

DW 04-020

FRYEBURG WATER COMPANY

Investigation into Water Quality

Order Addressing Motion for Clarification and Reconsideration

ORDER NO. 24,500

August 2, 2005

This docket involves Fryeburg Water Company (Fryeburg), a small water company that serves customers in towns on either side of the Maine/New Hampshire border. On June 2, 2005, the New Hampshire Public Utilities Commission (Commission) issued Order No. 24,471 which, among other things, ordered Fryeburg to supply bottled water in five-gallon containers, at no charge, to its East Conway customers. The Commission took this action upon concluding that the utility's water, though safe, was "inadequate in terms of color, odor, taste and corrosive effects on customer appliances." Order No. 24,471 at 12.

The Office of Consumer Advocate (OCA), an intervenor on behalf of residential customers of Fryeburg, filed, on June 8, 2005, a Motion for Clarification and Reconsideration (Motion). The Motion asked the Commission to 1) clarify that the water be from a commercial enterprise other than Fryeburg; 2) require Fryeburg to provide one-gallon rather than five-gallon containers, which it asserts are too heavy for many customers to handle; and 3) require Fryeburg to reimburse customers for costs of using a laundromat.

Customers Robert and Nancy Swett, the Town of Conway and the Maine Office of Public Advocate, all of whom are intervenors, concurred in the Motion. The Commission Staff (Staff) concurred in the request that the water be bottled by an entity other than Fryeburg; it took no position on the other two requests. Fryeburg opposed the Motion on June 20, 2005,

arguing the requests were unnecessary, unreasonably burdensome and not supported by the evidence.

The Commission, on July 19, 2005, heard arguments regarding OCA's Motion. Subsequently, the Parties and Staff met and reached agreement on these issues. Staff filed the Agreement with the Commission on July 22, 2005.

The key provisions of the Agreement are summarized herein. Effective August 8, 2005, Fryeburg will provide commercial grade drinking water, in one-gallon containers, at no charge to its East Conway customers. Also effective August 8, Fryeburg will begin to provide water for pick-up on Mondays, Wednesdays and Fridays at the Volunteer Fire Department from 4:30 to 6:30 PM, rather than from 3:00 to 5:00 PM. On Tuesdays and Thursdays, between 4:30 and 6:30 PM, Fryeburg will deliver water to customers who have placed a written order for delivery. They must be present at the time of delivery and sign a receipt. Written notice of these terms will be made the week of July 25, 2005. The OCA agreed to withdraw its request for laundromat expenses.

We have reviewed the Agreement resolving the issues raised by the OCA and find the terms to be reasonable. More manageable one-gallon containers of water from the same or similar sources that Fryeburg now uses will now be delivered or available for pick-up, and the pick-up options are now more convenient. The OCA's Motion for Clarification and Reconsideration, as modified by the Agreement, therefore, is granted.

Because of the date of our approval, however, we instruct Fryeburg to notify its customers immediately, by written notice, either postmarked no later than August 5, 2005 or hand delivered to each customer no later than August 8, 2005.

Based upon the foregoing, it is hereby

ORDERED, the Agreement among the Parties and Staff is **APPROVED**; and it is

FURTHER ORDERED, that the Motion for Clarification and Reconsideration,

as modified by the Agreement, is **APPROVED**; and it is

FURTHER ORDERED, that Fryeburg Water Company shall notify its East

Conway customers of the terms of the Agreement as required herein.

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

Thomas B. Getz
Chairman

Michael D. Harrington
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary