

DW 04-108

NORTH CONWAY WATER PRECINCT

Petition to Expand Franchise Area

Order Correcting Errors in Order No. 24,360

O R D E R N O. 24,366

August 26, 2004

On August 16, 2004, the New Hampshire Public Utilities Commission (Commission) issued Order No. 24,360 in Docket No. DW 04-108. The Order approved, on a *nisi* basis, a petition filed by the North Conway Water Precinct (Precinct) to expand its franchise territory. The Precinct, located in North Conway and Bartlett, New Hampshire, sought to include an additional area within the town of Conway known as Pine Hill in order to provide water and sewer/wastewater services to the Conway School District's proposed Kennett High School. The effective date of the approval was August 25, 2004, unless the Commission found a basis to seek further investigation or reach an alternate conclusion prior to that date.

Order No. 24,360 contained two factual errors that should be corrected for the record. First, the Commission stated that the Precinct was established pursuant to RSA 52:1, which governs the creation of village water districts. In fact, according to information submitted by the Precinct's counsel on August 17, 2004, the Precinct was created by the New Hampshire legislature, in a series of legislative enactments in 1891, 1905 and 1987.

Second, the Commission stated that upon completion of construction, the Precinct would assume ownership of all water, sewer and wastewater pipelines serving the high school. In fact, according to the August 17, 2004 information from Precinct counsel, the Precinct will acquire

ownership of numerous assets, as well as deeded easements over land to serve the facility, all more specifically identified in the Precinct's Petition at paragraphs 6 and 7.

The Commission held public comment hearings in Bartlett and Conway, New Hampshire, on August 23, 2004. Nothing raised in those hearings caused the Commission to seek further investigation or reach an alternate conclusion. The Precinct's petition to expand the franchise area, therefore, became effective on August 25, 2004.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 24,360 is corrected as stated herein.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of August, 2004.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Attested by:

Lori A. Normand
Assistant Secretary