

DW 02-194

**WEST SWANZEY WATER COMPANY, INC.  
SWANZEY TOWNSHIP HOUSING ASSOCIATES LIMITED PARTNERSHIP**

**Order to Show Cause Why Civil Penalties Should not be Imposed  
for Failure to Obtain Approval under  
RSA 371:17 and RSA 374:22,I Prior to Construction**

**O R D E R    N O.    24,132**

**March 3, 2003**

On October 17, 2002, West Swanze Water Company, Inc. (the Company) and Swanze Township Housing Associates Limited Partnership (STHA) filed a joint petition with the New Hampshire Public Utilities Commission (Commission) for approval to construct and maintain an underground water pipe beneath the Ashuelot River in the Town of Swanze, New Hampshire. The Company proposes to serve an 18-unit housing development being developed by STHA on the opposite side of the Ashuelot River from the franchise area presently served by the Company. The Company filed a separate petition on the same date for approval of expansion of its service territory to serve the proposed development.

It was subsequently revealed that construction of the water pipe under the Ashuelot River to be used in providing water utility service in an area outside the Company's existing service territory, proceeded prior to Commission approval of either petition despite the fact that RSA 371:17 and RSA 374:22,I, respectively, contemplate prior approval of the petitions. A

separate order issued this date in this docket provides more detail on the petitions and the procedural history of this docket and grants approval of the franchise expansion as well as approval to operate and maintain the river crossing.

The Company and STHA are directed to respond in writing by March 21, 2003 explaining why the Commission should not impose civil penalties pursuant to RSA 365:41 *et seq.* for violations of RSA 371:17 and RSA 374:22, I by the Company and/or STHA, and/or their officers or agents.

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

**ORDERED**, that West Swanzey Water Company, Inc. and Swanzey Township Housing Associates Limited Partnership file the above-described responses by March 21, 2003.

By order of the Public Utilities Commission of New Hampshire this third day of March, 2003.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Michelle A. Caraway  
Assistant Executive Director