

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

January 16, 2007 - 9:07 a.m.  
Concord, New Hampshire

NHPUC JAN30'07 AM 9:27

RE: DW 04-048  
CITY OF NASHUA, NEW HAMPSHIRE:  
Petition for valuation pursuant to RSA 38:9.  
(RE: Joint Motion for Continuance of Merits  
Hearing and Stay of the Proceedings)

PRESENT: Chairman Thomas B. Getz, Presiding  
Commissioner Graham J. Morrison  
Commissioner Clifton C. Below

Diane Bateman, Clerk

APPEARANCES: Reptg. the City of Nashua, NH:  
Robert Upton, II, Esq.  
Justin C. Richardson, Esq.  
Linda Regan

Reptg. Pennichuck Water Works, Pennichuck  
East Utilities & Pittsfield Aqueduct Co.:  
Steven V. Camerino, Esq.  
Sarah B. Knowlton, Esq.  
Thomas J. Donovan, Esq.

Reptg. Anheuser-Busch:  
Daniel J. Mullen, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, CCR

ORIGINAL

**APPEARANCES: (C o n t i n u e d)**

**Reptg. the Town of Milford:**  
E. Maria Reinemann, Esq.

**Reptg. the Town of Merrimack:**  
Edmund Boutin, Esq.

**Claire McHugh, pro se**

**Barbara Pressley, pro se**

**Reptg. Residential Ratepayers:**  
Rorie Hollenberg, Esq.  
Meredith Hatfield, Esq, Consumer Advocate  
Office of Consumer Advocate

**Reptg. PUC Staff:**  
Marcia A. B. Thunberg, Esq.

## P R O C E E D I N G S

CHAIRMAN GETZ: Okay. Good morning.

We'll open the hearing in docket DW 04-048. We've just been presented a copy of a Joint Motion for Continuance of the Merits Hearing and Stay of the Proceeding by the City of Nashua and Pennichuck. And, it indicates that, given the lateness of the day when this agreement was reached, that we haven't heard from all of the other parties.

Before we give the opportunity for the other parties to react to the motion, I'll give the opportunity, Mr. Upton or Mr. Camerino, would you like to speak to the motion beforehand or just go around the room and hear what the rest of the folks have to say?

MR. CAMERINO: From Pennichuck's standpoint, we don't have anything to add to what's in the motion, other than that Mr. Donovan received a call from Attorney Judge for the District a few minutes ago and he indicated that the Regional Water District does assent to the relief that's requested in the motion.

CHAIRMAN GETZ: Okay. Thank you.

MR. UPTON: And Nashua has nothing to add that's not in the motion either, Commissioner.

CHAIRMAN GETZ: Okay. Then, we'll give the opportunity for the other parties to react, and then

1 we'll also -- then, if there is anything in response,  
2 then, Mr. Upton, Mr. Camerino, you'll have a chance to  
3 respond. So, let's go around the room. Ms. Pressley, do  
4 you have a --

5 MS. PRESSLEY: Delighted. I'm delighted  
6 and supportive of this happening. Thank you.

7 CHAIRMAN GETZ: Okay. Thank you. Ms.  
8 McHugh?

9 MS. McHUGH: I'm very pleased with  
10 what's happening.

11 CHAIRMAN GETZ: Thank you. Mr. Boutin?

12 MR. BOUTIN: Merrimack has no objection.

13 CHAIRMAN GETZ: Thank you. And, --

14 MS. REINEMANN: Town of Milford has no  
15 objection.

16 CHAIRMAN GETZ: Thank you. Ms.  
17 Hollenberg?

18 MS. HOLLENBERG: The Office of Consumer  
19 Advocate has no objection.

20 CHAIRMAN GETZ: Okay. Thank you.

21 MR. MULLEN: Anheuser-Busch has no  
22 objection.

23 CHAIRMAN GETZ: Thank you.

24 MS. THUNBERG: The Staff concurs with

1 the motion. Thank you.

2 CHAIRMAN GETZ: Okay. Well, then, I  
3 guess there's not too much more to say in response, Mr.  
4 Upton or Mr. Camerino?

5 MR. CAMERINO: No. I would note, Ms.  
6 Pressley made a filing this morning with the Commission,  
7 which, once the Commission acts with regard to this  
8 motion, we would like to very briefly address.

9 CHAIRMAN GETZ: Okay. Well, why don't  
10 you do that right now then.

11 MR. CAMERINO: Just to describe it, I  
12 haven't read this entire document, but Ms. Pressley  
13 submitted some additional information that appears to be  
14 in the form of testimony to some extent related to the  
15 matters in this proceeding. If the proceeding were to go  
16 forward, we would object to this becoming part of the  
17 record. If the proceeding does not go forward, the motion  
18 indicates that the proceeding would be stayed, and no  
19 party would make any further evidentiary submission to the  
20 Commission until the stay is lifted. So, in that event,  
21 we would ask that, again, this not be made part of the  
22 record unless and until the stay is lifted, and then we  
23 have an opportunity to consider it at that time.

24 So, our request is simply that, I

1 understand that this has been received by the Commission,  
2 you can't unreceive it, but that this not be part of the  
3 record unless the parties have an opportunity to address  
4 it further.

5 CHAIRMAN GETZ: Do you have any  
6 objection to that, Ms. Pressley?

7 MS. PRESSLEY: Well, for the record, the  
8 new information was presented by another department of the  
9 State. So, I certainly hope that it would be --  
10 eventually would be allowed to be admitted into a trial  
11 that's taking place in another arm of government.

12 CHAIRMAN GETZ: Well, do you have any  
13 objection to the treatment that Mr. Camerino recommends  
14 that this arm of government takes?

15 MS. PRESSLEY: I believe he's saying  
16 that you take -- you do nothing until -- should the trial  
17 continue on, is that --

18 CHAIRMAN GETZ: That's how I understand  
19 it.

20 MS. PRESSLEY: Okay.

21 CHAIRMAN GETZ: Okay. Thank you. Well,  
22 I'd suggest that we do this. I want to make sure that we  
23 absorb all of this motion and make sure we understand  
24 certainly some of the time period requests. So, I think

1 we will take a brief recess to review the document, and  
2 then we will come back down, which I anticipate will be  
3 shortly, to deliberate on the motion.

4 (Hearing recessed at 9:26 a.m. and  
5 reconvened at 9:33 a.m.)

6 CHAIRMAN GETZ: Okay. We're back on the  
7 record. And, it looks like the parties have had a very  
8 busy weekend. And, I would move, with respect to the  
9 joint motion for continuance of the merits hearing and  
10 stay of proceedings, that we grant the motion to continue  
11 for the 120 day period. That we set a status conference  
12 near the end of that period to hear from the parties how  
13 settlement discussions have progressed. And, to the  
14 extent it's necessary at that time, to consider any  
15 requests for an extension of that period, we will do that  
16 at the status conference. And, we will memorialize a  
17 decision on this in a secretarial letter that we will  
18 issue forthwith. So, that's so moved.

19 CMSR. MORRISON: I second.

20 CMSR. BELOW: And I concur.

21 CHAIRMAN GETZ: Okay. So, the motion  
22 carries. Thank you very much, everyone. And, we'll be  
23 seeing you.

24 (Hearing recessed at 9:34 a.m.)