

CLERKS REPORT

DOCKET NO. & NAME: **DW 04-048 City of Nashua – Day 2**

DATE: 1/11/07 OPENED AT: 9:03 CLOSED: 5:25 PHC: _____ HEARING: X

PRESIDING OFFICER: Commissioners HEARING EXAMINER: _____

COURT REPORTER: Steve Patnaude CLERK: Diane Bateman

APPEARANCES:

Steven Camerino, Sarah Knowlton, Esq., & Tom Donovan, Esq., of McLane Law Firm for Pennichuck Water

Dom D'Ambruoso, Esq., & John Alexander, Esq., Ransmeire & Spellman for Anheuser Busch

Meredith Hatfield, Esq. & Rorie Hollenberg of Office of Consumer Advocate

Barbara Pressly, Self

Rob Upton, Esq., & Justin Richardson, Esq., Upton & Hatfield for City of Nashua

Steve Judge, Esq., of Wadleigh, Starr & Peters, for Merrimack Valley Regional Water

Claire McHugh, Self

Bryan Gould, Esq., of Brown, Olson & Gould for the Town of Milton

Ed Boutin, Esq., Boutin Associates for Town of Merrimack

Fred Teeboom, Self

AFFIDAVIT FILED: _____

INTERVENTION GRANTED:

NOTES:

Panel 1 is still on the stand this morning, minus Alderman Rootovich who was excused by Chairman Getz at the end of Day 1's hearing.

PWW finished its cross at 9:55 and John Alexander from Ransmeire and Spellman started his cross on Panel 1.

Special Contracts may have to be converted into a tariff because of tax exempt status. A tariff can be designed for various time frames or can be forever.

Attorney Gould representing Town of Milford started his cross examination at 10:15. The Board of Alderman has not been put into the position for the need to vote on the special contracts and honoring them. The Board feels that is contractually bound to honor the

special contracts.

Hearing took a break at 10:27 and will resume at 11:00. Resumed at 11:03.

Attorney Boutin began his cross examination of Panel 1. Mr. Boutin finished his cross examination at 12:12. Questions asked by the bench at this time. Mr. Upton began his cross examination of the Panel at 12:20.

Hearing stopped at 12:50 and will resume at 2:00.

Testimonies of Steven Paul and Steven Adams will be accepted as is by the parties.

New witnesses were put on the stand after lunch and they are Carol Anderson & Ruth Raswyck and will be referred to as Panel 2 and were sworn in at 2:05.

Staff entered 5 extra exhibits into the record during Day 2: They are Exhibits 5016, Water Distribution System map; 5017, the 3/28/06 Deposition of Ruth E. Raswyck; 5018, Nashua's response to Staff Data Requests 4-2; 5019, Nashua's response to Staff Data Request 4-23; and Nashua's response to Staff Data Request 4-24.

Recessed 3:45 and will resume at 4:00.

Resumed at 4:03 with OCA asking a couple of quick questions.

Sarah Knowlton began cross at 4:06.

Pennichuck Water Works submitted another data request during Day 2 and it is labeled Exhibit 3255.

Day 2's hearing ended at 5:25

PROCEDURAL SCHEDULE: _____ HEARINGS CONTINUED: YES

BRIEFS DUE: _____ ORDER DUE: _____

TRANSCRIPT DUE DATE: _____ REQUEST WHEN DUE: _____

HEARING EXAMINER REPORT DUE: _____ ATTACH THE EXHIBITS LIST: _____

UNDER ADVISEMENT: _____