



PENNICHUCK WATER

25 Manchester Street
Merrimack, NH 03054
603-882-5191 (phone)
603-913-2305(fax)

SENT VIA CERTIFIED MAIL

December 22, 2011

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429



Re: Order 25,297 Order Publication Affidavit
DW 11-191

Dear Ms. Howland:

Please find enclosed original affidavit of publication in the New Hampshire Union Leader for Order 25,297 dated December 9, 2011 for your records.

I trust you will find this satisfactory.

Sincerely,

Charlie Hoepper
AVP Regulatory Affairs
:

Enclosures

cc: John T. Pendleton, Esq., Dwyer, Donovan & Pendleton, PA

578532

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

PENNICHUCK WATER WORKS INC
ATTN ACCOUNTS PAYABLE
PO BOX 1947
MERRIMACK NH 03054-1947

I hereby certify that the legal notice of PUB. UTILITIES -DW 11-191,
PO number:ORDER #25,297 was published in the New Hampshire Union Leader
and/or New Hampshire Sunday News, newspapers printed at Manchester, NH
by the Union Leader Corp.
On :

12/09/2011

State of New Hampshire
Hillsborough County
Subscribed and sworn to before me this

20th day of December, 2011

Phyllis E Manning
Notary Public



Legal Notice

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DW 11-191
KENNICKUM WATER WORKS, INC.
Petition for Authority to Provide
Water Service and Charge Rates in the
West Estates Development in Derry
Order Nisi Granting Petition
ORDER NO. 25,297
December 5, 2011**

BACKGROUND
Kennickum Water Works, Inc. (PWW) is a regulated public utility pursuant to RSA 362:2 and RSA 362:4 and serves approximately 26,000 customers in 12 municipalities in southern New Hampshire. On August 31, 2011, PWW filed a petition for authority to provide water service to the West Estates development in the Town of Derry. The petition was accompanied by the prefiled testimony of Donald L. Re, President of PWW, and other supporting documents. Harvest Estates is a unit single family residential development located in the vicinity of Hampstead and Oleson Roads in East Derry. PWW proposes to serve the development by a water main extension from PWW's adjacent Drew Woods water system, to running a proposed Harvest Road within the development. The main extension will be constructed by Keystone Builders, LLC (Keystone), the developer of Harvest Estates, and turned over to PWW in accordance with a Main Extension Agreement (Agreement) between Keystone and PWW attached to the filing. Included in the transfer will be all necessary equipment and easements to operate and maintain the expanded system. The petition and subsequent docket filings, other information for which confidential treatment is requested of or granted by the Commission, is posted to the Commission's website at <http://www.pub.ut.gov/Regulatory/Docketbk/2011/11-1.html>.

The franchise area to be served consists of current or former lots 10-15, 10-16, and 10-25, as shown on plans and as further described in a Foreclosure Deed, as attached to the filing. The Derry Water Board Council approved a motion on October 5, 2010 supporting the proposed franchise. While the Harvest Estates water main itself has been constructed, water services will be installed as individual housing units are built, with first service anticipated by the end of this year. PWW proposes to charge its existing general metered rates in Harvest Estates, as it does in Drew Woods. The Agreement so provides that PWW pay Keystone a fee-time amount equal to the anticipated annual revenue for each connection made within five years of acceptance of the main extension by PWW, as well as a fee-time payment of the anticipated total annual fire protection revenue associated with the project if the main extension is accepted as part of the Derry municipal water system within five years of its acceptance by PWW. These payments are in accordance with Section 33(B) of PWW's tariff.

The Drew Woods water system is supplied by wells and a recent interconnection with the Town of Derry system, and the same sources will provide the supply for Harvest Estates. The Agreement further provides that Keystone pay PWW a System Upgrade Fee of \$1,253 per connection in accordance with Section 33(C) of PWW's tariff, to assess proportional costs for the Derry system interconnection. The fee is applicable because the Drew Woods system could not have served Harvest Estates apart from the additional water supply available from the Derry system interconnection. The calculation of the

tem by PWW, whichever is later; and it is **FURTHER ORDERED**, that PWW shall cause a copy of this Order Nisi to be mailed by first class mail to the Derry Town Clerk and to any known or prospective customers as well as published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such mailing and publication to be no later than December 15, 2011 and to be documented by affidavit filed with this office on or before January 4, 2012; and it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than December 22, 2011 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than December 29, 2011; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 4, 2012, unless PWW fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that PWW shall file a compliance tariff with the Commission on or before January 18, 2012, in accordance with N.H. code Admin. Rules Pub 1603.02(b).

By order of the Public Utilities Commission of New Hampshire this fifth day of December, 2011.

Thomas B. Getz
Chairman
Clifton C. Below
Commissioner
Amy L. Ignatius
Commissioner

Attested by:
Debra A. Howland
Executive Director

(UL - Dec. 9)

Legal Notice

MORTGAGEE'S NOTICE OF SALE OF REAL PROPERTY

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **John G. Lacasse and Sheri Lacasse** (the "Mortgagors") to Mortgage Electronic Registration Systems, Inc. and now held by Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-HE2 (the "Mortgagee"), said mortgage dated December 27, 2005, and recorded with the Merrimack County Registry of Deeds in Book 2858 at Page 732 (the "Mortgage"), pursuant to and for breach of the conditions in said Mortgage and for the purpose of foreclosing the same will be sold at: Public Auction on Friday, December 16, 2011 11:00 AM Said sale to be held directly on the mortgaged premises hereinafter described and having a present address of 492 Mountain Road, Concord, Merrimack County, New Hampshire. The premises are more particularly described in the Mortgage. For Mortgagors' Title see deed dated November 15, 2002 and recorded in Book 2427 at Page 202 with the Merrimack County Registry of Deeds. **NOTICE PURSUANT TO NEW HAMPSHIRE RSA 479:25, YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE TO EN-**

and 00/100 Dollars (\$10,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

DEUTSCHE BANK NATIONAL TRUST COMPANY ON BEHALF OF FINANCIAL ASSET SECURITIES CORP., SOUNDVIEW HOME LOAN TRUST 2007-WMC1, ASSET BACKED CERTIFICATES, SERIES 2007-WMC1
By Its Attorneys,
HAUGHEY, PHILPOT & LAURENT, P.A.
By Mark H. Lamper, Esquire
Haughey, Philpot & Laurent, P.A.
816 North Main Street
Laconia, NH 03246
(603) 524-4101
November 22, 2011

(UL - Nov. 25; Dec. 2, 9)

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **ANNETTE S. LOUBIER and ROLAND L. LOUBIER, JR.** to CHASE MANHATTAN MORTGAGE CORPORATION dated July 19, 2000, recorded in the Rockingham County Registry of Deeds at Book 3491, Page 612, assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION by assignment(s) recorded, or to be recorded, in said Registry, said Assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 413 Stage Road) in Nottingham, Rockingham County, New Hampshire, at

PUBLIC AUCTION

on January 12, 2012, at 2:00 p.m., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: **YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.**

Terms of sale will be Five Thousand Dollars (\$5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

FEDERAL NATIONAL

it had reviewed PWV's filing and had conducted discovery, which is attached to its recommendation. Staff noted that the Drew Woods system serves over 500 customers and operates under a permit issued by the NH Department of Environmental Services (DES); and that the interconnection with Derry's water system, which was the subject of docket DW 10-105, resulted in sufficient supply and the elimination of water use restrictions in Drew Woods. Staff indicated the Harvest Road extension will impose a minimal additional impact on system demands, and that these factors collectively satisfy the requirements of RSA 374:22, III regarding the suitability and availability of water for the development. Staff stated that PWV has the requisite technical, managerial, and financial capability to operate the expanded system since it successfully operates the Drew Woods system as well as other water systems in the states.

II. COMMISSION ANALYSIS

Pursuant to RSA 374:22, "[n]o person or business entity shall commence business as a public utility within this state . . . without first having obtained the permission and approval of the commission." The Commission grants requests for franchise authority upon a finding that it is for the public good pursuant to RSA 374:26. In determining whether a franchise is for the public good, the Commission assesses the managerial, technical, and financial abilities of the petitioner. See, *Southern New Hampshire Water Co., Inc.*, Order No. 19,487, 74 NH PUC 262, 263 (1989). Pursuant to RSA 378:5 and RSA 378:7, the Commission is authorized to investigate whether rates, fares, charges, or prices a utility proposes to put into force are just and reasonable.

Having reviewed PWV's filing and Staff's recommendation, we find that PWV's acquisition of assets and its request to provide water service to customers in Harvest Estates are for the public good. The record demonstrates that PWV has the requisite managerial, technical, and financial abilities to obtain the requested franchise. PWV will secure the proper easements and access associated with the water system expansion. PWV and its regulated affiliates, Pennichuck East Utility, Inc. and Pittsfield Aqueduct Company, Inc., provide water service to some 34,000 customers in various systems throughout New Hampshire, and PWV currently operates the adjacent Drew Woods system. The Harvest Estates water system also meets the suitability and availability requirements of DES as required by RSA 374:22, III. We find that application of PWV's rates to Harvest Estates is just and reasonable. PWV did not request a specific date by which to implement rates and therefore, consistent with N.H. Code Admin. R. Puc 1203.05, we will approve the rate on a service-rendered basis as of the effective date of this order.

RSA 374:26 authorizes the Commission to grant requests for franchise authority without a hearing "when all interested parties are in agreement." Here, Staff, PWV, Keystone, and the Town of Derry are in agreement that PWV should operate the Harvest Estates water system. Notwithstanding this apparent agreement, we will approve PWV's petition on a nisi basis in order to ensure that all interested parties receive notice of the proposed franchise and rates and have an opportunity to request a hearing.

Based upon the foregoing, it is hereby ORDERED NISI, that subject to the effective date below, PWV is authorized to operate as a public water utility in the area known as Harvest Estates located in Derry; and it is

FURTHER ORDERED, that PWV is authorized to charge its tariff rates in Harvest Estates, on a service-rendered basis, effective as of the date of this order, or the date of acceptance of the water sys-

entitled to precedence over the Mortgage. Notwithstanding any title information contained in this notice, the Mortgagee expressly disclaims any representations as to the state of the title to the Property involved as of the date of the notice of the date of sale. The property to be sold at the sale is "AS IS WHERE IS." TERMS OF SALEA deposit of FIVE THOUSAND DOLLARS (\$5,000.00) in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. Dated at West Warwick, Rhode Island on November 21, 2011 Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-HE2 By its Attorney, Steven M. Autieri, Esquire Marinosci Law Group, P.C. 1350 Division Road, Suite 301 West Warwick, RI 02893 (401) 234-9200 MLG File No.:10-09256FC (11/25/2011 12/2/2011 12/9/2011) (UL - Nov. 25; Dec. 2, 9)

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **MARIA DEBENEDETTO** to MORTGAGEE ELECTRONIC REGISTRATION SYSTEMS INC. as nominee for WMC MORTGAGE CORP., its successors and assigns, as lender, dated October 13, 2006, recorded in the Rockingham County Registry of Deeds at Book 4721, Page 0177, assigned to DEUTSCHE BANK NATIONAL TRUST COMPANY ON BEHALF OF FINANCIAL ASSET SECURITIES CORP., SOUNDVIEW HOME LOAN TRUST 2007-WMC1, ASSET BACKED CERTIFICATES, SERIES 2007-WMC1, by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 1 Grout Farm Road) in Raymond, Rockingham County, New Hampshire, at

PUBLIC AUCTION

on January 11, 2012 at 1:00 PM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Ten thousand

By: Mark H. Lamper, Esquire
Haughey, Philpot & Laurent, P.A.
816 North Main Street
Laconia, NH 03244
(603) 524-4101
November 22, 2011

(UL - Nov. 25; Dec. 2, 9)

Legal Notice

NOTICE OF FORECLOSURE SALE

Pursuant to a power of sale contained in a certain mortgage deed given by **WINDY ALBERT** to MORTGAGEE ELECTRONIC REGISTRATION SYSTEMS INC. AS NOMINEE FOR COUNTRYWIDE BANK, FSB, its successors and assigns as lender, dated December 21, 2007, recorded in the Merrimack County Registry of Deeds at Book 3038, Page 0931, as signed to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRY WIDE HOME LOANS SERVICING LP, by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 57 River Road in Bow, Merrimack County, New Hampshire, at

PUBLIC AUCTION

on January 9, 2012 at 11:00 AM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

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Terms of sale will be Five thousand and 00/100 Dollars (\$5,000.00) cash or certified check satisfactory to the said holder to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within thirty (30) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent date or dates as the holder may deem necessary or desirable.

BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP
FKA COUNTRYWIDE HOME LOANS
SERVICING LP

By Its Attorneys
HAUGHEY, PHILPOT &
LAURENT, P.A.

By Mark H. Lamper, Esquire
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November 30, 2011

(UL - Dec. 2, 9, 16)

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