

DW 04-010

**BOW LAKE ESTATES WATER WORKS, INC.**

**Investigation Into Failure to File Annual Report**

**Order to Show Cause**

**O R D E R   N O.   24,273**

**January 30, 2004**

Bow Lake Estates Water Works, Inc. (Bow Lake Estates) is a regulated public utility which provides water service to 31 residential customers in a development known as Bow Lake Estates located on Big Kooauke Island on Bow Lake in the Town of Strafford. The New Hampshire Public Utilities Commission (Commission) first approved service to this development by North Country Water Supply, Inc (North Country). *North Country Water Supply, Inc.*, 77 NH PUC 732 (1992). North Country subsequently requested permission to transfer the Bow Lake Estates franchise to a newly created entity, Bow Lake Estates Water Works, Inc. The Commission approved the transfer on June 26, 1995. *North Country Water Supply, Inc.*, 80 NH PUC 380 (1995).

Pursuant to RSA 374:15, every public utility must file with the Commission such reports containing facts and statistics as may be required by the Commission. Pursuant to N.H. Code Admin. Rule PUC 609.05, F-16 Annual Report, regulated utilities that keep their books on a calendar-year basis must file annual reports with the Commission each year, on or before March 31.

Filing an annual report each year is not a mere technicality. It is an essential component of the rules the Commission has promulgated in the discharge of its statutory duty "to keep informed as to all public utilities in the state." *Riverside Water Works, Inc.*, 86 NH PUC 912 (2001) (quoting *Central Water Co.*, 84 NH PUC 577, and RSA 374:4).

On January 14, 2004, Commission Staff filed a letter advising the Commission that Bow Lake Estates had yet to file its 2002 Annual Report. That report was due March 31, 2003. In its letter, Staff recounted past compliance efforts regarding Bow Lake Estates. Bow Lake Estates failed to respond to a letter, dated October 28, 2003, from the Commission's Executive Director as well as a December 5, 2003, letter from Division Director Mark Naylor. In its letter to the Commission, Staff stated that Bow Lake Estates had filed its 2000 and 2001 annual reports late. Further, Bow Lakes Estates paid its assessment only after the Commission sent it a letter regarding the deficiency.

Pursuant to RSA 374:17, any public utility that does not file reports required by the Commission at the time specified by the Commission shall forfeit the sum of \$100 per day unless excused or granted an extension of time by the Commission. Further, any officer or agent of a utility who willfully violates any order of the Commission may be subject to criminal and civil

sanctions up to \$10,000 for each violation, pursuant to RSA 375:42. Bow Lake Estates' failure to comply with Commission requirements provides a basis for levying said fines. Accordingly, unless Bow Lakes Estates has fully satisfied the filing requirements described above by February 20, 2003, it shall be directed to appear before the Commission to show cause why it should not be fined for failure to file the required report.

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

**ORDERED**, that Bow Lake Estates Water Works file its 2002 Annual Report by February 20, 2004; and it is

**FURTHER ORDERED**, that in the event Bow Lake Estates Water Works does not timely file its annual report that it appear before the Commission in a hearing at the offices of the Commission, 8 Old Suncook Road, Concord, New Hampshire on March 23, 2004 at 10:00 a.m., for the purpose of showing cause why the utility or its agent and/or officers should not be fined for failure to file the required 2002 Annual Report.

By order of the Public Utilities Commission of New  
Hampshire this thirtieth day of January, 2004.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Graham J. Morrison  
Commissioner

Attested by:

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Michelle A. Caraway  
Assistant Executive Director