

# LAKES REGION WATER COMPANY INC.

420 Governor Wentworth Highway, PO Box 389  
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NHPUC 21OCT'16PM12:30

October 19, 2016

Debra Howland – Executive Director  
NH Public Utilities Commission  
21 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

RE: Response to Complaint against Lakes Region Water Company- Robert Mykytiuk

Dear Executive Director Howland,

Lakes Region Water Company is in receipt of your letter dated October 11, 2016 advising of a complaint made by Mr. Robert Mykytiuk with regard to additional fixed base charge to his account. We are disputing this complaint based on the following reasons;

On March 29, 2016 it came to our attention that Mr. Mykytiuk had completed construction on his secondary structure. The building permit advises a “single family” construction (**Exhibit A**) and a second septic system for a 2 bedroom apartment (300 gpd) was designed and installed for this secondary structure. The primary structure’s existing septic system was for 2 bedroom home (300 gpd), please see septic approval and septic design’s lot loading criteria. (**Exhibit B**)

The secondary structure contains, 1 sink, 2 baths, 2 water closets, 2 lavatories, 1 shower, 1 dishwashing machine and 1 washing machine. (**Plumbing permit-Exhibit C**) and its own septic system initiating a second place of consumption for water service as well as increasing demand on our water supply and O&M costs. A separate meter and service line would have been required; instead Mr. Mykytiuk installed a service line from his primary structure to his secondary structure without consulting with Lakes Region Water Company.

A letter (**Exhibit D**) was sent to Mr. Mykytiuk (certified 04/26/16) requesting an “Application for Service” per PUC rule 1203.01 “Initiation of Basic Utility Service” and our Tariff Terms and Conditions 1. This letter also advised that this new construction (dwelling) was considered separate from the primary structure (dwelling) and would need a separate meter therefor a separate service pipe for his second place of water consumption should have been installed. (PUC 602.14) The letter also was for an inspection of his non-conforming connection to verify he was not in violation of RSA 539:7 Theft of Utility Service (by-pass the main structures meter) and potentially contaminating our water main with back flow. We were satisfied that the connection possessed no by-pass or back flow, but he still was required to complete the “Application of Service” which he has ignored.

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By this letter (received my Mr. Mykytuik on 05/04/16) he was notified that he was required to complete an "Application of Service" that initiates the new water service he should have installed thus giving us the authority to charge him a second base charge. He remains in "Non-Compliance" of the letter as we have NOT received his "Application of Service" violating our Tariff and is subject to disconnection of service.

Lakes Region Water Company felt that a second base charge being assessed to his account was fair and justifiable. We did not pursue installation of a second meter and service line as we did not wish to create a hardship for Mr. Mykytuik. We were satisfied that the connection to the primary structure's meter created neither by-pass nor backflow and was able to handle the flow for his consumption charge. Please see letter dated July 27, 2016 (**Exhibit E**) explaining to Mr. Mykytuik the reason for the second base charge and the letter dated August 3, 2016 responding to Consumer Affairs for the complete timeline. (**Exhibit F**) I have also attached the property tax card (**Exhibit G**) and a photo of the secondary structure (**Exhibit H**).

Lakes Region Water Company began working with Mr. Naylor to resolve this issue; please reference Mr. Naylor's email- Mr. Mykutiuk's Exhibit D agreeing with our decision to charge two base charges. Also note that the exhibits "B" & "C" Mr. Mykytuik have presented to the NH PUC with his complaint are definitions from two different Town ordinances and are not NH State RSA, nor Carroll County Code. The argument presented by Mr. Mykytuik that his second structure is not a dwelling or ADU by state definition may be true due to the lack of "cooking" facilities, however it does not mean he did not create a second place of consumption for water services to his detached secondary structure. The word "dwelling" being used and its meaning appears to be in question. Also enclosed is a copy of his primary structure (dwelling) being rentable as a 3-4bedroom home with reviews of owner living on property and show a picture of the separate owner living quarters (secondary structure-dwelling?). (**Exhibit I**)

Mr. Mykutiuk has not made any formal requests to us and nor we have continually threatened to turn his water off for non-payment. There was one letter requesting an inspection and a service application to be filled out and one letter explaining the second charge with a reminder of our Tariff's terms and conditions. We have continued to cooperate and work with NH PUC Consumer Affairs, Ms. Noonan and State Rep. Karel Crawford. We adamantly dispute his complaint and accusations.

There are other customers within our franchise area that have installed a second meter and service line to their secondary place of consumption. Lakes Region Water Company will pursue requiring Mr. Mykytuik to do the same for his second place of consumption in the near future.

Sincerely,



Leah Valladares  
Utilities Manager

cc: Thomas Mason  
Water Division  
Amanda Noonan  
Robert Mykytiuk