

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

ASSENTED TO MOTION TO EXTEND DEADLINE FOR FILING CONTRACTS

NOW COMES the City of Nashua and moves to extend the deadline for filing contracts required by Condition No. 8 of Order No. 24,878 and, in support thereof, states as follows:

1. Condition No. 8 of the Commission's July 25, 2008 Order No. 24,878, requires that Nashua submit duly authorized and executed agreements with Veolia Water and R.W. Beck, "within *60 days* of its order on the merits of this case becoming final and no longer subject to appeal".

2. RSA 38:13 allows the Nashua Board of Aldermen to decide whether or not to ratify the Commission's decision "[w]ithin *90 days* of the final determination of the price to be paid for the plant and property".

3. Nashua has negotiated contracts with Veolia Water and R.W. Beck but the Nashua Board of Aldermen has not authorized or executed those agreements pending its decision pursuant to RSA 38:13.

4. Nashua therefore requests leave to file duly authorized and executed agreements until the earlier of the date of the decision of the Nashua Board of Aldermen pursuant to RSA 38:13 or September 30, 2010."

5. Rule Puc 202.04 allows for extensions of time where "circumstances would cause undue hardship or inconvenience unless the request were granted" and

“extension would not unduly delay the proceeding or adversely affect the rights of any party”.

6. Requiring Nashua to file duly authorized and executed contracts prior to its decision on ratification will cause undue hardship and inconvenience.

7. Granting an extension as set forth herein will have no adverse impact on the rights of any party as the Commission continues to have jurisdiction over the contracts that are the subject of Condition No. 8 as provided by Order No. 24,878.

8. Pennichuck Water Works assents to the relief requested in this Motion.

WHEREFORE, City of Nashua respectfully requests that the Commission:

- a) Grant leave to file duly authorized and executed contracts following the vote of the Nashua Board of Aldermen as provided by RSA 38:13; and
- b) Grant such other relief as justice may require.

Respectfully submitted,

CITY OF NASHUA

By Its Attorneys

UPTON & HATFIELD, LLP

Date: June 4, 2010

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent this day by e-mail and first class mail to all persons on the Commission's official service list in this proceeding.

Date: June 4, 2010

Just Richardson
Robert Upton, II Esquire