

DW 13-171

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October 30, 2013

NHPLC 4NOV13am11:45

TRANSMITTED ELECTRONICALLY
AND BY US FIRST CLASS MAIL

Debra A. Howland, Executive Director
Public Utilities Commission

21 South Fruit Street, Suite 10
Concord, NH 03301-2429

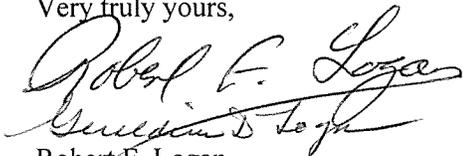
RE: Docket DW13-171
Eastman Sewer Company, Inc.

Dear Ms. Howland:

Please find enclosed original and six copies of a request regarding recent actions by a Joint Petitioner.

Thank you for your assistance.

Very truly yours,



Robert F. Logan
Geraldine D. Logan

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DW 13-171

IN RE EASTMAN SEWER COMPANY, INC
Sale of Assets and Liabilities to the VILLAGE DISTRICT OF EASTMAN

NOW COME ROBERT AND GERALDINE LOGAN to present the following request:

1. We are submitting the attached letter dated 9/27/2013 from Maynard Goldman, a petitioner to the NH PUC in Docket #DW 13-171. We are requesting that the Commissioners review the appropriateness of the letter and the fact that it was mailed to the Eastman Community Association (ECA) email list and posted on the Eastman listserv. In particular we are requesting whether the commissioners have approved the statement Mr. Goldman makes in the 6th paragraph "...Clearly, all capital improvements except emergency repairs will have to be put on hold until the PUC rules on the transfer of the ESC to the VDE." We view this paragraph as an abdication of Mr. Goldman's responsibility as the leading member of the ESC Board of Directors and as the ECA President. We do not think his decisions and statement are appropriate to the positions he occupies.

2. Furthermore we find the rhetoric of this paragraph:

It is difficult to speculate on the legal costs which are being incurred by the VDE, ECA and the ESC on these matters but it will certainly be many thousands of dollars. In addition, countless hours of time will be spent by all three parties. At the September Council meeting, in response to a request, Ken Ryder agreed to keep a record of these costs, as well as the projects that are being delayed by this legal process, and to report to the Community on a quarterly basis. In the meantime the ESC will continue to manage operations of the sewer system and to keep the VDE informed. Clearly, all capital improvements except emergency repairs will have to be put on hold until the PUC rules on the transfer of the ESC to the VDE.

to be both an attempt to interfere with our civil liberties and rights as well as inciting others to harass us. The letter's content seems to be targeting the intervenors as the source of blame for any future claimed problems with the sewer operation, sewer capital and whatever costs the ECA General Manager decides to claim are the intervenors' "fault". Given the adversarial positioning that the letter is encouraging and the subsequent inappropriate correspondence and emails that it incited from other governance members, we are deeply concerned about our social welfare at Eastman.

3. We have also attached one of Mr. Goldman's previous communications mailed to the Eastman Sewer Users and other Eastman Community Association members. Like the September 27th correspondence, this also targets our civil liberties and the expression of our civil rights. We do not know how Eastman governance members reconcile these activities with the stated ECA governance values from their website:

- **Collaboration:** We work together to achieve consensus on issues, recognizing the importance of members' opinions and remaining flexible when working toward fulfilling the community's needs and expectations.
- **Respect:** We recognize and value the diversity of interests and opinions within our community.

Respectfully submitted,

Robert F. Logan
Geraldine D. Logan



September 27, 2013

Dear Fellow Members,

It has been a month since the vote on the proposed establishment of a second Village District, which was initiated by a petition to the Town of Grantham by Phil Schaefer. The proposed separate sewer district was soundly defeated at the August 21st meeting by a margin of three to one. Not surprisingly, the proponents of that effort have been silent about this outcome, but I thought you should be aware of the other events that have transpired and continue to delay our efforts to move forward.

Some people hoped the interveners before the NH Public Utilities Commission (PUC) opposing the transfer of the Sewer Company to the existing Village District would reconsider their opposition in light of their overwhelming defeat on August 17th. Unfortunately, that did not happen.

Bob and Gerri Logan, who are not sewer users, both intervened, trying to derail the proposed sale, apparently with the goal of keeping the Sewer Company under PUC control. Phil Schaefer and Jim Van Dolah are not individual interveners but claim to be representing the Sewer Users Coalition. They informed the PUC that the Coalition is the group of people who signed the petition circulated by Schaefer which led to the August 17th meeting. That list of people can be viewed on the PUC website at [List of Members](#). Schaefer and Van Dolah recently filed an additional document with the PUC which also includes the Coalition names. Please see [Authorization to Represent](#).

The Coalition was originally represented by legal counsel, but following the August 17th defeat, their attorney filed a motion to withdraw. According to Mr. Schaefer that was because the "group could no longer afford counsel." Mr. Schaefer now claims to be the Agent for the group. They are now proceeding without counsel because they do not wish to spend their own money, but they apparently have no compunction about spending the funds of the Eastman Community Association, the Sewer Company and the Village District of Eastman. The legal costs for those three organizations will eventually be paid by all of us.

The calendar originally set by the PUC now anticipates a final hearing in mid March 2014, but that could be further delayed. Initially we declined to respond to the Coalition interrogatories because of their lack of relevance and specificity to the issues at hand and because we were uncertain as to the legal status of the Coalition given the outcome of the August 21st meeting. However at the urging of the PUC staff, we are now preparing our answers for submission, and they will be available shortly on the aforementioned website.

It is difficult to speculate on the legal costs which are being incurred by the VDE, ECA and the ESC on these matters but it will certainly be many thousands of dollars. In addition, countless hours of time will be spent by all three parties. At the September Council meeting, in response to a request, Ken Ryder agreed to keep a record of these costs, as well as the projects that are being delayed by this legal process, and to report to the Community on a quarterly basis. In the meantime the ESC will continue to manage operations of the sewer system and to keep the VDE informed. Clearly, all capital improvements except emergency repairs will have to be put on hold until the PUC rules on the transfer of the ESC to the VDE.

My understanding of the democratic process was that the majority prevails. Despite three separate votes, the opposition continues to force us to spend precious financial resources which could be used for many productive purposes. We will keep you apprised of developments as they occur.

I would also like to thank those Community members who participated in the multiple meetings held during the past eight months and took the time to understand and vote on this important issue. Remember, the goal from the start was to move the ESC out from under the PUC in order to be able to proceed with the needed upgrades and repairs to the system in a

timely and least costly manner.

Sincerely yours,

A handwritten signature in black ink that reads "Maynard Goldman". The signature is written in a cursive style with a long horizontal flourish at the end.

Maynard Goldman

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This email was sent to rlogannh@yahoo.com by notices@eastmannh.org |
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe](#)[™] | [Privacy Policy](#).
Eastman Community Association | PO Box 53 | Grantham | NH | 03753

Why a “NO” Vote on August 17 is the Right Vote

This Saturday, August 17, eligible voters will be asked to vote on whether to approve the creation of a separate district for sewer, as requested by Phil Schaefer in his petition to Grantham. As Eastman owners prepare to once again decide a critical issue for the community, please consider the following important points -

Why Have the Proponents for the New Sewer District

- *Refused a prime opportunity to explain their positions and plans by not attending the July 24 forum? Instead, they chose to schedule a competing event.*
- *Failed to explain how they plan to acquire the sewer assets, how much they would be willing to pay, and how those funds will be raised?*
- *Failed to explain how creating a separate district is as cost effective as having the VDE acquire the sewer system, when duplicate costs for annual meetings, audit fees, insurance and other services will have to be incurred?*
- *In the past stated it would cost “almost \$1,000 a year, just to flush” if the VDE controls the sewer service? This is an exaggeration of more than 50% of the proposed future costs.*
- *Indicated the VDE was ready to provide administrative support to a new district, when no such commitment has been made?*
- *Argued that upgrading the aeration system may solve the compliance issue, when expert engineers have said definitively that it will not?*

It Is Important to Remember

- ❖ The VDE has the experienced staff and infrastructure to seamlessly assume control of the sewer system, along with a long record of service to Eastman. We entrust our water supply to the VDE; we can trust them to manage our sewer system as well
- ❖ The ECA and ESC Boards, the majority of VDE Commissioners, and the majority of VDE voters have determined the VDE is the best future for our sewer system
- ❖ ECA is contractually obligated to transfer the assets and liabilities of the sewer company to the VDE, pending PUC approval

Do You Know

- That a defeat of the proposed district on August 17 will likely not end this debate? Petitions have already been filed with the NH Public Utilities Commission by Bob and Geri Logan and the Sewer Users Coalition (led by Phil Schaefer). The Logans intend to oppose the VDE option regardless of the outcome of Saturday’s vote! Incredibly, the PUC staff has indicated the back and forth could last until at least March 2014. This protracted process will require the UNNECESSARY expenditure of hundreds of hours of staff and volunteer time. Based on the proposed PUC schedule, our legal counsel has provided an estimate of \$10,000 to \$20,000 in additional fees to complete this process – an UNNECESSARY waste of valuable community resources.

It is for these reasons that a “NO” vote on August 17 is the right vote. Please support your community, send a loud and clear message, and oppose the establishment of a new separate sewer district. Thank you.

The Eastman Community Association & Eastman Sewer Company

----- Forwarded Message -----

From: Ken Ryder <ken@eastmannh.org>

To: R & G Logan <rlogannh@yahoo.com>

Cc: Maynard Goldman <magold@comcast.net>; Brad Moses <bradlmoses@comcast.net>; Brian Harding <Brian@eastmannh.org>

Sent: Monday, August 19, 2013 7:24 AM

Subject: RE: Your letter

Good morning Bob,

The letter was authorized by the Presidents of the ECA and ESC Boards. It was mailed to all property owners of the proposed sewer district as defined by the Town of Grantham. We will not release the names and addresses as that is in violation of the privacy policy.

Ken

-----Original Message-----

From: R & G Logan [mailto:rlogannh@yahoo.com]

Sent: Friday, August 16, 2013 11:43 AM

To: Ken Ryder

Subject: Your letter

Hi Ken,

We received a letter from your office entitled "Why a NO Vote on August 17 is the Right Vote". We are cited in that letter and actions are attributed to us. The letter is signed The Eastman Community Association & Eastman Sewer Company. We assume the Eastman Sewer Company is the Board members of the Sewer Co and would like to know who exactly is the "Eastman Community Association" i.e. names. We also want to know who authorized this letter and the names and addresses of everyone to whom it was sent.

Thank you.

Bob Logan