

CLERKS REPORT

Docket No. & Name: DW 19-131 Omni Mount Washington, LLC
Complaint by Omni Mount Washington Hotel, LLC Against Abenaki Water
Company, Inc.

Date: 09/28/20 Opened: 09:18 am Closed: 05:16 pm PHC: _____ Hearing: Yes

Presiding Officer: Chairperson Dianne Martin, Hearing Examiner:
with Commissioner Kathryn
M. Bailey and Commissioner
Michael S. Giaimo

Court Reporter: Steven E. Patnaude – Clerk: Doreen Borden
Morning Session
Susan Robidas –
Afternoon Session

Briefs Due: _____

Transcript Due Date: _____ Hearings Continued: Yes

Hearing Examiner Report Due: _____ Under Advisement:

Notice Made: Yes

Appearances:

McLane Middleton for Omni Mount Washington, LLC-Thomas B. Getz, Esq.
NH Brown Law for Abenaki Water Company, Inc.-Marcia A. Brown, Esq.
Bretton Woods Property Owners Association-Paul Mueller
Commission Staff-Christopher Tuomala, Esq.

Intervention Granted:

Other Rulings:

All parties agree attorneys and witnesses allowed to sit together, thereby appearing on same screen and that no witness coaching would occur.

Exhibits were entered into evidence and are listed below:

Exhibit 1

Omni Mount Washington, LLC Responses to Staff Set 1 (aka MOL Att C)

Exhibit 2

Abenaki Water Company, Inc. Response to Staff 1-1 and Final Audit Report

Exhibit 3

Abenaki Water Company, Inc. Response to Staff 2-7

Exhibit 4

Abenaki Water Company, Inc. Response to Staff 1-7

Exhibit 5

Filings from DW 11-117

Exhibit 6

2016 Services Agreement Between Rosebrook Water Company and Omni Mount Washington Resort

Exhibit 7

Affiliate Agreements filed in DW 13-001

Exhibit 8

Abenaki Water Company, Inc. Response to Staff 1-12

Exhibit 9 Confidential

Horizons' 2017 Report

Exhibit 10 Redacted

Horizons' 2017 Report

Exhibit 11

Abenaki Water Company, Inc. Supplemental Response to Staff 1-16

Exhibit 12

Town of Carroll Tax Cards

Exhibits 13

Calculation of Purchase Price - 2016 Continuing Property Records

Exhibit 14 Confidential

2016 Horizons' Report

Exhibit 15 Redacted

2016 Horizons' Report

Exhibit 16 Confidential

Omni Mount Washington, LLC Complaint Attachments

Exhibit 17 Confidential

Omni Mount Washington, LLC Responses to Staff Set 2

Exhibit 18 Confidential

Omni Mount Washington, LLC Responses to Staff Tech 2

Exhibit 19 Redacted

Omni Mount Washington, LLC Responses to Staff Tech 2

Exhibit 20

Past and Current Tariffs

Exhibit 21 Redacted

Omni Mount Washington, LLC Complaint Attachments

Exhibit 22

Reports Filed in DR 89-031

Exhibit 23

As-Built Utility Plans Filed in DR 89-031

Exhibit 24

Missing Deeds From Omni Mount Washington, LLC Complaint Att. F

Exhibit 25

Table Comparing Water Main Lengths

Exhibit 26

Exterior Shut-offs and Interior Plumbing – Hotel and Bretton Arms

Exhibit 27

Exterior Shut-offs and Interior Plumbing – Ski Area

Exhibit 28 Redacted

Omni Mount Washington, LLC Resort Responses to Staff Set 2

Exhibit 29 Confidential

Abenaki Water Company, Inc. Response to 2-3

Exhibit 30 Redacted

Abenaki Water Company, Inc. Response to 2-3

Exhibit 31

Secretary of State Filings for MWH Preservation

Exhibit 32

Abenaki Water Company, Inc. 2019 Continuing Property Records

Exhibit 33

New England Service Company Invoice for Hotel Work

WITNESSES:

Panel 1	Donald Vaughan, Robert Gallo, Nancy Oleson, Stephen P. St. Cyr
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Panel 2 – Doug Brogan