

DW 00-090

BODWELL WASTE SERVICES CORPORATION

Petition for Franchise Extension

Order Approving Procedural Schedule

O R D E R N O. 23,537

July 21, 2000

APPEARANCES: Wadleigh, Starr & Peters, P.L.L.C. by Charles F. Cleary, Esq. for Bodwell Waste Services Corporation and Donald M. Kreis, Esq. for the Staff of the New Hampshire Public Utilities Commission.

I. PROCEDURAL HISTORY

On April 20, 2000, Bodwell Waste Services Corporation (Bodwell) filed with the New Hampshire Public Utilities Commission (Commission) a petition to extend service to an area in northeastern Londonderry, including the 98-home Mill Pond subdivision. The filing indicated the support of the City of Manchester and Town of Londonderry and attached an amendment to an existing intermunicipal sewer agreement between the City and Town.

The Commission issued an Order of Notice on May 22, 2000 and scheduled a pre-hearing conference for June 20, 2000, directing that any petitions to intervene be filed by June 16, 2000. No such petitions were filed. In its Order of Notice, the Commission further directed that the following procedural schedule would apply unless otherwise ordered following the

pre-hearing conference:

Responses to Oral Data Requests Propounded at the 1st Technical Session	July 5, 2000
Data Requests by Staff and Intervenors	July 19, 2000
Company Data Responses	August 2, 2000
Technical Session	August 11, 2000
Testimony by Staff and Intervenors	August 25, 2000
Data Requests by Company	September 8, 2000
Data Responses by Staff and Intervenors	September 22, 2000
Settlement Conference	September 29, 2000
Submission of Settlement Agreement	October 11, 2000
Hearing on Merits	October 18, 2000

As directed in the Order of Notice, on June 12, 2000, the Company filed the testimony of Stephen P. St. Cyr in support of the petition. The pre-hearing conference was held as scheduled on June 20, 2000.

II. POSITIONS OF THE PARTIES AND STAFF

A. Bodwell Waste Services Corporation

Bodwell indicated that its proposal calls for expansion into the Mill Pond Subdivision as well as an adjacent area, currently a gravel pit, that Bodwell's principal, Robert LaMontagne, plans to develop into residential homes through LaMontagne Builders. Bodwell indicated that development of the gravel pit into

approximately 25 house lots was approximately two to three years away. According to Bodwell, no change in rates is anticipated as a result of the proposed expansion. Bodwell also indicated that financing for the project was still being arranged, leaving to be determined the issue of what portion of the cost would be financed as contributions in aid of construction by the developer of the homes and thus ultimately paid for through the purchase price of the homes rather than through Bodwell's rates.

B. Staff

Staff expressed concerns regarding the need to replace and/or to abandon certain of Bodwell's mains as a result of anticipated construction and road projects. Staff noted that this cost would be passed on to customers of Bodwell, ultimately resulting in a rate increase. Additionally, Staff further expressed concern about the Company's costs and cost allocations and noted that Bodwell's existing debt appeared to be more than its current rates are able to support. The need for Bodwell to restructure its outstanding debts is apparent, according to Staff. Finally, Staff noted that, in general, the extent of Bodwell's managerial, technical, financial and legal expertise required exploration.

III. CONCLUSION

In the absence of any objections to the tentative procedural schedule set forth in the Order of Notice, we will adopt it as the schedule governing the proceedings for the remainder of this docket.

Based upon the foregoing, it is hereby

ORDERED, that the procedural schedule delineated above is approved.

By order of the Public Utilities Commission of New Hampshire this twenty-first day of July, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary