

McLane

**McLane, Graf,
Raulerson &
Middleton**

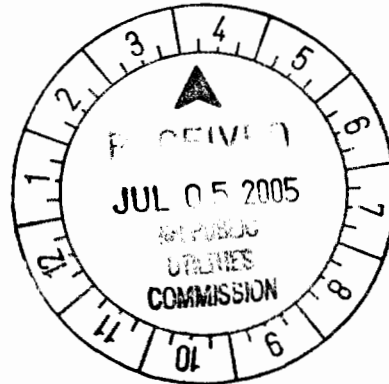
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OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH

July 5, 2005



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:

Enclosed for filing with the Commission are an original and eight copies of Pennichuck Water Works, Inc.'s Objection to City of Nashua's Motion to Strike Pennichuck's Reply to Nashua's Motion to Compel. I am also enclosing a diskette with the Objection in electronic form.

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

Very truly yours,


Thomas J. Donovan

TJD:jls

cc: Service List
D. Correll

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

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

DW 04-048

**PENNICHUCK WATER WORKS, INC.'S OBJECTION TO THE CITY OF NASHUA'S
MOTION TO STRIKE PENNICHUCK'S
REPLY TO NASHUA'S MOTION TO COMPEL**

Pennichuck Water Works, Inc. ("Pennichuck") submit this objection to the City of Nashua's ("Nashua") Motion to Strike Pennichuck's Reply to the Nashua's Objection to Motion to Compel, dated June 21, 2005. In support of this Objection, Pennichuck states as follows:

1. Pennichuck filed its June 21, 2005 Reply to Nashua's June 13, 2005 Objection to Pennichuck's June 2, 2005 Motion to Compel the City of Nashua to Respond to Pennichuck's Data Requests. In doing so, Pennichuck sought to address both new issues which Nashua raised in its objection, as well as new information which Pennichuck did not have at the time it filed its motion.

2. For instance, Pennichuck's reply contained new information based upon its initial review of documents which Nashua actually produced and which verified that Nashua failed to respond fully to Pennichuck's Data Requests. That was the point of Nashua's initial motion. The Reply therefore countered the new allegation which Nashua raised in its objection that Pennichuck's Motion to Compel was premature because Pennichuck should have waited until it saw Nashua's document production before filing its motion.

3. While Nashua cites in its Motion to Strike, a number of Commission rules, there is no rule which prohibits or regulates the filing of replies. That is unlike certain other forums, such as the United States District Court for the District of New Hampshire, which does set forth

reply procedures. See, Local Rule 7.1(e). In the absence of any prohibition or abuse, the Commission should consider the argument made in Pennichuck's Reply.

4. Pennichuck filed its Reply largely to avoid the risk that the Commission would consider its Motion to Compel premature. In other words, Pennichuck desires to expedite resolution of this discovery dispute. Pennichuck does agree with one point that Nashua makes in its Motion to Strike, that rulings on this and other pending discovery motions will keep the current discovery schedule moving.

WHEREFORE, Pennichuck Water Works, Inc. respectfully requests that the Commission:

- A. Deny Nashua's Motion to Strike Pennichuck's Reply to Nashua's Objection to Motion to Compel; and
- B. Grant such other and further relief as the Commission deems necessary and just.

Respectfully submitted,

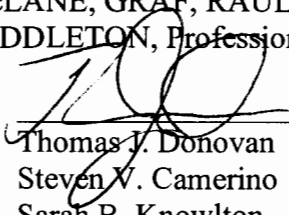
Pennichuck Water Works, Inc.

By Its Attorneys,

McLANE, GRAF, RAULERSON &
MIDDLETON, Professional Association

Date: July 5, 2005

By:

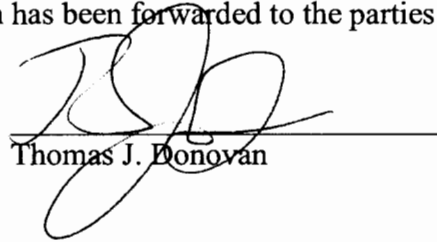


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Certificate of Service

I hereby certify that a copy of this Objection has been forwarded to the parties listed on the Commission's service list in this docket.



Thomas J. Donovan