

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

RE: PITTSFIELD AQUEDUCT COMPANY, INC.

DOCKET NO. DW 08-052

**MOTION FOR WAIVER OF THE PROVISIONS OF
PUC 203.20(e)**

Pittsfield Aqueduct Company, Inc. ("PAC" or the "Company") and Pennichuck East Utility, Inc. ("PEU"), in accordance with Puc 201.05, hereby move the New Hampshire Public Utilities Commission to waive the requirement contained in Puc 203.20(e) regarding the time for the filing of settlements. In support of their motion, PAC and PEU state as follows:

1. On August 26, 2009, the parties met at a settlement conference to discuss potential settlement of the issues in this docket. On September 9, 2009, the Company circulated a draft settlement agreement to the parties for their consideration. The Settlement Agreement was executed and filed with the Commission on September 25, 2009.¹

2. Puc 203.20(e) requires all settlements to be filed with the Commission no less than five days prior to the hearing, unless the late filing of a settlement promotes the orderly and efficient conduct of the proceeding and will not impair the rights of any of the parties. *See* Puc 203.30(e) and (f). In this case, the hearing on the merits is scheduled for September 30, 2009, and thus the Settlement Agreement was filed less than five business days prior to the hearing.

3. The Company seeks a waiver of the requirement of Puc 203.20(e). Such a waiver is consistent with the requirements of Puc 203.20(f), because it is in the Commission's interest to consider a settled resolution of issues in this docket, and thus will promote the efficient conduct

¹ The Settling Parties include the Company, the Staff, the Town of Pittsfield and Birch Hill Water District.

of the proceeding. In addition, all of the parties have received multiple drafts of the Settlement Agreement prior to its filing, and thus are aware of the proposed resolution that will be presented to the Commission by the settling parties at the September 30 hearing. As a result, none of the rights of any parties should be impaired by the late filing of the Settlement Agreement.

4. For these reasons, the Company requests that the Commission waive the requirement of Puc 203.20(e), and permit the late filing of the Settlement Agreement.

WHEREFORE, PAC and PEU respectfully request that the Commission:

- A. Grant this Motion for Waiver of the Provisions of Puc 203.20(e); and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Pittsfield Aqueduct Company, Inc.
Pennichuck East Utility, Inc.

By Their Attorneys

MCLANE, GRAF, RAULERSON & MIDDLETON, P.A.

Dated: September 25, 2009

By: Alexandra T. Freed for
Sarah B. Knowlton, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion has been forwarded to the service list in DW 08-052 as of this 25th day of September by electronic mail.

Alexandra T. Freed for
Sarah B. Knowlton