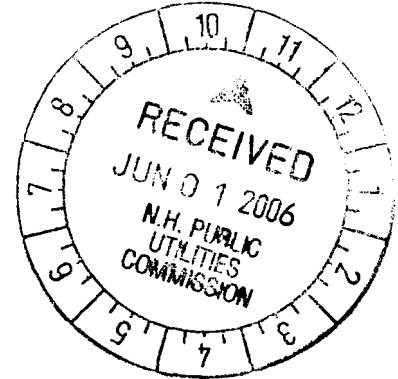


**GETMAN, STACEY,  
SCHULTHESS & STEERE, P.A.**

Attorneys at Law

May 31, 2006

Debra A. Howland  
Executive Director & Secretary  
NH Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429



Re: Public Utilities Commission Investigation – DM 05-172

Dear Ms. Howland:

Enclosed please find an original and eight copies of R.S. Audley, Inc.'s Motion to Intervene to be filed in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bruce J. Marshall".

Bruce J. Marshall

BJM:maw

Enclosure

cc: John Andrews, Esquire  
Frederick J. Coolbroth, Esquire  
Victor Del Vecchio, Esquire  
Gerald M. Eaton, Esquire  
Gary Epler, Esquire  
Susan Geiger, Esquire  
Scott Mueller, Esquire  
Douglas L. Patch, Esquire  
Donald Pfundstein, Esquire  
Meabh Purcell, Esquire  
F. Anne Ross, Esquire  
Seth Shortlidge, Esquire

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STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DOCKET NO.: DM 05-172

R.S. AUDLEY, INC.'S MOTION TO INTERVENE

NOW COMES R.S. Audley, Inc., (“Audley”), by and through its attorneys, Getman, Stacey, Schulthess & Steere, P.A., moves to intervene in the above pursuant to N.H. Admin Rule Puc 203.02 on the above-captioned matter, stating in support thereof as follows:

1. Audley is one of New Hampshire’s largest highway construction contractors, primarily performing New Hampshire Department of Transportation (“NHDOT”) highway contracts. Audley has decades of experience constructing highway and utility facilities.
2. NHDOT highway projects routinely impact utility facilities both within and outside the State R.O.W. requiring their relocation.
3. Each of Audley’s current nine (9) NHDOT contracts require utility relocations in some form.
4. Eight (8) of Audley’s nine (9) NHDOT contracts are currently being delayed by the failure of utilities to relocate in a timely fashion.
5. As a result, Audley is experiencing substantial economic harm in the form of project delays, shut-downs and inability to move onto other projects.
6. Audley has made numerous attempts to resolve its utility relocation concerns in other venues. Audley participates in the NHDOT Specification Committee, routinely seeks help from the PUC, has requested the assistance of the Governor’s office and has delay claims pending in Superior Court.

7. As such, Audley's rights and interests are affected by the current investigation that is pending.

8. Given the nature of this motion, Audley will work with the parties in this matter and agrees to adhere to the procedural schedule as adopted.

9. Audley's participation in the subject proceedings will not impair the progress of the proceedings.

WHEREFORE, R.S. Audley, Inc. respectfully requests this Commission:

- A. Allow Audley to intervene and become a party to the above-captioned action; and
- B. Grant such other and further relief as may be just.

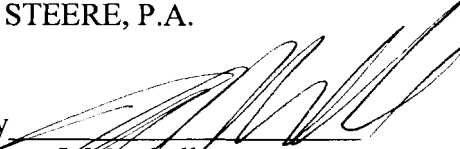
Respectfully Submitted,

R.S. Audley, Inc.

By its Attorneys

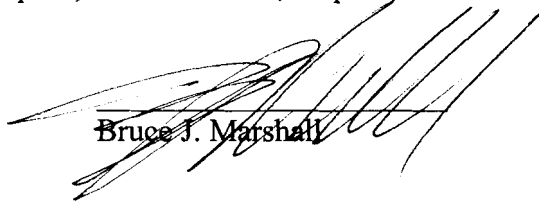
GETMAN, STACEY, SHULTHESS  
& STEERE, P.A.

Date: May 31, 2006

By   
Bruce J. Marshall  
3 Executive Park Drive, Suite 9  
Bedford, NH 03110  
(603) 634-4300

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene has been sent via first class mail to John Andrews, Esquire, Frederick J. Coolbroth, Esquire, Victor Del Vecchio, Esquire, Gerald M. Eaton, Esquire, Gary Epler, Esquire, Susan Geiger, Esquire, Attorney General of the State of New Hampshire, Tom Meissner, Scott Mueller, Esquire, Douglas L. Patch, Esquire, Donald Pfundstein, Esquire, Meabh Purcell, Esquire, F. Anne Ross, Esquire and Seth Shortlidge, Esquire.

  
Bruce J. Marshall

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