

DW 04-020

FRYEBURG WATER COMPANY

Investigation of Quality of Service

Order Granting Motion and Revising Schedule

ORDER NO. 24,373

September 23, 2004

The New Hampshire Office of the Consumer Advocate (OCA) filed a Motion to Compel an Engineering and Cost Study (Motion) regarding certain potential solutions to the quality of service issues that are the subject of this docket. The OCA states that, “[i] the early stages of this proceeding Fryeburg and the parties agreed that Fryeburg would obtain an engineering study and cost estimate of the costs to remedy the water quality problems caused by the deteriorated 1883 water main.” The OCA further states that Fryeburg subsequently modified the scope of the engineering study and eliminated certain alternatives.

The OCA asserts that it is necessary to have cost information in all the alternatives set forth in the proposal submitted by Sevee & Maher Engineers, Inc. on June 10, 2004. Accordingly, the OCA requests that the study include information on the prospects of (1) replacing and (2) relining the 1883 water main running from Fryeburg Maine to East Conway, New Hampshire (1883 main), as well as on the prospects of (3) developing a new well and filtration system in East Conway, and (4) developing two new wells in East Conway. As part of the Motion, the OCA requested that the Commission suspend the Procedural Schedule in this matter until after the study is filed.

The Staff of the Commission (Staff) supports the Motion but reserved its rights to pursue the other avenues of dealing with the quality of service issues, as detailed in Staff's prefiled testimony. The Maine Office of Public Advocate supports the Motion, as does intervenor and customer Robert Swett. Although the Motion reported that Fryeburg objected to the Motion, counsel to Fryeburg subsequently represented that it does not object.

We find that the information sought in the OCA's Motion is necessary to develop the appropriate resolution of the matter in dispute. Therefore, we will grant the OCA's Motion to the extent it seeks additional engineering estimates. However, we remain concerned about the effect that delay may have on customers. Accordingly, we will not suspend the procedural schedule but will revise it to provide for a bifurcation of issues. In the first phase, we will consider the past actions of the company and measures for remediation of the type urged in Staff testimony. In the second phase, we will consider prospective engineering remedies.

The parties and Staff are currently scheduled to meet for settlement discussions on October 19, 2004 and hearing on November 2, 2004. The issues identified as Phase I will be heard on that date. We direct that at the October 19, 2004 session, the parties and Staff address a schedule regarding the time and tasks necessary to complete the engineering study. We direct also that a revised procedural schedule for Phase II be filed for our consideration before the November 2, 2004 hearing.

Based upon the foregoing, it is hereby

ORDERED, that the Motion to Compel filed by the Office of Consumer Advocate is GRANTED; and it is

FURTHER ORDERED, that Fryeburg shall prepare an engineering study and cost estimate for all four of the alternative solutions identified in the Motion; and it is

FURTHER ORDERED, that the parties and Staff shall meet for technical discussions on October 19, 2004, as directed herein.

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

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary