

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 5801

Petition of Murray R. Lewis and Bertha Lewis )  
d/b/a Pownal Water Company to sell certain )  
assets of the water company )

Order entered: 3/3/99

**INTRODUCTION**

Murray R. Lewis and Bertha Lewis, d/b/a Pownal Water Company ("Pownal Water Company" or "the Company"), have historically provided water service in the Town of Pownal, Vermont. The Pownal Fire District #2 ("Fire District") was formed to provide water service to customers in that area. In an Order dated May 20, 1998 ("May 1998 Order"), the Board outlined a plan governing the transition from the Company to the Fire District. The Company has followed the steps in the May 1998 Order and is now requesting revocation of its Certificate of Public Good. In this Order, the Board concludes that the request is in the public interest, and revokes Pownal Water Company's Certificate of Public Good.

**PROCEDURAL HISTORY**

On November 3, 1994, Pownal Water Company filed a petition under 30 V.S.A. § 231(b) for authority to abandon its water service in the Town of Pownal, Vermont.

A duly noticed public hearing was held in Pownal on March 20, 1995.

On April 23, 1998, the Company filed a request for authority to transfer assets pursuant to 30 V.S.A. § 232(a) to the Fire District. On May 4, 1998, the Company and the Department of Public Service filed a Stipulation concerning the proposed transfer of real property from the Company to the Fire District.

On May 20, 1998, the Board issued an order approving the transfer of assets, and requiring the Company to file written certification when the transaction had been completed. The Company filed this certification on July 1, 1998.

The May 1998 Order also required the Company to notify the Board when the Fire District's proposed facilities were capable of supplying water service to Pownal Water Company's customers, and to request revocation of the Company's Certificate of Public Good at that time.

On December 16, 1998, the Company filed a memorandum stating that the Fire District is now supplying water service to all of the Company's former customers, and requesting revocation of the Company's Certificate of Public Good. On December 23, 1998, the Department of Public Service, after consulting with the Water Supply Division of the Agency of Natural Resources, filed a letter supporting the Company's request.

#### **DISCUSSION**

The May 1998 Order outlined a transition plan for the provision of water service to the Company's customers. This plan involved: (1) the transfer of certain real property associated with the water system from the Company to the Fire District; (2) continued provision of service to the customers by the Company until the Fire District's new system was operational; (3) notification to the Board when the Fire District's facilities were capable of supplying water service to the Company's customers; and (4) request for revocation of the Company's Certificate of Public Good at that time.

The Company has followed the steps outlined in the May 1998 Order, and is now requesting revocation of its Certificate of Public Good. The Department of Public Service supports this request as promoting the general good of the State of Vermont.

The Board is authorized under 30 V.S.A. § 231(a) to revoke a Certificate of Public Good after opportunity for hearing. None of the parties in this docket has requested a hearing; rather they have requested expedited approval. In light of the prior public hearing held in this docket, as well as the public notice and hearing relating to the Fire District's formation and subsequent bond vote, we conclude that no hearing is necessary.

Furthermore, we conclude that cessation of Pownal Water Company's current service obligations is consistent with the public interest. As stated in our May 1998 Order, for a number of years Pownal Water Company delivered water that did not meet applicable state and federal standards. The Fire District, which was organized for the purpose of providing

water for customers in the Company's service area, has located a new water source, constructed a replacement system connected to the new source, and is now providing water service to all of the Company's former customers (Memorandum dated December 16, 1998). Therefore, consistent with 30 V.S.A. § 231(a) we revoke the Company's Certificate of Public Good.

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. Pownal Water Company's Certificate of Public Good is revoked.
2. This docket is closed.

DATED at Montpelier, Vermont, this 3<sup>rd</sup> day of March, 1999.

_____ )	
_____ )	PUBLIC SERVICE
_____ )	
s/ Suzanne D. Rude )	BOARD
_____ )	
_____ )	OF VERMONT
s/ David C. Coen )	

OFFICE OF THE CLERK

FILED: MARCH 3, 1999

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board of any technical errors, in order that any necessary corrections may be made.*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*