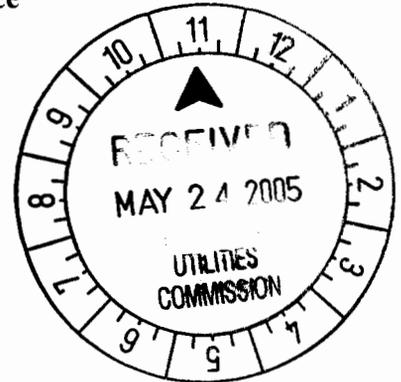


**Concord Office**  
10 Centre Street  
PO Box 1090  
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03302-1090  
603-224-7791  
1-800-640-7790  
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**Please respond to the North Conway office**

May 23, 2005



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Debra A. Howland  
Executive Director and Secretary  
Public Utilities Commission  
8 Old Suncook Road  
Concord, New Hampshire 03301-7319

Re: Docket DW 04-048  
City of Nashua – Pennichuck Water Works, Inc.  
Petition for Valuation Pursuant to RSA 38:9

**Of Counsel**  
Frederic K. Upton

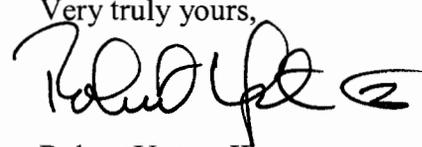
Dear Ms. Howland:

I enclose for filing, herewith, an original and 8 copies, along with an electronic copy on a computer disk in word format, of Motion to Limit Data Requests by the City of Nashua.

A copy of this letter and the above Motion to Limit Data Requests has been mailed to all persons on the attached service list.

**Hillsborough Office**  
8 School Street  
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03244  
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1-800-640-7790  
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**Attorneys At Law**  
Douglas S. Hatfield  
Margaret-Ann Moran  
Thomas T. Barry\*  
Matthew H. Upton  
\*Also Admitted In Virginia

Very truly yours,  
  
Robert Upton, II

**North Conway Office**  
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PO Box 2242  
North Conway, NH  
03860  
603-356-3332  
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RUII/dgg  
Enclosure

Cc: Service List

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CONCORD NH 03301

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DONAHUE TUCKER & CIANDELLA  
225 WATER ST  
PO BOX 630  
EXETER NH 03833-0630

STEVE WILLIAMS  
NASHUA REGIONAL PLANNING COMMISSION  
115 MAIN ST  
PO BOX 847  
NASHUA NH 03061

Docket #: 04-048-1 Printed: May 23, 2005

**FILING INSTRUCTIONS:**

WITH THE EXCEPTION OF DISCOVERY (SEE NEXT PAGE) FILE 1 ORIGINAL & COVER LETTER, PLUS 8 COPIES (INCLUDING COVER LETTER) TO:

DEBRA A HOWLAND  
EXEC DIRECTOR & SECRETARY  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429

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

**City of Nashua: Petition for Valuation Pursuant to RSA 38:9**

**Docket No. DW 04-048**

**MOTION TO LIMIT DATA REQUESTS**

The City of Nashua (the “City”) moves the Commission for an order limiting the number of data requests a party may serve on another party in the above docket. In support of the Motion, the City says as follows:

1. In the first round of discovery on the City’s technical financial and managerial capabilities and public interest, PWW has served 173 data requests. These data requests are overbroad and unduly burdensome and appear intended to frustrate the City’s participation in the orderly conduct of the proceeding by requiring it to devote an unreasonable amount of staff and consultant time to respond.

2. A review of PWW’s data requests demonstrates that the Company has gone well beyond the limits of what is reasonable or necessary in this proceeding. Covering 27 pages, PWW’s data requests more than double the number submitted by staff (68) and Nashua (71). Moreover, a review of PWW’s data requests shows that nearly all of the requests contain a series of separate questions requesting documents, admissions, explanations and/or other information. As a result, the number of actual requests greatly exceeds the 173 numbered requests.

3. Both the State and Federal Court limit the number of interrogatories a party may propound to 50 and 25, respectively (Rule 36, Superior Court Rules; Rule 33, Federal Rules of Civil Procedure).

4. While the City recognizes that the technical nature of this proceeding requires the opportunity to conduct discovery greater than that contemplated by the Courts, there must be some reasonable limit to prevent abuse and to preserve the parties' resources.

5. The City proposes that the Commission limit the number of data requests a party may serve in the docket as follows:

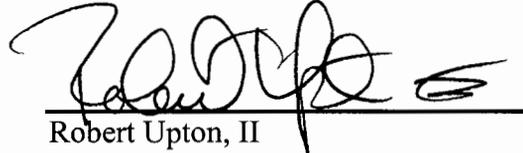
- a. 100 for the first round of data requests regarding technical financial and managerial capabilities, public interest and valuation
- b. 50 for the second round
- c. 50 for capstone testimony and any reply testimony.

6. The City certifies it has complied with Puc 203.04(e) and that the following parties concur with the relief sought in this Motion: Pittsfield, Raymond, Amherst, Barbara Pressly and the Merrimack Valley Regional Water District.

WHEREFORE, the City of Nashua respectfully moves the Commission for an order limiting the number of data requests the parties may serve in this docket as set forth herein and requests such other and further relief as justice may require.

Respectfully submitted,

CITY OF NASHUA  
Upton & Hatfield, LLP  
By its attorneys:



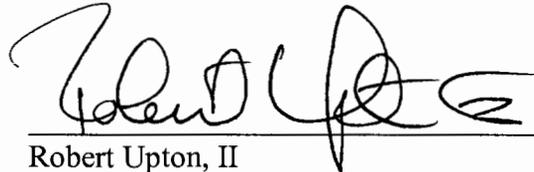
Robert Upton, II  
23 Seavey Street, PO Box 2242  
North Conway, NH 03860  
(603) 356-3332

Dated: May 23, 2005

David Connell, Esquire  
Corporation Counsel  
229 Main Street  
Nashua, NH 03061-2019

CERTIFICATION

I hereby certify that a copy of the foregoing Motion to Limit Data Requests was this day forwarded to all persons on the attached Service List.



Robert Upton, II