

DW 04-058

MANCHESTER WATER WORKS

Petition to Extend Service Area in Town of Hooksett

Order Nisi Granting Petition

ORDER NO. 24,326

May 7, 2004

On April 2, 2004, Manchester Water Works (Manchester) filed with the New Hampshire Public Utilities Commission (Commission) a petition, pursuant to RSA 362:4,III (a), to extend its service area in the Town of Hooksett. Although municipal water utilities are generally exempt from the Commission's jurisdiction under certain circumstances, RSA 362:4, III, (a) provides that municipal corporations are not exempt from the franchise requirements of RSA 374. Pursuant to RSA 374:22, "[n]o person...shall exercise any right or privilege under any franchise not theretofore actually exercised in such town, without first having obtained the permission and approval of the [C]ommission." In addition, New Hampshire RSA 374:22, III requires petitioners to satisfy the requirements of the Department of Environmental Services with respect to suitability and availability of water.

Manchester seeks permission to expand service under its existing tariff for customers outside its municipal boundaries, to eleven additional lots or portions thereof on the easterly side of the southerly portion of Hackett Hill Road in Hooksett. Manchester's filing indicates that owners of the lots have expressed a desire to obtain water service from Manchester, and that no other water utility serves the area. The Department of Environmental Services has confirmed by letter dated April 13, 2004 the suitability and availability of Manchester's water supplies to provide service to the proposed service area. In a letter signed

March 24, 2004 by the Hooksett Town Council, the Town indicated its support for the proposed service extension.

On April 29, 2004, Staff filed a recommendation with the Commission. Staff stated that it had reviewed Manchester's filing and recommended the Commission approve Manchester's petition.

Based on the above facts, we find that allowing Manchester to extend its service area as requested is for the public good.

New Hampshire RSA 374:26 authorizes the Commission to grant requests for franchise authority without a hearing "when all interested parties are in agreement." While there has been no opposition to the petition filed with the Commission, in order to ensure that all interested parties receive notice of the proposal and an opportunity to request a hearing, we will approve the petition on a nisi basis.

Based upon the foregoing, it is hereby

ORDERED NISI, that subject to the effective date below, Manchester Water Works is granted permission pursuant to RSA 374:22 and 26 to extend its service area into a limited area of Hooksett consisting of Tax Map 28, Lot 19-1, Lot 19-2 and Lots 20 through 28, as shown on a map filed with the petition; and it is

FURTHER ORDERED, that Manchester Water Works is authorized to provide such extended service under its existing tariff for customers outside of its municipal boundaries; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those

portions of the state where operations are conducted, and shall send a copy of same to the Hooksett town clerk by first class mail, such actions to be no later than May 17, 2004 and to be documented by affidavit filed with this office on or before May 31, 2004; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than May 24, 2004; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than May 31, 2004; and it is

FURTHER ORDERED, that this Order Nisi shall be effective June 7, 2004, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this seventh day of May, 2004.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary