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**Please respond to the North Conway office**

June 13, 2005



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

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 For Extension of Time to File Objections to PWW Data Requests and Second Supplemental Objections to Data Requests Propounded by Pennichuck Water Works, Inc., to City of Nashua – Set 1

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert Upton, II".

Robert Upton, II

RUII/dgg  
Enclosure

Cc: Service List

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Robert Upton, II

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**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 FOR EXTENSION OF TIME TO  
FILE OBJECTIONS TO PWW DATA REQUESTS**

NOW COMES the City of Nashua and respectfully requests that the Commission authorize Nashua to file objections to Pennichuck Water Works, Inc., ("PWW") May 5, 2005 Data Requests, and, in support thereof, states as follows:

1. On May 5, 2005, PWW submitted 173 numbered data requests to the City of Nashua.
2. Under the Commission's procedural scheduling order, objections to those data requests were due within 10 days. *Order Approving Procedural Schedule, Waiving Puc 204.04 (b), and Granting Intervention*, Order No. 24,457 (April 22, 2005). Because the ten day period ended on a Sunday, under Puc 202.03 the deadline for objections to PWW's data requests was Monday May 16, 2005.
3. Nashua timely filed objections to PWW's data requests on Monday May 16, 2005.
4. As noted by PWW in its Motion to Compel pending before the Commission, Nashua's objections included objections to a number of Pennichuck Data Requests related to Nashua's operation of enterprises, such as its wastewater system, solid waste

landfill, and other municipal services. Motion to Compel, Paras. 10. PWW states that Nashua's objections to the Data Requests regarding these non-water system enterprises "is virtually identical." Id., Para. 9.

5. In responding to PWW's Motion to Compel, Counsel to Nashua became aware that, due to an oversight, objections to PWW Data Requests Nos. 154 through 163 were omitted. As a result, Nashua has prepared and attaches hereto objections to those Data Requests which, as PWW has noted, are virtually identical to those timely filed objections related to the operation of the Nashua's other enterprises.

6. Puc 202.04 (b) authorizes extension of time for good cause where extension of time will not unduly delay the proceeding. While 202.04 (a) requires that requests for extension of time be filed with the executive director and secretary prior to expiration of the relevant time period, Counsel was not made aware of its omission until preparing its response to PWW's Motion to Compel.

7. Good cause exists for allowing these late filed objections. Nashua has had to simultaneously object and prepare responses to PWW's 173 compound data requests which exceeded the limits of what is reasonable for any proceeding, regardless of its complexity, and contrary to the Commission's procedural schedule, included matters such as valuation which were intended to be addressed at a later date. At the same time, Nashua has had to respond to PWW's Motion to Compel which was filed before Nashua had the opportunity to provide responses to the PWW's data requests.

8. It should be clear that PWW is simply trying to overwhelm the City in order to frustrate its participation in this proceeding. Never-the-less, under separate cover,

Nashua has submitted timely responses to those Data Requests relevant, and has filed timely objections.

9. Granting this Motion will not result in undue prejudice to the parties in this proceeding. The issues regarding the operation of Nashua's non-water system enterprises has already been raised in Nashua's timely filed objections, Nashua's Motion to Limit Data Requests, PWW's Motion to Compel and Nashua's Objection thereto. As a result, these late-filed objections will not require consideration of any new legal or factual issues.

WHEREFORE, City of Nashua respectfully requests that the Commission:

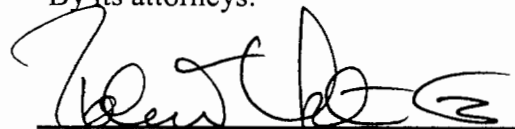
- a. Grant this Motion for Extension of Time to file the Objections, attached hereto;
- b. Grant such other and further relief as justice may require.

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: June 13, 2005

David Connell, Esquire

Corporation Counsel


229 Main Street

Nashua, New Hampshire 03061-

2019

# CERTIFICATION

I hereby certify that a copy of the foregoing Motion for Extension of Time was this day forwarded to all persons on the attached Service List.



Robert Upton, II

**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**

**Second Supplemental Objections to Data Requests Propounded  
by Pennichuck Water Works, Inc. to City of Nashua—Set 1**

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The City of Nashua objects to the Data Requests Propounded by Pennichuck Water Works, Inc., as follows:

**SPECIFIC OBJECTIONS**

1. Data Request 154:

**REQUEST:** Provide a list of all persons employed by the City and/or employed by the contract operator retained by the City, who currently perform work related to the City's waste water system (plant and collection) or who the City or the contract operator plan to have perform work on the waste water system (plant and collection) in any future period for which planning has occurred. For each such person, provide the person's job title, the union to which they belong, their salary or hourly rate for the current fiscal year and any future year(s) for which the salary or hourly rate has been set by contract or otherwise, the allocation for the last fiscal year of their time spent performing duties applicable to the waste water system and non-waste water system related duties.

**OBJECTION:** The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

2. Data Request 155:

REQUEST: Provide a list of the positions, the representing union, and the salary grades or levels for those supervisors and field personnel in the City's public works department.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

3. Data Request 156:

REQUEST: Provide a list detailing by representing union, the employee benefits currently paid and any agreed upon employee benefit provisions going forward for: (1) all persons employed by the City and/or employed by the contractor retained by the City, who currently perform work related to the City's waste water system (plant and collection); and (2) the supervisors and field personnel in the city's public works department.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

4. Data Request 157:

REQUEST: Provide a list of all insurance policies held by the City, including the following details as to each: (i) the provider; (ii) the type of policy; (iii) the coverage limits; (iv) applicable deductibles; (v) the state and end date of the policy; (vi) and the annual premium and the basis for that premium (i.e. property value, wages, etc.).

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

5. Data Request 158:

REQUEST: Provide monthly operating reports for the City's waste water system from January 1995 to date.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

6. Data Request 159:

REQUEST: Provide documents indicating the monthly sludge blanket levels for the City's waste water system from January 1995 to date.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

7. Data Request 160:

REQUEST: Provide the operator's log books for the City's waste water system from January 1995 to date.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

8. Data Request 161:

REQUEST: Provide the current version of Nashua's wet weather operating procedure for the waste water system



OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

9. Data Request 162:

REQUEST: Provide the current version of the chlorination standard operating procedure for Nashua's waste water system.

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.

10. Data Request 163:

REQUEST: Provide documents reflecting any and all communications between the New Hampshire Department of Environmental Services, the United States Environmental Protection Agency or the United States Occupational Safety and Health Administration and the City of Nashua from January 1995 to date

OBJECTION: The information sought is not relevant to the subject matter involved in the pending action, does not relate to any claim or defense of any party and is not reasonably calculated to lead to the discovery of admissible evidence. Nashua does not propose that the water system to be acquired by it will be operated by any City department. The operations of current City departments, therefore, have no relevance to the operation of the water system.