

DW 04-145

BODWELL WASTE SERVICES CORPORATION

Request for Increase in Permanent Rates

Order Suspending Proposed Tariff and Establishing Prehearing Conference

ORDER NO. 24,402

November 19, 2004

On November 9, 2004, Bodwell Waste Services Corporation (Bodwell) filed a petition with the New Hampshire Public Utilities Commission (Commission) for an increase in its permanent rate. Bodwell is a regulated sewer utility pursuant to RSA 362:2 and provides service to approximately 440 customers in limited areas of the City of Manchester and the Town of Londonderry. Bodwell proposes to increase its rate per customer from \$50.33 to \$58.14 per quarter, an increase of approximately 16%. Bodwell's petition alternately provides two dates it requests the new rate be effective: on November 1, 2004, or on a bills rendered basis on January 1, 2005. New Hampshire Admin. Rule Puc 1203.05 requires rate changes be effective on a service rendered basis unless the utility requests a waiver. The filing lacks such a waiver request.

Bodwell has chosen the year 2003 for a test period for the calculation of its revenue deficiency. In its petition Bodwell asserts the increase in rates is necessary because it did not achieve its authorized rate of return in 2003. Bodwell cites increased expenses for the State utility property tax, for contracted services, and higher rates for management of the company. Bodwell requests that, should the Commission suspend the proposed rate for investigation, the proposed rate be made a temporary rate.

The petition includes testimony, financial exhibits, a report of proposed rate changes, and a tariff page. The testimony provided is that of Stephen P. St. Cyr of St. Cyr & Associates, a consultant to Bodwell.

The filing raises issues including, inter alia, RSA 378:28 and whether the proposed rates are just and reasonable; RSA 378:27 and the nature of temporary rates sought; and RSA 378:3 and the effective date of the rates.

Based upon the foregoing, it is hereby

ORDERED, that Bodwell Waste Service Corporation's Fourth Revised Page 8 be and is hereby suspended pending investigation and decision; and it is

FURTHER ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rule Puc 203.05, be held before the Commission located at 21 South Fruit St., Suite 10, Concord, New Hampshire on January 4, 2005 at 11:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin Rule Puc 203.05(c) shall be considered; and it is

FURTHER ORDERED, that immediately following the Prehearing Conference, Bodwell, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition, develop a procedural schedule for the duration of the proceeding, and allow Bodwell to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that Bodwell serve an accurate and complete summation of its proposed rate change and a copy of this Order of Notice, in accordance with N.H. Admin. Rule Puc 1604.03(g), on current and known prospective customers of Bodwell, by first class U.S. Mail, postmarked no later than December 15, 2004; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rule Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Bodwell and the Office of the Consumer Advocate on or before December 30, 2004, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before January 4, 2005.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of November, 2004.

Thomas B. Getz
Chairman

Graham J. Morrison
Commissioner

Michael D. Harrington
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary