

**DW 04-020**

**FRYEBURG WATER COMPANY**

**Investigation of Quality of Service**

**Procedural Order**

**ORDER NO. 24,325**

**May 7, 2004**

In response to a petition from twenty-two customers (Petitioners) of Fryeburg Water Company (Fryeburg) requesting investigation of water quality conditions, and in light of Order No. 23,854 in Docket No. DW 00-238, the New Hampshire Public Utilities Commission (Commission) issued an Order of Notice on March 19, 2004, to investigate the quality of service provided by Fryeburg to its New Hampshire customers. The Order of Notice identified the following issues to be investigated: Fryeburg's provision of safe and adequate service, Fryeburg's efforts to address quality of service issues raised in Docket No. DW 00-238, Fryeburg's efforts to obtain funding to implement service quality improvements and to develop contingency plans pursuant to Order No. 23,854, and remedies available in light of the regulatory role of the Maine Public Utilities Commission.

The Order of Notice requested interested parties to file petitions for intervention by April 19, 2004, and scheduled a Prehearing Conference for April 28, 2004. Petitions for intervention were filed by Robert and Nancy Swett who signed the original petition (Petitioners); by Paul A. DegliAngeli, P. E. and Town Engineer for the Town of Conway (Town), and William C. Black, Deputy Public Advocate for the State of Maine (Maine Public Advocate). In addition, the New Hampshire Office of the Consumer Advocate (OCA) filed notice of its intent to participate on behalf of residential ratepayers, consistent with RSA 363:28.

On March 25, 2004, Fryeburg's counsel submitted a Motion to Continue, requesting that the Prehearing Conference be rescheduled to April 22, 2004 due to travel commitments. By Secretarial Letter dated March 25, 2004, the Commission granted the Motion, inasmuch as the Order of Notice had yet to be published, and rescheduled the Prehearing Conference to April 22, 2004. By telephone message received several days before April 22, 2004, the OCA informed Staff that neither the Town nor the Maine Public Advocate could attend the April 22<sup>nd</sup> Prehearing Conference.

At the duly noticed Prehearing Conference, the parties and Staff indicated their initial positions on the issues raised. The Petitioners recited their continued water quality problems, including tan/brown water, laundry staining, black specks, blue-green staining, odor and taste. They also indicated that Maine customers plan to petition the Maine Public Utilities Commission for investigation of rates, service, and plans for improvements. The OCA took no preliminary position but did express its concern about Fryeburg's efforts to develop contingency plans pursuant to Order No. 23,854. Staff stated its conviction that problems exist to which a solution must be applied, up to and including the replacement of Fryeburg's 7600 foot main dating from 1883. Fryeburg indicated its recognition that a solution must be found if a problem exists and, as a procedural matter, also noted that it published the revised Order of Notice on a date later than the April 8<sup>th</sup> date required by the Commission.

Following the Prehearing Conference, the parties and Staff met for technical discussions at which they developed and agreed upon a procedural schedule to propose for the Commission's conduct of the remainder of this docket. The procedural schedule includes an initial round of written data requests and responses followed by a second meeting for technical

discussions prior to the filing of testimony. The second technical session will enable the Town and the Maine Public Advocate to participate fully. In addition, notice of the second technical session will be sent to Fryeburg's East Conway and West Fryeburg customers, curing the problem of notice occasioned by Fryeburg's failure to publish the Order of Notice by April 8, 2004. Staff and the parties proposed the following schedule:

Prehearing Conference & First Technical Session	April 22, 2004 10:00 a.m.
Technical Session Data Requests to FW	April 29, 2004
Technical Session Data Responses from FWC	May 13, 2004
Second Technical Session	May 20, 2004 10:00 a.m.
Testimony from FWC	June 16, 2004
Data Requests from Staff and Intervenors	June 30, 2004
Data Responses from FWC	July 14, 2004
Follow-up Data Requests	July 21, 2004
Follow-up Data Responses	August 4, 2004
Testimony from Staff and Intervenors	August 25, 2004
Data Requests from FWC	September 8, 2004
Data Responses from Staff and Intervenors	September 22, 2004
Follow-up Data Requests	September 29, 2004
Follow-up Data Responses	October 13, 2004
Settlement Discussions	October 19, 2004 10:00 a.m.
Filing of Settlement, if any	October 26, 2004
Hearings	November 2-4, 2004 9:00 a.m.

There being no objections raised we will grant the motions for intervenor status by the Swetts, the Town, and the Maine Public Advocate. We have reviewed the proposed schedule; we find it reasonable and will approve it. The inclusion of a second technical conference, along with separate notification therefore, will cure any notice problem caused by

Fryeburg's late publishing of the Order of Notice. Fryeburg's publication, we note, took place some days before the scheduled Prehearing Conference and a number of interested parties moved for intervention in timely fashion. The additional notice to customers will insure that anyone who received late notice will have an opportunity to participate.

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

**ORDERED**, that the procedural scheduled detailed herein is Approved; and it is

**FURTHER ORDERED**, that intervenor status is Granted.

By order of the Public Utilities Commission of New Hampshire this seventh day of May, 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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Debra A. Howland  
Executive Director & Secretary