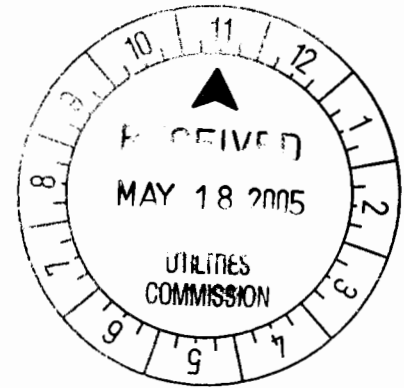


BOUTIN ASSOCIATES, P.L.L.C.
Attorneys At Law

Edmund J. Boutin

May 17, 2005

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301



Re: DW 04-048
City of Nashua – Pennichuck Water Works, Inc.

Dear Ms. Howland:

For filing with the Commission, I have enclosed the original and 8 copies of the Town of Merrimack's Objection to the City of Nashua's Motion to Limit Data Requests relative to the above entitled matter. I also enclose a diskette copy of the Objection as required by PUC 202.08. A copy of the pleading has been mailed to the Service List by U.S. Mail and electronically.

Sincerely,

A handwritten signature in black ink, appearing to be 'E. Boutin'.

Edmund J. Boutin

cc: Service List

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

Docket No. DW 04-048

**OBJECTION OF THE TOWN OF MERRIMACK TO CITY OF NASHUA'S
MOTION TO LIMIT DATA REQUESTS**

The Town of Merrimack objects to the City of Nashua's Motion to Limit Data Requests on the following grounds:

1. This is a case involving the taking by an inexperienced public entity of the water works and other assets of New Hampshire's largest private water utility, the Pennichuck Corporation ("Pennichuck").
2. The Town of Merrimack is served by Pennichuck and has a vital interest in the proceedings to determine whether it is in the public good to allow the City of Nashua to take Pennichuck's assets.
3. Although the data requests filed by Pennichuck on the City of Nashua are voluminous, all of them fairly relate to the issue of whether it is in the public good to allow this taking.
4. Many number of these interrogatories relate to claims made by the City of Nashua and/or its experts in prefiled testimony, which will be at issue in determining the public good.
5. Other of these data requests relate to the background, credibility and claims made in prefiled testimony of the City of Nashua's experts in this matter. Certainly the same matters would be subject to discovery if the action were pending in the New

Hampshire federal court. See Federal Rules of Civil Procedure, 26(a)-1-5, which is a more realistic view of the expansive nature of discovery allowed in modern litigation.

6. In addition, questions relating to Nashua's ability to finance and to perform the acquisition and operate the resulting water system are directly pertinent to the determination of the public good, since such abilities and costs will be directly pertinent to whether Nashua, the stalking horse, or the Merrimack Valley Regional Water District, the ultimate acquirer, will be able to provide economical and effective water service to Pennichuck's former customers.

WHEREFORE, the Town of Merrimack respectfully requests that the Commission deny the motion with respect to data requests now pending and allow reasonable data requests, after consultation with the parties, with regard to later phases of this proceeding and grant such other and further relief as may be just and reasonable.


Respectfully submitted,

TOWN OF MERRIMACK

By Its Attorneys,

BOUTIN & ASSOCIATES, P.L.L.C.

Date: May 17, 2005

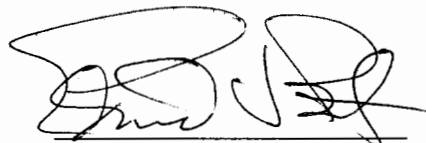
By,  

Edmund J. Boutin
P.O. Box 1107
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(603)432-9566

CERTIFICATE OF SERVICE

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

Date: May 17, 2005



Edmund J. Boutin

SERVICE LIST

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION Docket No. DW 04-048

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