

DW 04-020

FRYEBURG WATER COMPANY

INVESTIGATION INTO QUALITY OF SERVICE

Order Addressing Water Quality and Imposing Fines

ORDER NO. 24,471

June 2, 2005

APPEARANCES: Upton & Hatfield by Russell F. Hilliard, Esquire on behalf of Fryeburg Water Company; Robert and Nancy Swett; Paul DegliAngeli, P.E. on behalf of the Town of Conway; Rorie Hollenberg, Esquire, on behalf of the Office of Consumer Advocate; William C. Black, on behalf of the State of Maine Office of Public Advocate; and Suzanne Amidon, Esquire, on behalf of the Staff of the New Hampshire Public Utilities Commission.

I. PROCEDURAL HISTORY

The New Hampshire Public Utilities Commission (Commission) opened this docket on February 24, 2004, in response to a Petition filed by Nancy and Robert Swett, residents of East Conway, New Hampshire and customers of the Fryeburg Water Company (Fryeburg). The Commission initiated an investigation and documented numerous complaints regarding the quality of water delivered to East Conway customers by Fryeburg, including complaints about the taste, color, odor and corrosive effects of the water supplied. Fryeburg is a public utility that serves customers primarily in Maine, but has 67 customers in East Conway, New Hampshire. Fryeburg is subject to the jurisdiction of both the Maine Public Utilities Commission (Maine PUC) and this Commission.

The Commission previously investigated Fryeburg's water quality, focusing on the adequacy of the 7600 foot unlined cast iron main installed in 1883 that delivers water to the East Conway side of the Saco River. *See Fryeburg Water Company*, 86 NH PUC 831 (2001). In Docket No. DW 00-238, the Commission identified the main as a possible source of the problem

and ordered Fryeburg to develop contingency plans to address the need to replace the main providing water to East Conway. Petitioners in this docket assert that the water quality problems continue.

On May 7, 2004, the Commission issued Order No. 24,325 which, among other things, granted the following interventions: Petitioners Robert and Nancy Swett; Paul A. DegliAngeli, Town Engineer for the Town of Conway; and William C. Black, of the Office of Public Advocate for the State of Maine (OPA). In addition, the New Hampshire Office of Consumer Advocate (OCA) filed notice of its intent to participate on behalf of residential ratepayers, consistent with RSA 363:28. Order No. 24,325 also established a procedural schedule which included an extensive discovery process.¹

Pursuant to the Procedural Schedule ordered by the Commission, Douglas W. Brogan, Engineer for the Commission's Water Division, filed testimony on August 26, 2004. In its testimony, Staff concluded that the 1883 main continues to be the likely source of water quality problems. Staff further reported that Fryeburg had not undertaken an engineering survey to evaluate options to address the condition of the line until Staff submitted data requests regarding the production of engineering studies. In addition, Staff related in its testimony that Fryeburg had not taken customer complaints seriously, and appeared disinclined to take action on water quality problems unless pressed to do so.

On September 3, 2004, the OCA filed a Motion to Compel Engineering Study of Replacing or Relining a Water Main. In its motion, the OCA stated that Fryeburg and the parties had agreed that Fryeburg would obtain an engineering study and cost estimate of the costs to

¹ A complete procedural history is contained in Order No. 24,407 (November 19, 2004).

remedy the water quality problems caused by the deteriorated 1883 water main that served its customers in East Conway, New Hampshire. OCA asserted that, on June 10, 2004, the engineering firm of Sevee & Maher Engineers, Inc. (SME) had submitted a proposal for such an engineering study, but that Fryeburg specifically directed SME to modify its proposal to preclude examination of replacement of the 1883 water main.

On September 23, 2004, the Commission issued Order No 24,373 granting the OCA's Motion to Compel and establishing two phases for the balance of the proceeding. In the first phase, the Commission determined to "consider the past actions of the company and measures for remediation" recommended by Staff in its testimony. The Commission intended the second phase of the proceeding to concentrate on an evaluation of the required engineering study in order to determine the most appropriate method to address the water main issue.

Pursuant to the Procedural Schedule for Phase I of the proceeding, the Parties, with the exception of Fryeburg, entered into a Stipulation to address the past actions of the Company as ordered by the Commission. The Stipulation provided a financial incentive for Fryeburg to more expeditiously resolve the water problems of the East Conway, New Hampshire customers. This incentive required Fryeburg to place in escrow all revenues received from its East Conway customers, and to provide monthly reports to the Commission regarding the deposits, interest and closing balance. The Stipulation recommended that monies held in escrow should be available only for the purposes of solving the water quality issues in East Conway as directed by the Commission.

On November 3, 2004, the Commission held a hearing in Phase I of the proceeding, at which the terms of the Stipulation were outlined. On November 19, 2004, the

Commission issued Order No 24,407, approving the Stipulation. The Commission designated Russell Hilliard, Esq., attorney for Fryeburg, as agent to hold the funds and further ordered that Fryeburg make monthly reports as provided in the Stipulation. In the meantime, Fryeburg continued to be obligated to provide the Parties with an engineering study pursuant to Order No. 24,373 (September 7, 2004).

By Secretarial Letter dated November 2, 2004, the Commission approved a Procedural Schedule for the second phase of the docket, the evaluation of engineering alternatives to solve the water quality problems in East Conway. The Schedule required that Fryeburg submit the required engineering study by November 24, 2004. The engineering study was submitted on November 22, 2004 and evaluated four alternatives to address the water quality issues:

1. Supplemental well supply;
2. Stand alone well supply;
3. Transmission main replacement; and
4. Rehabilitation of the existing cast iron transmission main.

A Technical Session on the engineering study was held on December 8, 2004.

The Procedural Schedule also allowed Staff and Intervenor Data Requests regarding the study. Finally, the Procedural Schedule indicated that Fryeburg would file testimony on January 5, 2005, and that Staff and the Parties would submit testimony by February 18, 2005.

Pursuant to the Procedural Schedule, Staff submitted Data Requests on December 10, 2004, with responses due on December 20, 2004. Fryeburg did not submit testimony on January 5, 2005, as scheduled. On January 12, 2005, Staff filed a letter noting Fryeburg's:

failure to file testimony; non-responsive answers to data requests; general lack of cooperation in the proceeding; and, lack of attention to its obligation to assist in crafting a solution to the water quality problems experienced by its customers in East Conway.

Douglas W. Brogan, Engineer for the Commission's Water Division, and Mark A. Naylor, Director of the Commission's Gas & Water Division, filed testimony on February 18, 2005. The Commission held a hearing, as scheduled, on April 6, 2005.

On April 26, 2005, Fryeburg submitted to the Commission a report of customers and amounts they purportedly owed for utility service. The Commission, on its own initiative, accorded the report protective treatment, pursuant to RSA 91-A:5, IV, and instructed Fryeburg that filings of that nature in the future should be accompanied by motions for protective treatment. On April 29, 2005, Commissioner Morrison submitted a letter to the file stating he was recusing himself from further participation in this docket.

II. POSITIONS OF THE PARTIES

A. Fryeburg

In the first phase of this docket, Fryeburg acknowledged that some customers have a problem with the water quality and that it needs a solution. Hearing Transcript of April 22, 2004, at 110 lines 4-5. However, Fryeburg concluded at that time that the best thing the Commission could do was "turn over all regulatory powers that it has over [Fryeburg] in New Hampshire to the [Maine PUC]." Hearing Transcript of November 3, 2004 (11/3/04 Tr.) at 67, lines 10-15.

In the second phase of the docket, which focused on the evaluation of engineering alternatives to solve the water quality problems in East Conway, Fryeburg took no position on

any of the options discussed in the SME engineering report. According to the procedural schedule, Fryeburg was to submit testimony providing its direction regarding the preferred solution to the water quality issues on January 5, 2005. When Staff asked about the status of Fryeburg's testimony, counsel for Fryeburg sent an email to Staff which stated: "With respect to pre-filed testimony, I do not see how it is possible for the Company to provide anything further than what was previously submitted. The Company has never acknowledged that the situation in East Conway required work beyond that which has occurred from time to time. Obviously others disagree with that, and we have attempted to supply information to permit those others to propose and advocate for a solution they believe may be proper." Exhibit 9, at 2, lines 17-23.

In addition, Fryeburg admitted during the discovery process that it had not and would not be holding any amounts in escrow as ordered by the Commission in Order No. 24,407. Staff testified that on February 2, 2005, Fryeburg, in response to data requests, contended that it "has not escrowed any funds to date. Sorry, but the Maine PUC has tabled the Fryeburg Water Company 'Request by order' in regards what to do about this matter. Therefore, inasmuch as the Fryeburg Water Company is lacking in funds due to general maintenance and operation, mortgage payments together with all the extra costs incurred in 2004 and is ongoing for 2005, the Fryeburg Water Company will be unable to spare the income as the New Hampshire PUC has ordered." Exh. 9 at 3, lines 5-12.

At the hearing, Fryeburg's counsel, who is also the escrow agent named by the Commission in Order No 24,407, stated that he notified the Parties and Staff by e-mail "a month or two earlier" that he had not received any funds from his client as called for in the November 19, 2004 order. Hearing Transcript of April 6, 2005 (04/06/05 Tr.) at 121 lines 8-14. Fryeburg's

counsel further asserted that he had not received any instructions from his client regarding his client's failure to comply with the outstanding order.

At the hearing, Fryeburg's counsel offered that on April 4, 2005, two days before the hearing, his office received a check from Fryeburg in the amount of \$2,956.91. 04/06/05 Tr. at 118, line 21-24, and 119, line 1. Fryeburg's counsel contended that with the check Fryeburg sent a document entitled "Fryeburg Water Company Sales by Customer Summary, January through December, 2005" [sic] (Exhibit 17).

Fryeburg's counsel acknowledged that Fryeburg had received a copy of the Commission's Order No. 24,407, and that his client also received copies of Staff's testimony which recommended penalties for non-compliance with that Order. 04/06/05 Tr. at 119 lines 8-24. Fryeburg's counsel did not offer any explanation for his client's failure to comply with the escrow order.

B. Robert and Nancy Swett

The Swetts, Petitioners in this docket, provided extensive testimony regarding their observations of the quality of water delivered by Fryeburg to the East Conway customers. The Swetts maintain that the problems they experience with color, odor and taste of the water and the staining of laundry, toilets, basins and bathtub drains are a result of the water passing through the cast iron main. The Swetts also testified to fluctuating water pressure and variations in pH readings over the past several years. The Swetts requested the Commission order Fryeburg to replace the 1883 main. 04/06/05 Tr. at 101 line 9.

The Swetts also stated that there was a huge intimidation factor in dealing with Hugh Hastings, the president of Fryeburg. The Swetts attested that Mr. Hasting had told them

they would “never see a new pipe, ever.” 04/06/05 Tr. at 114 lines 3-4. The Swetts asserted that Mr. Hastings was connected to rental and other commercial activities in the town of Fryeburg, and that residents experienced unease in standing up to him. Mr. Swett stated that “we don’t like to get into a mess like this, but I don’t see any other way out.” 4/06/05 Tr. at 114, lines 22-23.

C. Town of Conway, New Hampshire

Paul A. DegliAngeli, Conway Town Engineer, stated that the Conway Board of Selectman had authorized him to make recommendations to the Commission regarding the quality of water experienced by Fryeburg’s customers in East Conway. Mr. DegliAngeli requested the Commission enforce the escrow order in Order No. 24,407, and assess fines as recommended by Staff against Fryeburg for failing to comply with the initial order. 04/06/05 Tr. at 130 lines 19-24. In addition, Mr. DegliAngeli requested that the Commission order the main be replaced no later than September 1, 2005. 04/06/05 Tr. at 130-131 lines 24-1.

Mr. DegliAngeli recommended that, if Fryeburg failed to comply with the Commission’s order, Fryeburg be placed in receivership so the main could be replaced. In addition to the fines recommended by Staff, Mr. DegliAngeli urged the Commission to exercise its authority to impose penalties against Fryeburg’s agent pursuant to RSA 365:42. 04/06/05 Tr. at 133 lines 15-24. Mr. DegliAngeli noted that complaints against Fryeburg were brought to the Commission approximately 6 years ago in Docket No. 00-238, and that the Commission must order a solution to the water problem as Fryeburg did not intend to take any corrective action. 04/06/05 Tr. at 131 lines 11-19.

D. State of Maine Office of Public Advocate (OPA)

The OPA represents several customers in West Fryeburg, Maine who receive service through the 1883 cast iron main and who experience the same problems with water quality as the residents of East Conway. The OPA stated that its preferred solution to the water quality problems was replacement of the pipe. 04/06/05 Tr. at 141 lines 12-13. However, OPA agreed with Staff's concerns that, so long as Fryeburg remained under Mr. Hastings' control, ordering replacement of the pipe may not be the best solution because of a possible change in ownership to a water district in the near future. *Ibid* at 142 lines 7-9. OPA testified that legislation is pending in the Maine legislature which would allow for the creation of a water district to take over Fryeburg, and that the resulting management would be responsive to the water quality issues experienced by both New Hampshire and Maine customers receiving water through the cast iron main. OPA recommended, in the interim, that the Commission order Fryeburg to deliver or make available for pick-up bottled water for the East Conway customers who wanted it. *Ibid* at 142 lines 14-48. OPA argued that requiring Fryeburg to provide bottled water would be an additional incentive for the company to change management. *Ibid* at 142 at 16-20.

E. Office of Consumer Advocate (OCA)

The OCA argued that the East Conway customers are not receiving adequate water service and that the problem with the water quality is related to the 1883 main. The OCA stated that of the four options presented in the SME study, only replacement of the water main would solve the quality of service problems. The OCA disagreed with Staff's recommendation to wait for a possible change in ownership of Fryeburg. Instead, the OCA supports replacement of the main within the next 12 months, with continued oversight by the Commission during the replacement process. 04/06/05 Tr. at 155 lines 19-24.

The OCA urged the Commission to require Fryeburg to provide bottled water to the customers for drinking purposes at a central location in the Village of East Conway until the installation of the replacement pipe. In addition, the OCA advocated the Commission prohibit Fryeburg from recovering any costs associated with the proceedings in this docket in its rates. *Ibid* at 156 lines 12-19.

The OCA also asked the Commission to have Staff participate in the open dockets before the Maine Public Utilities Commission regarding Fryeburg Water Company. The OCA further asked the Commission to order fines against Mr. Hastings, who directed the actions of Fryeburg in this proceeding, for his failure to cooperate in the proceedings and his disregard for the Commission and its orders. *Ibid* at 158 lines 1-3.

F. Commission Staff

Staff testified regarding the engineering report recommendations and the ongoing failure of Fryeburg to cooperate in the proceeding, including its failure to comply with the Commission's Order No. 24,407 regarding the escrow of funds.

With respect to the engineering report, Staff stated that the incomplete responses to data requests had impeded a thorough review of the report and its recommendations, leaving many questions about the report unanswered. Ex. 8 at pp. 3-5. Staff raised concerns about individual wells as an option, and suggested it was leaning toward replacement or rehabilitation of the main. Staff indicated that the viability of rehabilitation was contingent on a thorough examination of the 1883 main, which was not part of the engineering study. Staff noted that the Commission's responsibility is to seek a solution that is both effective from a water quality standpoint, and cost-effective from a financial or rate standpoint. However, given its reservations about Fryeburg's competence and integrity, as demonstrated by Fryeburg's lack of cooperation and deliberate disregard of Commission directives in this docket, Staff did not recommend any particular solution at this time. Staff referred to the legislation pending in Maine and suggested that it may be in the interest of customers, if a change of ownership were at hand, to wait until such a change occurred before ordering any remedy. 04/06/05 Tr. at 15 lines 3-14.

With respect to Fryeburg's cooperation in the docket, Staff characterized Fryeburg's data responses as evasive and non-responsive and its failure to file testimony demonstrated contempt for the process. Exh. 9 at 2 line 23. Staff also pointed to Fryeburg's response to Staff's data request 5-21 regarding the status of Fryeburg's compliance with the escrow ordered by the Commission in Order No. 24, 407. In that response, Fryeburg claimed that it had asked the Maine PUC for direction with respect to the escrow. However, Staff of the Maine PUC had assured Staff that the Maine PUC would not be inclined to take any action that would contradict an order of another commission. Exh. 9 at 3 lines 7-17. In addition, Staff

testified that a cursory review of Fryeburg's 2004 annual report (Exhibit 15) indicated that Fryeburg is still profitable. 04/06/05 Tr. at 57 lines 3-10.

In light of the behaviors of Fryeburg in this proceeding, Staff recommends that the Commission send a clear message to Fryeburg by enforcing the escrow, and assessing Fryeburg penalties for failing to comply with the escrow and reporting requirements ordered by the Commission. Staff stated that limiting the penalty to \$100.00 a day, consistent with RSA 374:17, is more than reasonable but opined that the Commission would be justified if it chose to impose a harsher penalty.

III. COMMISSION ANALYSIS

At the outset, we express our concern about the conduct of Fryeburg Water Company in this case, particularly in regard to its failure to meet its obligation to furnish adequate water service to its customers in East Conway, New Hampshire. This Commission has jurisdiction over Fryeburg's service to its New Hampshire customers and has in prior orders directed Fryeburg to undertake its statutory obligation to provide water service to East Conway residents consistent with the requirements of RSA 374:1. However, Fryeburg has repeatedly failed to fulfill its duty. The evidence in this proceeding reveals water that is wholly inadequate in terms of color, odor, taste and corrosive effects on customer appliances.

Our first priority in this case is to assure a supply of adequate drinking water for customers. Fryeburg, therefore, shall make bottled water available at no charge to all East Conway customers at a central location in the Village of East Conway. Fryeburg shall notify each customer by mail that the water is being made available at no charge and shall refrain from delivering water to a customer's residence unless it has express written consent that such

delivery will be permitted by the customer. The bottled water shall be treated as required to meet the standards of drinking water, and shall be available in 5-gallon containers in sufficient quantities for cooking and drinking and, if desired by a customer, for washing clothes. Fryeburg shall commence this service no later than 10 days after the date of this Order.

We next turn to Fryeburg's failure to timely comply with the terms of Order No. 24,407, which directed Fryeburg to escrow certain revenues and make certain reports. We have reviewed the record and find that Fryeburg and its President had actual and legal notice of Order No. 24,407. Mr. Hastings' response to Staff Data Request 5-21 clearly demonstrates his knowledge of the requirements contained in the Order and his intent to violate the order. Attorney Hilliard stated that he was aware that Fryeburg was not holding monies in escrow as ordered some two months before the hearing. Attorney Hilliard also stated that he provided Mr. Hastings with copies of Staff testimony, which discussed Fryeburg's failure to comply with the escrow order and recommended penalties for that failure. However, nothing was presented at the hearing to indicate that Mr. Hastings had an explanation that would excuse Fryeburg's failure to comply with the order. The last-minute transfer of a check to Attorney Hilliard, who the Commission appointed as escrow agent for Fryeburg, two days before the hearing also demonstrates knowledge of the escrow requirement. The fact that Fryeburg made this last minute payment to escrow confirms that Fryeburg had the ability to pay, and failed to comply with the order. It should also be noted that, to date, Fryeburg has filed only one report with the Commission regarding the status of the escrow as specified in Order No. 24,407. That report, filed on April 26, 2005, lists payments by customers from November 19, 2004 through March

31, 2005. No reports were filed for the months of December, 2004 through March, 2005, as required by Order No. 24,407.

We find that Fryeburg failed to timely escrow revenues and failed to file escrow reports with the Commission as required in Order No. 24,407, which was issued on November 19, 2004, and we find that Mr. Hastings, the Company President, aided Fryeburg in its failure to comply with that order. Pursuant to RSA 365:42, the Commission may impose a civil penalty on Mr. Hastings not to exceed \$10,000 for each violation.

Fryeburg failed to file monthly reports from the months of December through March. Accordingly, we determine that a fine of \$250.00 per month for each month is reasonable and, therefore, impose a total penalty of \$1,000.00 against Mr. Hastings for these violations.

In addition, we find that Fryeburg's failure to make any escrow deposit until two days before the hearing in this matter, and Mr. Hastings' role in that failure, constitutes another violation of the Commission's order pursuant to RSA 365:42. We find that a fine of \$500.00 for failure to timely escrow revenue from East Conway is reasonable and impose such penalty against Mr. Hastings for this violation.

In imposing these penalties, we find that Fryeburg and its President, Mr. Hastings, had notice and actual knowledge of the escrow order and of Staff's testimony recommending penalties for failure to comply with the escrow order. Fryeburg's counsel and Mr. Hastings also had notice of the April 6, 2005 hearing. The hearing afforded an opportunity to provide the Commission with any reason or explanation why a penalty should not be imposed. Mr. Hastings elected not to attend the hearing and Fryeburg provided no instructions to its counsel to argue

that a penalty should not be imposed. We therefore find that Fryeburg has been afforded notice and an opportunity to be heard, and that the penalties must be paid within 30 days of the date of this order. These penalties shall not be recovered from ratepayers. The Commission has imposed penalties in similar amounts in the past for noncompliance with Commission directives. *See Re B and G Paytel, Ltd.*, 75 NH PUC 305 (1990) and *Re LOV Water Company*, 85 NH PUC 428 (2000).

In addition, Fryeburg must file by the 10th of each month a report for the preceding month as required by Order No. 24,407. These reports, beginning with a report for the month of May, must be filed with the Executive Director and the Parties to this docket pursuant to N. H. Admin. Rules, Puc 202.07. We place Fryeburg and Mr. Hastings on notice that in the event we shall be of the opinion that Fryeburg is “failing or omitting, or about to fail or omit, to do anything required of it by law or by order of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything, to be done contrary to, or in violation of, law or any order of the commission” we shall promptly lay the facts before the Attorney General and direct the institution of an appropriate action in accordance with RSA 374:41.

We now turn to an issue that has not been previously raised in this proceeding. We have determined that Fryeburg is not furnishing adequate water service to its customers, which raises a question as to whether reparations pursuant to RSA 365:29 are an appropriate

remedy for such inadequate service.² Inasmuch as this issue was not originally noticed in this proceeding, by this order we will give notice to Fryeburg and Mr. Hastings, as well as the East Conway customers of Fryeburg and the parties to this proceeding, that a pre-hearing conference be held, on July 19, 2005, to consider an additional phase of this proceeding to address the issue of whether reparations may and should be required.

Finally, we turn to the evaluation of the engineering study conducted by SME. As previously noted, Fryeburg failed to file testimony regarding which of the four alternatives identified by SME it determined was the appropriate remedy for the water quality issues resulting from use of the 1883 cast iron main. While we agree that the 1883 main is the likely cause of the water quality problems, it is not clear from an engineering or economic basis which of the potential solutions is the best. In order to be better informed regarding the potential solutions, we order Fryeburg to evaluate the alternatives and to submit detailed and definitive testimony as to how to implement a solution. This testimony must be filed with the Commission pursuant to Puc 202.07 no later than August 1, 2005. Furthermore, we will keep informed of developments related to the creation of a water district, and may schedule an additional hearing in the event action permitted by the Maine Legislature's recent passage of LD 1113, "An Act to Create the Fryeburg Water District" (Chap 14, Maine Laws of 2005), or other activity regarding a transfer of responsibilities, appears likely.

² Some parties have recommended that we revoke Fryeburg's franchise pursuant to RSA 374:28 or place the utility into receivership pursuant to RSA 374:47-a. Such actions would raise significant legal and regulatory issues, given Fryeburg's operations in two jurisdictions. Consequently, we will defer consideration of those options for the present time.

Based upon the foregoing, it is hereby

ORDERED, that Mr. Hastings pay civil penalties in the amount of \$1,500.00 to the State of New Hampshire no later than 30 days from the date of this Order, which penalties shall not be recovered from ratepayers; and it is

FURTHER ORDERED, effective as of the date of this order, that Fryeburg Water Company submit by the 10th day of each month a report for the preceding month as required by Order No. 24,407, beginning with the report for the month of May, 2005, to be filed no later than June 10, 2005, consistent with the filing requirements of Puc 202.07; and it is

FURTHER ORDERED, that the escrow provisions of Order No. 24,407 shall remain in full force and effect; and it is

FURTHER ORDERED, that to provide clarity as to the timing of the escrow deposits, Fryeburg shall deposit to escrow all receipts from New Hampshire customers for each calendar month no later than the fifth day of the following month, such deposit to be reflected on the monthly report filed for that month; and it is

FURTHER ORDERED, that no later than August 1, 2005, Fryeburg submit to the Commission definitive and detailed testimony for the implementation of an engineering improvement plan to address the water quality issue experienced by East Conway, New Hampshire customers as a result of the 1883 main; and it is

FURTHER ORDERED, that no later than 10 days of the date of this Order, Fryeburg provide bottled water at a central location in East Conway for the use of its East Conway customers, at no charge, for drinking, cooking and for laundry purposes; and it is

FURTHER ORDERED, that a Pre-Hearing conference on the issue of reparations pursuant to RSA 365:29 be held at 10:00 a.m. on July 19, 2005.

By order of the Public Utilities Commission of New Hampshire this second day of June, 2005.

Thomas B. Getz
Chairman

Michael D. Harrington
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary