

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

City of Nashua, Petition for Valuation Pursuant to RSA 38:9
Docket No. DW-04-048

**JOINT MOTION FOR APPROVAL OF
WATER SUPPLY AND INDEMNITY AGREEMENT**

The Town of Milford (“Milford”) and the City of Nashua (“Nashua”) move the New Hampshire Public Utilities Commission (the “Commission”) to approve the Water Supply and Indemnity Agreement executed by and between the two parties and attached as Exhibit A (the “Agreement”). This motion rests upon the following grounds.

During the hearings on Nashua’s petition, the chairman of the Milford Board of Selectmen, Gary Daniels, testified in opposition to the petition. Among the issues Mr. Daniels addressed was the town’s concern during the hearing that approval of Nashua’s petition would lessen the protections provided by the Commission to customers of Milford’s water system and jeopardize Milford’s water supply contract with Pennichuck Water Works.

A significant difference of opinion then emerged in the post-hearing memoranda on the question of the Commission’s jurisdiction over Nashua if the city’s petition is approved. Milford notified staff, the parties, and the intervenors that it would be pursuing an interlocutory appeal to address the Commission’s jurisdiction.

In view of the disruptive effect an interlocutory appeal could have on the Commission’s adjudication of the docket, Nashua and Milford agreed to attempt a resolution of their differences. The ensuing discussions led to the attached Agreement that has been approved and duly authorized by both Nashua and Milford.

Milford and Nashua therefore respectfully request that the Commission approve the Agreement pursuant RSA 38:11 and RSA 38:17 as a condition of any Commission approval of Nashua's petition.

Respectfully Submitted,

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Date: 2-20-08

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties listed on the attached service list pursuant to the requirements of Rule Puc 203.02.

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