STATE OF NEW HAMPSHIRE

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September 13, 2005

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

Re: DW 04-048, Valuation Petition – City of Nashua
Staff Concurrence to Nashua's Request for 30 day Response Time

Dear Ms. Howland:

As you know, Pennichuck Water Works, Inc. filed a *Motion for Summary Judgment,* dated September 6, 2005, in the above referenced docket and the City of Nashua responded on September 9, 2005 with a letter requesting clarification as to whether the Commission's earlier extension of the 10 day reply deadline to 30 days would apply to this instance. Staff is writing to express its concurrence with Nashua's request and to inform the Commission of recent discussions among parties.

Although Nashua's letter does not comply with Puc 201.05 with respect to proper form, Staff considers Nashua's letter as essentially a request to waive Puc 203.04. To the extent the Commission deems Nashua's letter as a formal request to waive the 10 day response time in Puc 203.04, Staff does not object to Nashua's request. As stated in Nashua's letter, in Order No. 24,425, the Commission previously extended the 10 day time period to 30 days for Nashua to respond to a dispositive motion. Staff does not agree that the 30 day time period contained in Order No. 24.425 applies to the September 6, 2005 *Motion for Summary Judgment*, however, Staff does believe the Commission's past willingness to extend the 10 day response period to 30 days is relevant to Nashua's September 9th request.

The second point factoring in to Staff's concurrence is that Staff, Office of the Consumer Advocate, Nashua, the Pennichuck companies, and the District have come to the initial recognition that the procedural schedule needs to be revisited. Staff is aware certain parties are discussing a revised procedural schedule and that a schedule may be made offered soon. Staff has not been privy to those discussions but believes that given the recognition that the procedural schedule needs to be revised, the 30 day time extension should not pose a disruption to these proceedings.

Lastly, Staff has contacted Pennichuck and the District regarding the time extension. The District does not object to Nashua's request. Pennichuck did not indicate its position but stated that it may make its position known in the near future.

Staff hopes this information is useful to the Commission. Thank you.

Sincerely,

Marcia A B Thunberg

Marcia A. B. Thunberg
Staff Attorney/Hearings Examiner

cc: Service List