

# McLane

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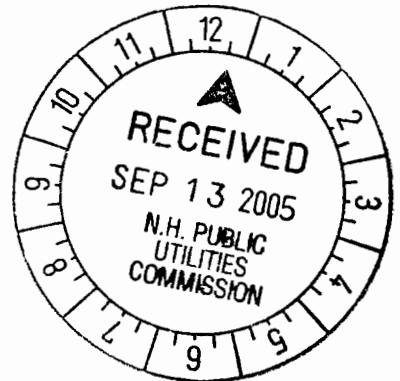
September 13, 2005

OFFICES IN:  
MANCHESTER  
CONCORD  
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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

Dear Ms. Howland:



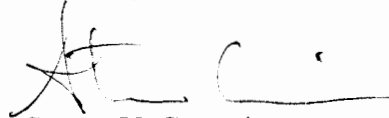
I am writing in response to a letter dated September 9, 2005 from Attorney Justin Richardson with regard to the Motion for Summary Judgment filed by Pennichuck Water Works, Inc. in this proceeding. Mr. Richardson's letter makes one point that Pennichuck feels compelled to address on an immediate basis.

In his letter, Attorney Richardson relies on the procedural schedule agreed to at the December 9, 2004 prehearing conference for the proposition that Pennichuck's motion was required to be filed by January 31, 2005. The January 31 date (which was later adopted in Commission Order No. 24,425 issued January 21, 2005) related only to the particular motion for summary judgment that was contemplated by the parties at the time. As the record clearly reflects (see Transcript, 12/9/04, at 27-28), that motion related to dismissal of Nashua's case to the extent that it related to water systems owned by Pennichuck but not hydraulically connected to the Nashua system. When the Commission ultimately issued its Order No. 24,425 approving the previously agreed upon date for filing that motion, it also ruled on the issue relating to whether Nashua could take these unconnected systems in a way that made it inappropriate to file the contemplated motion for summary. The September 7 motion for summary judgment filed by Pennichuck, on the other hand, relates to an entirely different issue—one that only arose as a result of Commission Order No. 24,488 issued on July 18, 2005. There is no basis to suggest that the January 31, 2005 date agreed to for one motion for summary judgment applied to all possible motions for summary judgment.

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Pennichuck will address the remainder of the issues raised by Attorney Richardson's letter if and when Nashua submits an appropriate motion or objection in accordance with the Commission's rules.

Sincerely,



Steven V. Camerino

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