

DW 01-036

OVERLOOK WATER COMPANY

Petition for Exemption

Order NISI Granting Exemption from Regulation

O R D E R    N O.    23,699

May 7, 2001

**I. BACKGROUND**

The Petitioner, Overlook Water Company (Overlook or Company), filed on February 14, 2001 a request for exemption from public utility regulation for service to a gas station, a single family residence and "potentially a few commercial users who may eventually be located on yet undeveloped property nearby," all along Route 111 in the Town of Windham. Additional information was provided subsequently in response to inquiries by Commission Staff.

Overlook Water Company is owned by a George Dinsmore. Mr. Dinsmore and his two sons in turn own Turnbridge Associates, which owns the gas station (Exxon franchise) noted above (Lot 11-C-12). The single family residence also served by the Company's well is owned by the elder Mr. Dinsmore's sister, Dorothy Walters (Lot 11-C-5). Additional lots that could be developed and served later include 11-C-100, owned by Dinsmore Revocable Trust; 11-C-6 and 11-C-125, both owned by Dorothy Walters; and 11-C-300,

owned by the elder Mr. Dinsmore and his wife. Total acreage of all lots, as obtained from the Windham Assessor's Office, is 63 acres.

The current well was installed in 1998 to avoid a groundwater gasoline plume that threatened the gas station's existing well. The new well yields 30-35 gallons per minute and is not, the Company asserts, subject to contamination from the plume. Although the Department of Environmental Services (DES) has been involved in remediation of the plume, the current well does not currently fall under DES review since it serves only the two customers.

Pennichuck East Utility holds the franchise for essentially the entire town of Windham (Re Southern New Hampshire Water Company, Inc., 70 NH PUC 361 (1985)). Overlook had not contacted Pennichuck, nor does it have any interest in service by Pennichuck. Pennichuck, however, has indicated verbally to Staff that it does not oppose the request for exemption as outlined.

Overlook has indicated that "If ever, this system might supply only a few commercial users and in all likelihood they would be the owners of the system sharing a prorated cost of operation."

**II. COMMISSION ANALYSIS**

Based on the evidence before us, the Company currently serves two customers: the gas station and a residential home. Pursuant to RSA 362:4 we may grant an exemption from some or all of our regulations if the Company serves less than ten customers and we believe the exemption is in the public good. While the terms of future service are not known with certainty at this time, neither the current service to the gas station and residence, nor the potential future service as generally outlined at this time, appear to raise public good concerns. We will therefore grant the requested exemption, but note our ability to revisit that exemption should future conditions warrant.

**Based upon the foregoing, it is hereby**

**ORDERED NISI**, that the request by Overlook Water Company for exemption from regulation for service to Lots 5, 6, 12, 100, 125 and 300, all on Map 11-C in the Town of Windham, is hereby approved based on service to less than ten consumers (RSA 362:4 I); and it is

**FURTHER ORDERED**, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, and

shall send a copy of this Order by first class mail to the owner of each lot identified above, such publication and mailing to occur no later than May 14, 2001 and to be documented by affidavit filed with this office on or before May 21, 2001; and it is

**FURTHER ORDERED,** that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than May 24, 2001; and it is

**FURTHER ORDERED,** that any party interested in responding to such comments or request for hearing shall do so no later than May 29, 2001; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective June 7, 2001, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this seventh day of May, 2001.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary