN MORTGAGE NETWORK, INC., DBA AMNET MORTGAGE, its successors and assigns, as lender, dated June 23, 2005, recorded in the Hillsborough County Registry of Deeds at Book 7490, Page 686, assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION by assignment(s) recorded or to be recorded in said Registry, said Assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 74 Adams Hill Road) in Greenville, Hillsborough County, New Hampshire, at

### PUBLIC AUCTION

on February 15, 2012 at 3:30 PM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Five Thousand and 00/100 Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By Its Attorneys,

HAUGHEY, PHILPOT & LAURENT, P.A.

By Mark H. Lamper, Esquire  
Haughey, Philpot & Laurent, P.A.  
816 North Main Street  
Laconia, NH 03246  
(603) 524-4101

December 30, 2011

(UL - Jan. 4, 11, 18)

## Public Notices

They're how you know! Public Notices help citizens to stay alert to what is happening in the community.

## Legal Notice

### NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **KATHERINE MINAHAN** to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., as nominee for FIRST MAGNUS FINANCIAL CORPORATION, AN ARIZONA CORPORATION, its successors and assigns, as lender, dated May 21, 2007, recorded in the Hillsborough County Registry of Deeds at Book 7867, Page 454, assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 35B Lund Drive) in Hudson, Hillsborough County, New Hampshire, at

### PUBLIC AUCTION

on February 1, 2012 at 8:30 AM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable

notified of the filing but did not participate in the docket. Staff stated that it conducted discovery, which it attached to its letter, and met with parties in a technical session. Staff stated certain computational errors found during discovery changed the 2012 WICA surcharge to 3.7269 percent, which would generate total revenues of \$222,019; Aquarion agreed to the change. A typical residential customer taking 67,000 gallons of water annually would see an increase in their 2012 annual bill of \$10.51, or about \$0.88 per month, over the 2011 WICA surcharge.

Staff stated that the completed 2011 WICA projects are prudent and used and useful in the provision of utility service. Staff and Aquarion also recommended that the Commission approve Aquarion's 2012 WICA construction budget of \$973,350, composed primarily of main replacement. Completion of these projects would result in a \$10.20 annual increase, or about \$0.85 per month, in a typical residential customer bill above the proposed 2012 surcharge. The 2013 cumulative WICA surcharge reflecting recovery of 2010, 2011, and 2012 projects, would be 5.8224 percent. As a result, in 2013 a typical residential customer would realize a total bill impact, above 2010, of \$28.35 annually, or about \$2.36 per month, though the amount attributable to the 2012 projects would not be recovered until the Commission has reviewed and approved the actual expenditures. Staff recommended that the Commission approve Aquarion's projected 2013 WICA projects totaling \$1,022,590 on a preliminary basis. Staff stated that Aquarion has kept its customers apprised of the WICA surcharge, and that it would include information about the current surcharge with its first billing after an order

By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

Thomas B. Getz  
Chairman  
Clifton C. Below  
Commissioner  
Amy L. Ignatius  
Commissioner  
Attested by:  
Debra A. Howland  
Executive Director

(UL - Jan. 4)

## Legal Notice

### NOTICE OF FORECLOSURE

By virtue of the power of sale contained in a certain mortgage (the "Mortgage") given by **PM-Cross, LLC** (the "Mortgagor") to TD Banknorth, N.A., dated March 30, 2007, and recorded at the Merrimack County Registry of Deeds at Book 2976, Page 15, in execution of said power of sale and for breach of the conditions of the Mortgage, for purposes of foreclosing the same, TD Bank, N.A., fka TD Banknorth, N.A. (the "Mortgagee") will sell at

#### PUBLIC AUCTION

on **January 23, 2012, at 10:00 am** in Hooksett, Merrimack County, New Hampshire, on the premises located at **15 Cross Road, Hooksett, Merrimack County, New Hampshire**, as described in the Mortgage and which may be currently described as follows (the "Mortgaged Premises"):

A certain parcel of land, situate in Hooksett, Merrimack County, New Hampshire, shown as Tax Map 17 Lot 37-1 on Plan of land entitled, "Tax Map 17 Lot 37-1 Subdivision Plan, Land of Paul L. and Marie P. Burnor West River

set forth in the Memorandum, if the deposit is retained for any reason, it shall become the property of the Mortgagee, and shall not be required to be applied to the Mortgage debt. Conveyance of the Mortgaged Premises shall be by foreclosure deed. The foreclosure deed shall be delivered to the successful bidder upon the Mortgagee's receipt of the balance of the purchase price.

**Exclusion of Warranties:** Except for warranties arising by operation of law, the conveyance of the Mortgaged Premises will be made by the Mortgagee and accepted by the successful bidder without any other expressed or implied representations or warranties whatsoever including, without limitation, representations or warranties relating to title, possession or tenancies, existence of a condominium, condition of the Mortgaged Premises, construction or fitness for habitation, compliance with applicable state or local building or sanitary codes, recitation of acreage or hazardous waste at the Mortgaged Premises, or any implied or express warranties of any kind, including any warranties of merchantability and/or fitness for a particular purpose, the Mortgaged Premises being sold 'AS IS' and "WHERE IS."

**Reservation of Rights:** The Mortgagee reserves the right to (1) cancel or continue the foreclosure to such subsequent date or dates as the Mortgagee may deem necessary or desirable; (2) bid on, assign its bid if it is the successful bidder, and/or purchase the Mortgaged Premises at the foreclosure sale; (3) reject any and all bids for the Mortgaged Premises, the foreclosure of the Mortgaged Premises being offered WITH RESERVE; (4) sell all or only a portion of the Mortgaged Premises as the Mortgagee may deem necessary; (5) waive reading this Notice or any portion thereof

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Five Thousand and 00/100 Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

By Its Attorneys,  
HAUGHEY, PHILPOT &  
LAURENT, P.A.

By Mark H. Lamper, Esquire  
Haughey, Philpot & Laurent, P.A.  
816 North Main Street  
Laconia, NH 03246  
(603) 524-4101  
December 19, 2011

(UL - Dec. 21, 28; Jan. 4)

# AFFIDAVIT OF PUBLICATION

I hereby certify that the foregoing legal notice was published once in the Portsmouth Herald on January 6<sup>th</sup>, 2012.



Andy Ambrogio  
Classified Advertising Representative

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Sworn to this 6 day of January, 2012

Before me,



Notary Public

SANDRA S. TITUS  
Notary Public - New Hampshire  
My Commission Expires December 3, 2013



**AFFIDAVIT OF PUBLICATION**

I hereby certify that the foregoing legal notice was published in the Exeter News Letter on January 6<sup>th</sup>, 2012, and the Hampton Union on January 6<sup>th</sup>, 2012.



Andy Ambrogio  
Classified Advertising Representative

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Sworn to this 9 day of January, 2012

SANDRA S. TITUS  
Notary Public - New Hampshire  
My Commission Expires December 3, 2013

Before me,



Notary Public

Ad Number:

111313

Advertiser:

McLane, Graf, Raulerson

Insertion Number:

N/A

Agency:

N/A

Size:

3 Col x 17 in

Section-Page-Zone(s):

B-4-All

Color Type:

N/A

Description:

FILE 90711

OBITUARIES/COMMUNITY

Antonetta Romero

NEWMARKET — Antonetta “Toni” Romero, 87, formerly of Beech Street, died Wednesday, Jan. 4, 2012, at Exeter on Hampton.

She was born May 3, 1924, in Newmarket the daughter of Peter and Flora (Bilodeau) Cinfo.

She was a 1941 graduate of Newmarket High School.

Mrs. Romero had last been employed at Alrose Shoe in Exeter for 10 years, and was

administrative assistant to the general manager until her retirement at the age of 71.

She was a member of St. Mary Church, Newmarket, and was a former member of the Robert G. Durgin American Legion Auxiliary Unit #67, Newmarket.

She is survived by one son, Ramon Romero of Los Angeles, Calif.; one brother, Norman Cinfo of Stark; one sister, Rita Russell of Newmarket;

several nieces and nephews; a godchild, Karen (Rowley) Mansfield of New London; and a dear friend, John Terlizzi.

She was predeceased by an infant daughter, Dolores; one sister, Mary Shina; and three brothers, Stephen Cinfo, Gerardo Cinfo and Leo Cinfo.

SERVICES: Visiting hours will be held Saturday, Jan. 7, from 9 to 11 a.m. at the Kent & Pelczar Funeral Home, 77 Exeter St., Newmarket.

A prayer service will follow in the funeral home.

Burial will be in Calvary Cemetery, Newmarket.

Family flowers only.

Memorial donations may be made to Newmarket Fire & Rescue, 4 Young Lane, Newmarket, NH 03857.

Visit [www.kentandpelczarfh.com](http://www.kentandpelczarfh.com) to sign an online guest book.

Helen A. Maxwell

BRENTWOOD — Helen Adams Maxwell, 92, formerly of Exeter, died Wednesday, Jan. 4, 2012, at the Rockingham County Nursing Home.

She was born July 20, 1919, in Exeter, the daughter of the late John J. and Elizabeth (Maher) Adams, and was a lifelong resident of Exeter.

She was a graduate of Robinson Female Seminary and the Somerville Hospital School of Nursing.

Mrs. Maxwell was a registered nurse and worked at Exeter Hospital, where she graciously served patients for more than 30 years. She continued to work as a substitute school nurse in the Exeter area

beyond her retirement, as she found true satisfaction in caring for others.

She was a communicant of St. Michael Church and a former CCD teacher.

She was a devoted wife, mother and grandmother who took great care and pride in raising her children and grandchildren. Her strength and kindness touched many and her spirit continued to inspire those closest to her.

The widow of Alan B. Maxwell Jr., she is survived by four sons and their spouses, Gregory A. and Ruth Maxwell and John J. Maxwell, all of Exeter, Alan “Chip” Maxwell III of Newmarket and James and Joyce Maxwell of Milton; one daughter and her husband, Mary E. and Erik R. Jensen of Newmarket; 11 grandchildren, Andrew Maxwell, Joseph Maxwell, David Maxwell, Alison Maxwell, Roslyn Maxwell, Melissa Maxwell, Brent Maxwell, Amy Jensen Cooper, Jaclyn Jensen, William Jensen, Samantha Maxwell; three great-grandchildren; one sister, Elizabeth A. Hurley of Wilton; and many nieces and nephews.

SERVICES: Calling hours will be held Sunday, Jan. 8, from 5 to 7 p.m. at the Stockbridge Funeral Home, 141 Exeter Road, Exeter.

A Mass of Christian burial will be celebrated Monday, Jan. 9, in St. Michael Church, corner of Front and Lincoln streets, Exeter. Burial will be in Exeter Cemetery.

In lieu of flowers, memorial donations may be made to the Rockingham County Nursing Home Patient Recreation Fund, 117 North Road, Brentwood, NH 03833.

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More obituaries, Page B5

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**Public Hearing** for a lot line adjustment for Clinton and Kimberly Fernald, 19 Stagecoach Road, MBLs 12-02-01, 12-02-02 and 12-02-05.

Direct written comments to the East Kingston Planning Board, 24 Depot Road, East Kingston, NH 03827

#813

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In loving memory of Betty who went before us on December 20<sup>th</sup>, 2011



Elizabeth “Wiscarva” Blanchette

Autumn’s Rain

Do not stand at my grave and weep  
I am not there, I do not sleep  
I am a thousand winds that blow  
I am the diamond glints on snow  
I am the sunlight on ripened grain  
I am the gentle autumn’s rain  
When you awaken in the morning’s hush  
I am the swift uplifting rush  
Of quiet birds in circled flight  
I am the soft stars that shine at night.  
Do not stand at my grave and cry  
I am not there, I did not die.  
~ Author Unknown ~

Legal Notice  
TOWN OF HAMPTON  
ZONING BOARD OF ADJUSTMENT  
January 4, 2012

To Whom It May Concern:

The Zoning Board of Adjustment for the Town of Hampton will hold a public hearing on **Thursday, January 19, 2012, at 7:00 PM**, in the Selectmen’s Meeting Room, 100 Winnacunnet Road to hear the following petitions:

34-11 Rehearing of Jay Ponchak and Sharon B. Ponchak for property located at 15 Mace Road seeking relief from Article IV, Sections 4.2, 4.3 and Footnote #22 to subdivide the existing 1.37 acre lot into two residential lots where the “to be created” lot will not have the required frontage or lot width. This property is located on Map 128, Lot 49-2 and in a RA Zone.

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BUSINESS SESSION

1. Adoption of Minutes

NOTE: Petitions not called and in progress by 10:00 PM may be postponed to a later date.

Hampton Zoning Board of Adjustment  
William O’Brien, Chairman

#1221

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Legal Notice  
STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
DW 11-238  
AQUARIUM WATER COMPANY OF NEW HAMPSHIRE  
WATER INFRASTRUCTURE AND CONSERVATION ADJUSTMENT 2012-2014 PROJECTS  
AND 2012 SURCHARGE  
ORDER NISI GRANTING PETITION  
ORDER NO. 25.311  
DECEMBER 30, 2011

I. BACKGROUND  
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Aquarion requests approval of a surcharge on customer bills to reflect recovery of \$939,492 in 2011 WICA capital spending. These projects were approved in Docket No. DW 10-293, with a budget of \$988,012, see Aquarion Water Company of New Hampshire, Order No. 25,185 (Dec. 22, 2010). Aquarion’s 2011 capital spending for WICA projects, according to its filing, included: water main replacements costing \$698,937; replacement of customer meters costing \$135,298; and replacement of services, hydrants, valves and production meters costing \$105,258. Including return, depreciation expense, and taxes, Aquarion requests new revenues of \$128,442 in addition to revenues of \$93,614 previously approved for 2010 WICA expenditures in DW 10-293. Aquarion seeks a cumulative 3.7276 percent surcharge to customer bills, for service rendered on or after January 1, 2012.

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Staff stated that the completed 2011 WICA projects are prudent and used and useful in the provision of utility service. Staff and Aquarion also recommended that the Commission approve Aquarion’s 2012 WICA construction budget of \$973,350, composed primarily of main replacement. Completion of these projects would result in a \$10.20 annual increase, or about \$0.85 per month, in a typical residential customer bill above the proposed 2012 surcharge. The 2013 cumulative WICA surcharge reflecting recovery of 2010, 2011, and 2012 projects, would be 5.8224 percent. As a result, in 2013 a typical residential customer would realize a total bill impact, above 2010, of \$28.35 annually, or about \$2.36 per month, though the amount attributable to the 2012 projects would not be recovered until the Commission has reviewed and approved the actual expenditures. Staff recommended that the Commission approve Aquarion’s projected 2013 WICA projects totaling \$1,022,590 on a preliminary basis. Staff stated that Aquarion has kept its customers apprised of the WICA surcharges, and that it would include information about the current surcharge with its first billing after an order is issued in this case. Staff noted that the cumulative surcharge resulting from the 2013 WICA improvements, estimated at 8.0663 percent, would otherwise exceed the overall 7.5 percent cap between general rate filings imposed by Order No. 25,019 (Sept. 25, 2009) in Docket No. DW 08-098 but that the surcharge would be reset to zero at the time of Aquarion’s next rate filing, anticipated in 2012.

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II. COMMISSION ANALYSIS  
In Order No. 25,019, the Commission approved the WICA as a pilot program to allow Aquarion to place into rates a surcharge to recover pre-approved investment in replacing aging infrastructure. Aquarion has submitted, as amended by subsequent discovery, completed and proposed projects and associated budgets for our review. In 2011, Aquarion actually spent \$939,256 for projects approved in Order No. 25,186; for 2012, Aquarion proposes to spend \$973,350, largely for water main replacement. For 2013, Aquarion proposes a construction budget of \$1,022,590, \$782,000 of which is dedicated to water main replacement. Aquarion’s filing, as well as its responses to discovery requests, shows that it continues to develop a priority list of needed improvements to its physical plant, including water mains and valves. Staff has reviewed the three-year list of WICA projects, conducted discovery, and met with Aquarion and the Town of Hampton in a technical session to discuss the filing. Staff has also corrected computational errors and recommends approval of Aquarion’s request.

Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton’s objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion’s rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion’s filing and the recommendations of Staff and Hampton, we approve Aquarion’s 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby  
**ORDERED NISI**, that subject to the effective date below, Aquarion’s 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is  
**FURTHER ORDERED**, that Aquarion’s schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is  
**FURTHER ORDERED**, that Aquarion’s schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is  
**FURTHER ORDERED**, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is  
**FURTHER ORDERED**, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission’s consideration; and it is  
**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is  
**FURTHER ORDERED**, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is  
**FURTHER ORDERED**, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this thirtieth day of December, 2011.

1 According to Aquarion’s tariff as approved by the Commission, a WICA surcharge will be determined by the proportion of incremental revenues resulting from the pre-tax return on completed plant, plus depreciation and property tax, compared to the total revenue requirement approved in Aquarion’s last general rate case. The WICA surcharge amount will be the resulting percentage times the current customer bill amount.

Thomas B. Getz Chairman	Clifton C. Below Commissioner	Amy L. Ignatius Commissioner
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Debra A. Howland  
Executive Director

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Antonetta Romero

NEWMARKET — Antonetta “Toni” Romero, 87, formerly of Beech Street, died Wednesday, Jan. 4, 2012, at Exeter on Hampton. She was born May 3, 1924, in Newmarket the daughter of Peter and Flora (Bilodeau) Cinfo. She was a 1941 graduate of Newmarket High School. Mrs. Romero had last been employed at Alrose Shoe in Exeter for 10 years, and was

administrative assistant to the general manager until her retirement at the age of 71. She was a member of St. Mary Church, Newmarket, and was a former member of the Robert G. Durgin American Legion Auxiliary Unit #67, Newmarket. She is survived by one son, Ramon Romero of Los Angeles, Calif.; one brother, Norman Cinfo of Stark; one sister, Rita Russell of Newmarket;

several nieces and nephews; a godchild, Karen (Rowley) Mansfield of New London; and a dear friend, John Terlizzi. She was predeceased by an infant daughter, Dolores; one sister, Mary Shina; and three brothers, Stephen Cinfo, Gerardo Cinfo and Leo Cinfo. SERVICES: Visiting hours will be held Saturday, Jan. 7, from 9 to 11 a.m. at the Kent & Pelczar Funeral Home, 77 Exeter St., Newmarket. A prayer service will follow in the funeral home. Burial will be in Calvary Cemetery, Newmarket. Family flowers only. Memorial donations may be made to Newmarket Fire & Rescue, 4 Young Lane, Newmarket, NH 03857. Visit [www.kentandpelczarfh.com](http://www.kentandpelczarfh.com) to sign an online guest book.

Helen A. Maxwell

BRENTWOOD — Helen Adams Maxwell, 92, formerly of Exeter, died Wednesday, Jan. 4, 2012, at the Rockingham County Nursing Home. She was born July 20, 1919, in Exeter, the daughter of the late John J. and Elizabeth (Maher) Adams, and was a lifelong resident of Exeter. She was a graduate of Robinson Female Seminary and the Somerville Hospital School of Nursing. Mrs. Maxwell was a registered nurse and worked at Exeter Hospital, where she graciously served patients for more than 30 years. She continued to work as a substitute school nurse in the Exeter area beyond her retirement, as she found true satisfaction in caring for others. She was a communicant of St. Michael Church and a former CCD teacher. She was a devoted wife, mother and grandmother who took great care and pride in raising her children and grandchildren. Her strength and kindness touched many and her spirit continues to inspire those closest to her. The widow of Alan B. Maxwell Jr., she is survived by four sons and their spouses, Gregory A. and Ruth Maxwell and John J. Maxwell, all of Exeter, Alan “Chip” Maxwell III of Newmarket and James and Joyce Maxwell of Milton; one daughter and her husband, Mary E. and Erik R. Jensen of Newmarket; 11 grandchildren, Andrew Maxwell, Joseph Maxwell, David Maxwell, Alison Maxwell, Roslyn Maxwell, Melissa Maxwell, Brent Maxwell, Amy Jensen Cooper, Jaclyn Jensen, William Jensen, Samantha Maxwell; three great-grandchildren; one sister, Elizabeth A. Hurley of Wilton; and many nieces and nephews. SERVICES: Calling hours will be held Sunday, Jan. 8, from 5 to 7 p.m. at the Stockbridge Funeral Home, 141 Exeter Road, Exeter. A Mass of Christian burial will be celebrated Monday, Jan. 9, in St. Michael Church, corner of Front and Lincoln streets, Exeter. Burial will be in Exeter Cemetery. In lieu of flowers, memorial donations may be made to the Rockingham County Nursing Home Patient Recreation Fund, 117 North Road, Brentwood, NH 03833. To sign an online guest book visit [www.Stockbridgefh.com](http://www.Stockbridgefh.com).

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Elizabeth “Wiscarva” Blanchette

Autumn’s Rain

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January 4, 2012

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William O’Brien, Chairman

#1221

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Hampton participated in the docket and filed an objection to the proposed surcharge. The goals of the WICA pilot program include accelerating needed replacement of aging infrastructure, greater oversight of projects, and mitigation of rate shock. Aquarion Water Company of New Hampshire, 94 N.H. at 520. We note Hampton’s objections but we conclude that it is prudent to allow the pilot program to continue until the time of Aquarion’s rate filing, anticipated next year, at which time the pilot will be fully evaluated.

Having reviewed Aquarion’s filing and the recommendations of Staff and Hampton, we approve Aquarion’s 2012 WICA surcharge, as modified, for completed 2011 WICA projects that were previously approved in Docket No. DW 10-293. We approve the 2012 schedule of WICA projects and we are satisfied that the proposed projects and budget are reasonable and necessary, and fulfill the objective of the WICA program to accelerate the replacement of aging infrastructure. We find the investment decisions to be prudent.

Approval of the 2012 schedule of projects will permit Aquarion to seek cost recovery of those projects in its 2012 WICA filing to be submitted on or before November 1, 2012, if it has not filed for a general rate increase by then. At the time of any WICA filing and prior to permitting Aquarion to commence recovery of those assets, we will determine whether the projects are, in fact, used and useful in the provision of utility service, pursuant to RSA 378:28. We will also approve the schedule of 2013 projects on a preliminary basis, understanding that Aquarion, Staff and the parties may make further recommendations once the 2012 filing is made and reviewed.

Based upon the foregoing, it is hereby

ORDERED */NISI*, that subject to the effective date below, Aquarion’s 2012 WICA surcharge of 3.7269 percent is APPROVED; and it is

FURTHER ORDERED, that Aquarion’s schedule of 2012 capital projects under its WICA tariff is hereby APPROVED; and it is

FURTHER ORDERED, that Aquarion’s schedule of 2013 projects is approved on a preliminary basis, subject to further recommendations of the parties in the fall of 2012; and it is

FURTHER ORDERED, that Aquarion shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than January 6, 2012 and to be documented by affidavit filed with this office on or before January 17, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than January 11, 2012 for the Commission’s consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 13, 2012; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 17, 2012, unless Aquarion fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Aquarion shall file a compliance tariff with the Commission on or before January 31, 2012, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this thirtieth day of

December, 2011.

<sup>1</sup> According to Aquarion’s tariff as approved by the Commission, a WICA surcharge will be determined by the proportion of incremental revenues resulting from the pre-tax return on completed plant, plus depreciation and property tax, compared to the total revenue requirement approved in Aquarion’s last general rate case. The WICA surcharge amount will be the resulting percentage times the current customer bill amount.

Thomas B. Getz  
Chairman

Clifton C. Below  
Commissioner

Amy L. Ignatius  
Commissioner

Debra A. Howland  
Executive Director

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