

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

In re: City of Portsmouth

Docket No. _____

PETITION TO EXTEND SEWER SERVICE FRANCHISE AREA

NOW COMES the City of Portsmouth (the "City"), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth NH, and petitions to extend its sewer service area in the Town of Rye. In support thereof the City states as follows:

Current Sewer Service

1. The City currently provides sewer services to approximately 6,400 customers with seasonal variations. The Portsmouth wastewater collection system consists of approximately 120 miles of sewer mains and 20 pumping stations. The City operates two wastewater treatment plants; a 1.2 mgd secondary plant at the Pease Development Authority Tradeport and a 4.8 mgd advanced primary plant at Peirce Island which is scheduled to be upgraded to a secondary treatment facility.
2. Portsmouth's wastewater system users are regulated by local ordinance. Rates and fees are set during the annual budget process consistent with a Final Report for Water and Sewer Rate Study dated September 2006 prepared by Weston & Sampson and Woodcock & Associates. The City is close to finalizing an updated rate study; that study having been prepared by Municipal Financial Services Group and its consulting engineers Tighe & Bond.
3. In addition to serving Portsmouth residents, the City receives bulk wastewater generated from the Adams Point Mobile Home Park located in Rye, pursuant to a 1977 agreement with the Town of Rye. A new agreement is being negotiated.

4. The City also accepts wastewater from the Town of New Castle pursuant to a bulk wholesale agreement and the City is in negotiations with the Town of New Castle to assume responsibility for its system.

5. The City also accepts wastewater from 108 Greenland Road, Greenland, New Hampshire, owned by Siegal Limited Partnership and operated by Travel Centers of America, LLC, and from 1450 Greenland Road, owned by Packard Development. Service for each of these properties is provided pursuant to agreements with the City of Portsmouth. The Public Utilities Commission (“PUC”) approved an extension of Portsmouth’s franchise to serve these properties, see Order No. 24,865.

Sagamore Road/Foye’s Corner

6. The City of Portsmouth and the Town of Rye entered into an Intermunicipal Agreement (hereinafter “Agreement”) dated August 29, 2012 in which the Portsmouth sewer system may be extended into certain portions of Rye as shown on Exhibit A of the attached agreement identified as Exhibit 1.

7. Subject to the PUC’s approval of a franchise extension, the sewer extension shall be made as new users make available the funds necessary to pay for and construct the new infrastructure. At this time, a third party wishes to pay for and construct a sewer line to City specifications to service what is shown as Lot 21 on Exhibit A, together with possible connections to the other lots shown on Exhibit A of Exhibit 1.

8. Pursuant to the terms of the Agreement, ownership of the sewer line will be transferred from the third party to the City of Portsmouth within 30 days of substantial completion of the construction of the sewer line extension. Thereafter, the sewer will be owned, operated, repaired and replaced consistent with its status as a public sewer line.

9. The City of Portsmouth seeks to expand its franchise to include those properties shown on Exhibit A attached to Exhibit 1 and provide service in accordance with the Agreement. The Agreement calls for Rye users to be billed for sewer usage based on metered municipal water usage in the same manner as Portsmouth residents.

10. The Town of Rye supports the expansion of Portsmouth sewer service to the properties shown in Exhibit A to Exhibit 1.

11. Because a third party will fund and construct the new infrastructure, existing customers will not experience any cost from this extension of service.

Extension Would Be in the Public Good

12. The City has the managerial, technical and financial expertise to provide utility services to the subject properties identified on Exhibit A, thus making the extension of service in the public good. RSA 374:26.

13. The Town of Rye supports the extension to all the subject properties shown in Exhibit A attached to Exhibit 1.

14. The City is not a "public utility" pursuant to RSA 362:4, III (a) as it proposes to serve customers outside its municipal boundaries using the same rates as those charged to customers within its boundaries.

Potential Future Service

15. As referenced in paragraph 1 above, the City is currently scheduled to upgrade its Peirce Island Wastewater Treatment Facility and has commenced final design. The City currently has capacity for the modest increase in flow that is anticipated by this extension of the sewer line. Moreover, the design is for a 6.13 MGD upgraded Facility, the projected flows and loads includes capacity for growth in the system.

16. Because service to the proposed new area will be on the same terms as provided within the current service area, and because no sewer utilities currently serve the area proposed for addition, the City respectfully suggests that expedited review of this request and Petition is appropriate and would preserve the PUC staff and commission time for more substantive matters.

WHEREFORE, the City of Portsmouth respectfully requests that this Commission:

- A. Grant the City of Portsmouth's request for franchise extension without formal review, which may usually be required for expansion of a sewer utility service area, or grant such waivers of formal review as the PUC deems appropriate;
- B. Approve the request for franchise expansion, authorizing the City of Portsmouth to engage in the supply of sewer services to the subject properties as shown on Exhibit A in Rye without being considered a public utility as provided by RSA 362:4; and
- C. Grant such other and further relief as the Commission deems just and necessary.

Respectfully submitted,

City of Portsmouth

Dated: 8/29/13

By:



Suzanne M. Woodland
Assistant City Attorney
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7240
smwoodland@cityofportsmouth.com

I certify that a copy of this Petition has been forwarded electronically to the parties indicated on the attached service list.

By:



Suzanne M. Woodland
Assistant City Attorney

SERVICE LIST

COUNSEL FOR TOWN OF RYE

Michael Donovan, Esq.
72 North Main Street
PO Box 2169
Concord, NH 03302-2169
(603) 224-4230
E-mail - MDonovan@town.rye.nh.us

COUNSEL FOR THIRD PARTY

Sharon Cuddy Somers, Esq.
Donahue, Tucker & Ciandella, PLLC
225 Water Street
Exeter, NH 03833
(603) 658-8508
E-Mail – Ssomers@dtclawyers.com

CONSUMER ADVOCATE

Susan Chamberlin, Esq.
Office of Consumer Advocate
21 South Fruit Street - Suite 18
Concord, NH 03301
E-Mail – susan.chamberlin@oca.nh.gov