

**THE STATE OF NEW HAMPSHIRE**  
**PUBLIC UTILITIES COMMISSION**

**DW 04-020**

**ORDER OF NOTICE**

On January 14, 2004, the New Hampshire Public Utilities Commission (Commission) received a petition from Nancy and Robert Swett, customers of Fryeburg Water Company (Fryeburg). The petition contained signatures from twenty-two customers of Fryeburg and requests the Commission investigate the quality of service provided by Fryeburg. Fryeburg serves approximately 800 customers, 67 of which are in East Conway, New Hampshire. The majority of Fryeburg's customers are located in the adjacent town of Fryeburg, Maine.

Nancy and Robert Swett state that they and the signatories to the petition continue to experience unsatisfactory water quality conditions. Mr. and Mrs. Swett provided photographs of discolored water and corroded pipes to illustrate their concerns.

The Commission has reviewed Fryeburg's water quality issues in the past. In Docket No. DW 00-238, the Commission investigated the adequacy of a 7600 foot unlined cast iron main built in 1883. This main supplies water to East Conway, New Hampshire, the area in which the signatories to the petition

reside. In the final order in that docket, the Commission stated, "We expect...that the Company, in the ordinary course of sound utility resource planning, will develop contingency plans now to address the likely need to replace the water distribution system dependent on the late 19<sup>th</sup> century main." *Fryeburg Company*, Order No. 23,854 in Docket No. DW 00-238, 86 NH PUC 828 (2001).

In light of Order No. 23,854 and the current petition citing continued water quality concerns, the Commission finds it appropriate to open a new docket to investigate the quality of service provided by Fryeburg to its New Hampshire customers.

The filing raises, inter alia, issues related to RSA 374:1 and Fryeburg's provision of safe and adequate service; the adequacy of Fryeburg's efforts to address quality of service issues; RSA 369:1 and Fryeburg's efforts to obtain funding; RSA 365:40 and Fryeburg's compliance with Commission Order No. 23,854, and the remedies available to the Commission in light of the regulatory role of the Maine Public Utilities Commission.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.05, be held before the Commission located at 8 Old Suncook Road, Concord, New Hampshire on April 22, 2004 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the

petition and any of the issues set forth in N.H. Admin Rule Puc 203.05(c) shall be considered; and it is

**FURTHER ORDERED**, that the Prehearing Conference may be tape recorded unless a party, at least 5 days in advance of the Prehearing Conference, requests a transcript, in which case the Commission shall order a stenographic record, pursuant to N.H. Admin. Rule Puc 203.05(d); and it is

**FURTHER ORDERED**, that, immediately following the Prehearing Conference, Fryeburg, the Petitioners, the Staff of the Commission and any Intervenors hold a Technical Session to discuss the establishment of a procedural schedule; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.01, Fryeburg shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice in a newspaper with statewide circulation or of general circulation in the East Conway area, and by mailing a copy of same to each of Fryeburg's New Hampshire customers and to the Conway town clerk, by first class mail, such actions to be no later than April 8, 2004, and to be documented by affidavit filed with the Commission on or before April 22, 2004; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin Rules Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Fryeburg and the

Office of the Consumer Advocate on or before April 19, 2004, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before April 22, 2004.

By order of the Public Utilities Commission of New Hampshire this twenty-fifth day of March, 2004.

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Debra A. Howland  
Executive Director & Secretary

Any individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the American with Disabilities Act Coordinator, NHPUC, 8 Old Suncook Road, Concord, New Hampshire 03301-7319; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Preferably, notification of the need for assistance should be made one week before the scheduled event.