

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
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November 10, 2016

Mr. Robert Mykytiuk
P.O. Box 842
Moultonborough, NH 03254

Re: DW 16-834 – Complaint of Robert Mykytiuk against Lakes Region Water Co., Inc.

Dear Mr. Mykytiuk:

This letter is issued in response to the complaint you filed on October 4, 2016 with the Commission alleging Lakes Region Water Co., Inc. (Lakes or the Company) is requiring you to pay for an additional base charge or \$135.26 per quarter under the terms of its tariff (NHPUC No. 6, p.10) relating to another dwelling constructed on your property at 17 Mayflower Lane in Moultonboro, New Hampshire.

On April 26, 2016, Lakes sent a letter to you requesting an application for service for the new dwelling as it considered it to be a separate structure on your property requiring a separate meter and separate service. On August 2, 2016, you made a complaint to the Consumer Services and External Affairs Division. After failing to reach an informal resolution that was satisfactory to you, you filed a formal complaint with the Commission on October 4, 2016, under N.H. Admin Rule Puc 204.01. Lakes responded by letter circulated electronically on October 19, 2016, and filed on October 21, 2016. You then requested a formal hearing on October 20, 2016.

The Commission's rules do not specifically address separate dwelling units and separate structures under N.H. Code Admin. Rule Puc 600 et seq. (rules for water service). The Commission believes that a hearing on this matter will be useful in determining whether a separate base charge should be implemented and/or a separate meter installed. As such, the Commission has granted your request for a hearing which will be held on December 14, 2016 at 10:00 a.m., and adopts the following procedures and determinations with respect to the hearing.

You and Lakes Region shall each file the following with the Commission, no later than November 30, 2016, the following:

- i) A list of witnesses they intend to call at the hearing, identifying each witness by name and business and/or home address;

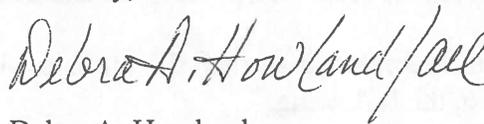
- ii) A concise written summary of each witness' position, which should also contain an account of the facts and other relevant topic about which the witness intends to testify;
- iii) A written summary of the legal issues involved in this case. A written summary need not be submitted, but the Commission is interested in how it may apply or interpret its rules when the rules do not specifically address service issues for separate structures on the same parcel of property. See N.H. Code Admin Rule Puc 200 et seq.
- iv) All exhibits each party intends to introduce at the hearing. Exhibits should include copies of all correspondence, sketches, notes, and documents including all relevant correspondence between the parties.

The following procedural rules shall govern this proceeding:

- a) You and Lakes will each have the chance to ask questions of all witnesses, regardless of who calls the witness.
- b) Only witnesses who have been identified and filed summaries pursuant to paragraphs i and ii above, will be allowed to provide information or testify at the hearing.
- c) Witnesses for Mr. Mykytiuk will appear first followed by witnesses for Lakes.
- d) The Commission will not accept any exhibits unless they were submitted prior to the hearing on the date identified above.
- e) At the end of the hearing, each party will have the opportunity to make a closing statement to the Commission. Lakes Region will go first, followed by Mr. Mykytiuk.
- f) The hearing will be recorded and Lakes will bear the cost of the transcription of the hearing.
- g) Each party shall pay for its own copy of the transcript.
- h) Mr. Mykytiuk as the moving party shall bear the burden of proof at the hearing.

To the extent that any of the above is inconsistent with the Commission's procedural rules, the Commission has determined that a waiver of the applicable rule or rules serves the public interest and will be conducive to, rather than disruptive of, the orderly proceedings of the Commission. See N.H. Code Admin. Rule Puc 201.05(a). The Commission encourages you to contact Staff with questions or for assistance as needed as it recognizes you may not be familiar with the Commission's procedures.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List

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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Docket #: 16-834-1 Printed: November 10, 2016

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.