

THE STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
F. ANNE ROSS



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August 22, 2005

Debra Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, New Hampshire 03301-7319

RE: DW 04-048

Dear Ms. Howland:

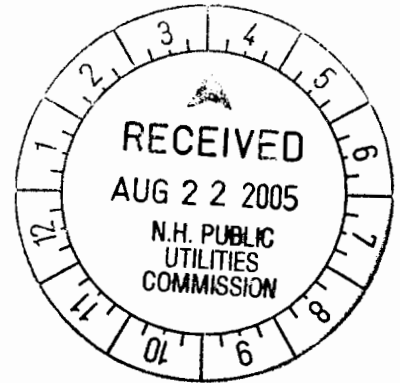
Enclosed for filing with the Commission, please find an original and eight copies of The Office of Consumer Advocate's Response to Pennichuck Companies' Motion for Clarification, Reconsideration and/or Rehearing Regarding Order No. 24,489.

Pursuant to the Puc rules copies of the within objection have been served on all parties in this docket by first class mail as well as electronically.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross
Consumer Advocate



THE STATE OF NEW HAMPSHIRE
Before the
PUBLIC UTILITIES COMMISSION

City of Nashua Petition for Valuation)
Pursuant to RSA 38:9)

DW 04-048

**RESPONSE BY THE OFFICE OF CONSUMER ADVOCATE
TO PENNICHUCK WATER WORKS, INC. MOTION FOR CLARIFICATION,
RECONSIDERATION AND/OR REHEARING REGARDING ORDER NO. 24,489**

Now comes the Office of Consumer Advocate (OCA) and responds to the Motion for Clarification, Reconsideration and/or Rehearing Regarding Order No. 24, 489, filed by Pennichuck Water Works, Inc. (PWW) on August 15, 2005.

The OCA responds to PWW's request that the Commission limit the Water District's, and by implication other intervenors', participation in the rest of this proceeding. Specifically, PWW objects to and asks the Commission to limit cross-examination, arguments and briefing by the Water District because it has not filed testimony or been required to respond to data requests. The OCA opposes the creation - particularly in the context of a utility-specific adjudication - of any such blanket limitation on or precedent concerning the extent of a party's right to participate in a docket.

Rather, the Commission must manage intervenors' participation in the hearing process "so as to promote the orderly and prompt conduct of the proceedings." RSA 541-A:32, III (b) Any such limitation, however, "shall not be so extensive as to prevent the intervenor from protecting the interest which formed the basis of the intervention." RSA 541-A:32, IV Attempting to prevent the Water District from engaging in cross-examination, argument and briefing is an overly broad restriction which interferes with its rights to protect its interests.


The OCA will leave to the parties the specifics of their arguments concerning the relevance of the data requests in question. However, we note that a transfer of PWW assets from the City of Nashua to any water district is not at issue in this proceeding and is, at best, a future and highly speculative event. We believe that the parties' time and resources are better spent on issues more directly connected to the transfer under consideration, that of the PWW assets to the City of Nashua.

Respectfully submitted,

Office of Consumer Advocate

Dated: August 22, 2005


By



F. Anne Ross, Esq
Consumer Advocate
21 South Fruit Street
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Concord, NH 03301
(603) 271-1172

CERTIFICATE OF SERVICE

The undersigned certifies that the attached Response to Motion for Rehearing has been forwarded by first class mail this 22nd day of August 2005, to all parties on the service list.

A handwritten signature in cursive script, appearing to read 'F. Anne Ross', is written above a horizontal line.

F. Anne Ross, Esq.