

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DW 23-016

CITY OF LACONIA

Petition to Extend Water and Sewer Service Areas in Belmont

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On February 17, 2023, the City of Laconia (Laconia) filed a request to expand its water and sewer service area to include eighteen additional residential lots in the neighboring Town of Belmont (Belmont). In support of its petition, Laconia filed a number of attachments, including maps demonstrating the proposed service area extension. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at

<https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-016.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

According to its petition, Laconia provides water and sewer services to its residents. It now seeks to expand its franchise area to serve eighteen¹ additional properties in Belmont. Laconia stated that the owner of these lots, Mountain Lake Village, LLC, requested that Laconia extend its service to cover the additional lots because Belmont does not provide water and sewer services in that area of the town. See Laconia Petition Exhs. 2-3 and 5. Laconia further represents that Belmont

¹ The opening paragraph of Laconia's petition states that Laconia is seeking to extend service to thirty-four properties in Belmont. In paragraph 2, however, the petition represents that Laconia is seeking to extend service to eighteen properties. Based on the attachments to the petition, it appears that eighteen is the correct figure. If that is incorrect, however, Laconia should clarify the number of properties it seeks to extend service to under its current petition.

supports Laconia's petition to expand its franchise. *See* Laconia Petition Exh. 5. Laconia requests that the Commission resolve this request on an expedited basis.

Pursuant to RSA 362:2, a municipality that provides water and sewer services to residents within its corporate limits is exempt from the definition of a public utility. A municipality that provides water and sewer service to customers outside its corporate boundaries may also be exempt from the definition of a public utility under RSA 362:4 if it meets the criteria outlined in that statute. However, whenever a municipality seeks to expand its franchise to serve new customers outside its corporate boundaries, it must receive the Commission's approval pursuant to RSA 374:22 and 374:26. *See* RSA 362:4, III(a); RSA 362:4, III-a.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issue: whether Laconia's proposed extension of its franchise to eighteen residential lots in Belmont would be for the public good, as required by RSA 374:22 and RSA 374:26. Accordingly, an adjudicative proceeding will be convened to address this issue.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's

hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and addressing the foregoing issues pursuant to RSA chapter 541-A, RSA 374:22, and RSA 374:26, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on April 6, 2023, at 9:00 a.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, Laconia shall make appropriate personnel available for the parties to hold a technical session to review the filing; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Laconia and any other parties on the service list, on or before March 27, 2023. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before April 3, 2023; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is


FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, Laconia shall notify all entities and individuals desiring to be heard at this hearing by

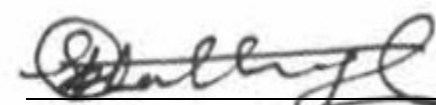
publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before March 29, 2023. Further, Laconia shall provide a copy of this notice to the owner of the residential lots at issue by either direct mail or e-mail no later than two business days after the date of issue, such notice to be documented by affidavit filed with the Commission on or before March 29, 2023. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

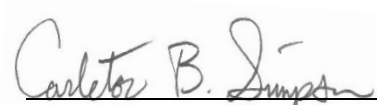
So ordered, this fifteenth day of March, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the 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 - Docket Related

Docket#: 23-016

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Email Addresses

ClerksOffice@puc.nh.gov
Suzanne.G.Amidon1@energy.nh.gov
Energy-Litigation@energy.nh.gov
robyn.j.descoteau@energy.nh.gov
jayson.p.laflamme@energy.nh.gov
ocalitigation@oca.nh.gov
laura@mitchellmunigroup.com