

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

DW 13-171

EASTMAN SEWER COMPANY, INC.

**Joint Petition for Approval of Sale to Village District of Eastman and
Exemption from Further Regulation**

ORDER OF NOTICE

On June 13, 2013, Eastman Sewer Company, Inc. ("Eastman Sewer"), the Village District of Eastman (the "Village District"), and the Eastman Community Association (the "Association") (together, the "Joint Petitioners") filed a joint petition seeking approval of the sale of the assets and liabilities of Eastman Sewer to the Village District, and exemption from further regulation by the Commission. The Joint Petitioners filed testimony in support of the joint petition on June 21, 2013. Eastman Sewer is a regulated sewer utility pursuant to RSA 362:2 and serves approximately 537 customers in a limited area of the Town of Grantham. The Village District is a municipal district organized under State law and owns and operates a water supply and distribution system with about 1,330 connections. The Association is a not-for-profit corporation and currently owns all of the corporate stock of Eastman Sewer. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2013/13-171.html>.

Eastman Sewer and the Village District have entered into a purchase and sale agreement to transfer all of the assets and liabilities of Eastman Sewer to the Village District. Subsequent to the transfer, sewer service to Eastman Sewer's customers will be provided by the Village District

as a municipality serving within its municipal boundaries. Eastman Sewer would cease to exist. The current system operator, Water System Operators, Inc., an independent contractor, will continue to operate the system post-transfer. The voters of the Village District have approved the acquisition and the assumption of existing Eastman Sewer debt. The Joint Petitioners indicate that the sewer system is currently operating under a groundwater discharge permit issued April 19, 2013 by the New Hampshire Department of Environmental Services (NHDES), and that the NHDES has confirmed the transferability of this permit. The Village District and the current management of Eastman Sewer have reached agreement for the continuity of operational supervision with existing staff through a transition period.

The filing raises, inter alia, issues related to RSA 374:22 and 30 and whether the acquisition will be for the public good; RSA 374:4 and the Commission's oversight of the management of utility operations as well as the safety, adequacy, and accommodation of the utility service provided; and RSA Chapter 38 relative to the proposed transactions and purchase agreement. Each party has the right to have an attorney represent the party at the party's own expense.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on August 1, 2013 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition, and any of the issues set forth in N.H. Code Admin. Rule Puc 203.15(d) shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Eastman Sewer, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and discuss the development of a procedural schedule for review of the petition; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.12, ESC shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than July 11, 2013 in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before July 29, 2013; and it is

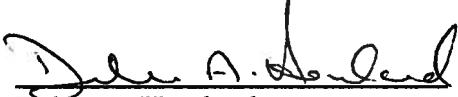
FURTHER ORDERED, that ESC serve a copy of this Order of Notice on current and known prospective customers as well as the Clerk of the Town of Grantham, New Hampshire, by first class U.S. Mail, postmarked no later than July 18, 2013; and it is

FURTHER ORDERED, that pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Eastman Sewer and the Office of the Consumer Advocate on or before July 29, 2013, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Code 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 August 1, 2013.

By order of the Public Utilities Commission of New Hampshire this fifth day of July,

2013.



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.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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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
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.