

DW 16-257

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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February 25, 2016

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

NHPUC 25FEB'16AM10:24

**Re: Bow Lake Estates Water Works  
Request for Show Cause**

Dear Ms. Howland:

Staff is writing to request that the Commission open a docket with respect to Bow Lake Estates Water Works (Bow Lake), and issue an order requiring the company to show cause why it should not be fined or have its franchise revoked for failure to file timely Form F-16 annual reports, as required pursuant to RSA 374:15 (requiring “[e]very public utility [to] file with the commission reports at such times, verified by oath in such manner, and setting forth such statistics and facts, as may be required by the commission”) and Puc 609.04 (requiring the annual filing of Form F-16). At this time Bow Lake has yet to file its 2014 report, which was due by March 31, 2015.

Twice in the past the Commission has opened dockets to investigate Bow Lake’s failure to provide timely annual reports: Docket Nos. DW 04-010 and DW 09-077. The record of each of these proceedings is replete with evidence of the company’s non-compliance and intransigence. Bow Lake was fined by the Commission in both dockets but, unfortunately, following the 2009 docket, the company continued to file late annual reports. The company’s 2009 report, due March 31, 2010, was not filed until December 21, 2011. The 2010 report, due March 31, 2011, was filed February 1, 2012. The 2011 report, due March 31, 2012, was filed April 18, 2012. The 2012 report, due March 31, 2013, was filed July 31, 2014. The 2013 report, due March 31, 2014, was filed December 23, 2014. Also, the Commission’s audit staff issued questions to the company on its 2013 report, but the company has never responded to those questions.

Since March 31, 2015, Staff has contacted the company’s president, Stanley Oliver, several times with the last being this past Monday morning. Mr. Oliver cited the cost of preparing annual reports, and the inability to acquire access to an accountant at this time of year as reasons for not filing the 2014 report. Mr. Oliver made no commitment whatsoever to the filing of the overdue 2014 report, and he did not address the 2015 report due in just over a month.

LINKED

Given Bow Lake's consistent failures to meet regulatory deadlines, Staff recommends the Commission open a proceeding to consider whether it is consistent with the public good for the company to retain its franchise authority. RSA 374:26.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Naylor". The signature is written in a cursive style with a prominent initial "M".

Mark A. Naylor

Director, Gas & Water Division

Cc: Bow Lake Estates Water Works

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