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September 11, 2006

**VIA HAND DELIVERY**

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



**Re: DW 04-048; City of Nashua—Taking of Pennichuck Water Works, Inc.**

Dear Ms. Howland:

I enclose for filing an original and seven copies of a Joint Motion to Eliminate Filing of Capstone Testimony and to Make Related Adjustments to Procedural Schedule.

I have served all parties on the service list by e-mail and first class mail.

Thank you for your assistance with this matter. Please call me with any questions.

Very truly yours,

  
Steven V. Camerino

SVC:dap  
Enclosures

cc: Service List

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

**City of Nashua: Taking Of Pennichuck Water Works, Inc.**

**Docket No. DW 04-048**

**JOINT MOTION TO ELIMINATE FILING OF CAPSTONE TESTIMONY AND TO  
MAKE RELATED ADJUSTMENTS TO PROCEDURAL SCHEDULE**

NOW COME City of Nashua ("Nashua") and Pennichuck Water Works, Inc. ("Pennichuck") in the above-captioned docket and respectfully move the Commission to eliminate the filing of capstone testimony and to make related adjustments to the procedural schedule. In support of this Motion, Nashua and Pennichuck state as follows:

1. The current procedural schedule was established pursuant to Order No. 24,457 dated April 22, 2005 as amended by Secretarial Letter Orders dated October 3, 2005 and January 11, 2006. The current procedural schedule contains the following remaining items<sup>1</sup>:

September 15, 2005	Capstone testimony joining public interest and valuation issues
September 29, 2005	Data requests on capstone testimony and reply testimony
October 20, 2006	Responses to data requests on capstone and reply testimony
November 14, 2006	Capstone rebuttal testimony
November 20, 2006	Settlement discussions
December 15, 2006	Pre-hearing briefs
December 2006	View
January 2007	Hearings (reserve a month, subject to further discussion at a later date)

2. To date, Nashua, Pennichuck and Staff have submitted testimony from 34 different witnesses, filed on November 22, 2004, January 12, 2006, February 27, 2006, April 13,

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<sup>1</sup> By Secretarial Letter dated September 7, 2006, the Commission has suspended the deadline for filing capstone testimony until at least September 25, 2006.

2006, May 22, 2006 and July 20, 2006 and undertaken multiple rounds of discovery on this testimony.

3. As Nashua and Pennichuck prepare their capstone testimony, the parties realize that they have had ample opportunity to join public interest and valuation issues. The parties may well have used capstone testimony to submit updates to financial information supporting valuation or rate analysis testimony, but that would not justify the submission of capstone testimony, capstone data requests, and capstone rebuttal testimony.

4. In order to eliminate cost and staunch further growth in the volume of testimony and data requests, Nashua and Pennichuck propose that capstone testimony, capstone testimony data requests, and capstone testimony rebuttal be eliminated. All other remaining deadlines would remain in place, including the hearing in January, 2007. To address the need for updates, the parties propose that they submit on or before November 14, 2006 limited update testimony related to: (a) preexisting expert opinions of value and rates (including financial information relied upon to generate those opinions); and (b) post-deposition analysis of opposing experts' opinions of value and rates. Limited update testimony may only be submitted by witnesses who have already supplied testimony in this case. There would be no data requests or pre-filed rebuttal testimony arising from the limited update testimony.

5. Assuming the Commission grants this Motion, Nashua withdraws its pending Motion to Continue. This Motion does not affect other pending motions.

6. Nashua and Pennichuck have obtained the assent of Staff, Office of Consumer Advocate, Town of Merrimack and Merrimack Valley Regional Water District to the relief requested in this Motion. The parties have sought the assent of other parties to this proceeding, but as of the time of filing this Motion have not received a response.

WHEREFORE, City of Nashua and Pennichuck Water Works, Inc. request that the Commission:

A. Revise the procedural schedule to eliminate i) capstone testimony; ii) capstone data requests; iii) capstone rebuttal testimony, and to add a November 14, 2006 deadline to the procedural schedule to file limited update testimony as defined above;

B. Order such other and further relief as may be just.

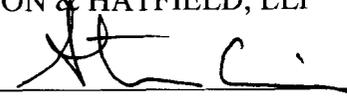
Respectfully submitted,

City of Nashua

By Its Attorneys,

UPTON & HATFIELD, LLP

Date: September 11, 2006

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Pennichuck Water Works, Inc.

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,  
PROFESSIONAL ASSOCIATION

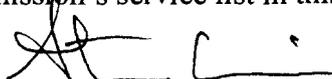
Date: September 11, 2006

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Certificate of Service

I hereby certify that on this 11th day of September, 2006, a copy of this Joint Motion to Eliminate Capstone Testimony and to Make Adjustment to Procedural Schedule has been forwarded to the parties listed on the Commission's service list in this docket.

  
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Steven V. Camerino