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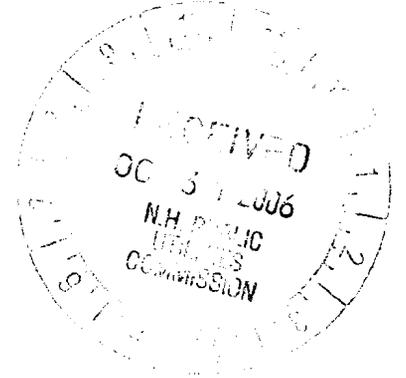
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October 31, 2006

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301



Re: Docket No. DW 04-048  
City of Nashua RSA 38 Petition re Pennichuck Water Works  
Discovery Issues

Dear Ms. Howland:

In Order No. 24,681, entered in the above-referenced docket on October 31, 2006, the Commission ruled on a series of discovery problems but deferred action on one remaining dispute, related to documents arising out of a federal grand jury proceeding in Indiana. The purpose of this letter is to report on my effort to clarify the extent to which this discovery dispute remains an active one, inasmuch as this is not entirely clear from the motion papers on file.

As you know, respondent Pennichuck Water Works (PWW) has been seeking to discover information about the federal grand jury proceeding from petitioner City of Nashua because the proceeding involves a contractor the City plans to use to operate the water system it proposes to take via RSA 38. Originally, PWW sought a subpoena issued in connection with the federal proceeding as well as the documents that were responsive to that subpoena.

I have learned from counsel to PWW that the City has produced the subpoena. Staff counsel advises that the City did not furnish Staff with a copy of the subpoena when it produced the document to PWW.

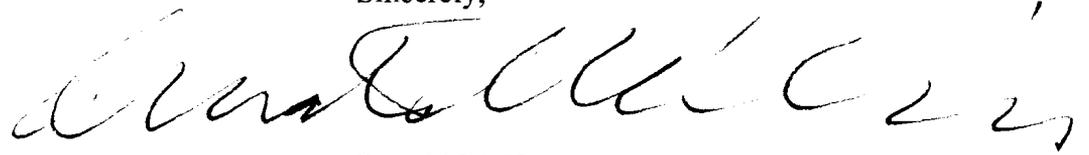
According to counsel for PWW, what remains outstanding is a data request it made of the City based on PWW's review of the subpoena. This is the data request denominated PWW 5-89, specifically referenced in the motion to compel discovery discussed in Order No. 24,681. In essence, data request PWW 5-89 asks the City to produce all of the documents that were responsive to the federal subpoena.

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The foregoing plows no new ground in the sense that it merely clarifies what PWW had already stated in its motion. My objective was simply to verify the status of the motion, given that efforts to discover information about the federal grand jury proceedings have been longstanding ones, manifesting themselves through various formal requests.

I therefore recommend that the Commission rule on this matter without entertaining any additional pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald M. Kreis". The signature is written in a cursive style with a large initial "D" and "K".

Donald M. Kreis  
General Counsel

Cc: Service List