

BOUTIN ASSOCIATES, P.L.L.C.  
Attorneys At Law

Edmund J. Boutin

February 22, 2005

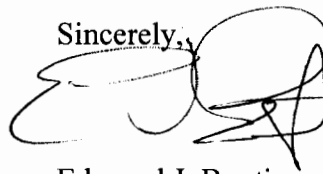
Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Re: DW 04-048  
City of Nashua – Pennichuck Water Works, Inc.

Dear Ms. Howland:

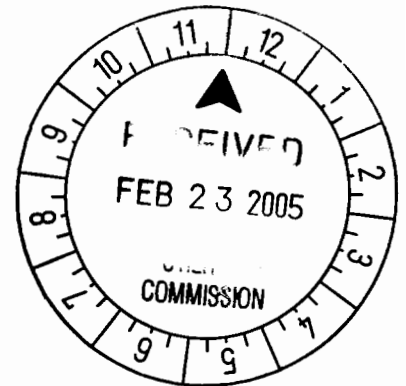
For filing with the Commission, I have enclosed the original and 8 copies of the Town of Merrimack's Joinder with the Pennichuck Water Works, Inc.'s Motion for Reconsideration and/or Rehearing of Order No. 24,425 relative to the above entitled matter.

Sincerely,



Edmund J. Boutin

cc: Service List



STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

City of Nashua: Taking of Pennichuck Water Works, Inc.

Docket No. DW 04-048

**Joinder of the Town of Merrimack with Motion for Reconsideration and/or  
Rehearing of Order No. 24,425**

The Town of Merrimack hereby joins the Pennichuck Water Works, Inc. (“PWW”) in the foregoing motion for reconsideration and/or rehearing of Order No. 24,425 for the following reasons:

1. The Town of Merrimack has not as yet expressed a position in the pending proceeding involving the taking of all or some of the PWW property or franchise now pending before the Public Utilities Commission (“the Commission”). However, it has expressed skepticism as to some of the claims in support thereof made by the City of Nashua.
2. The PWW motion for reconsideration and/or rehearing stated that the Town of Merrimack was opposed to the motion.
3. At the time that consent was sought, Merrimack had not yet seen the complete motion. After having examined the complete motion the Town of Merrimack now joins therewith.
4. A substantial part of the franchise and utility property sought to be acquired by Nashua is located in Merrimack and serves the main industrial area of the Town,

including PWW's largest customer and one of Merrimack's largest employers, the Anheiser-Busch Brewery.

5. Order No. 24,425 allows Nashua to continue this eminent domain proceeding as against PWW franchise and property in the Town of Merrimack, notwithstanding that the Merrimack voters have never had the opportunity to vote to authorize the taking of such property.

6. Merrimack, accordingly, has a vital interest in protecting its citizens and to ensure that they are not disenfranchised by Nashua's arbitrary action in following the will of a small portion of its electorate and pursuing the taking of PWW property, both in Nashua and in Merrimack.

7. The arguments set forth in the PWW motion for reconsideration and/or rehearing addressed these issues further and need not be replicated here.

WHEREFORE, the Town of Merrimack respectfully requests that the Commission reconsider or grant a rehearing regarding the foregoing issues and grant such other and further relief as may be just and reasonable.

Respectfully submitted,

TOWN OF MERRIMACK

By Its Attorneys,

BOUTIN & ASSOCIATES, P.L.L.C.

By, 


Date: February 22, 2005

Edmund J. Boutin  
P.O. Box 1107  
Londonderry, NH 03053  
(603)432-9566

**CERTIFICATE OF SERVICE**

I, Edmund J. Boutin, Esquire, hereby certify that a copy of this joinder with the motion for reconsideration and/or rehearing of Order No. 24,425 has been forwarded to the parties listed on the Commission's service list in this docket.

Date: February 22, 2005



Edmund J. Boutin

## **SERVICE LIST**

### **NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION Docket No. DW 04-048**

Steven V. Camerino, Esq.  
15 North Main Street  
Concord, NH 03301-4945

David Caron  
Town of Londonderry  
50 Nashua Road  
Suite 100  
Londonderry, NH 03053-3416

Katherine E. Chambers  
Town of Milford  
Town Hall  
One Union Square  
Milford, NH 03055-4240

David R. Connell, Esq.  
City of Nashua  
229 Main Street  
P.O. Box 2019  
Nashua, NH 03061-2019

Elizabeth Coughlin  
Merrimack River Watershed Council  
600 Suffolk Street – 4<sup>th</sup> Floor  
Lowell, MA 01854-3629

Dom S. D'Ambruoso, Esq.  
Ransmeier & Spellman, PA  
One Capitol Street  
P.O. Box 600  
Concord, NH 03302-0600

William R. Drescher, Esq.  
Drescher & Dokmo  
21 Emerson Road  
P.O. Box 7483  
Milford, NH 03055-7483

Michael S. Giaimo  
Business & Industry Assoc.  
122 N. Main Street  
Concord, NH 03301

Jay Hodes, Esq.  
Bossie, Kelly, Hodes, Buckley & Wilson  
440 Hanover Street  
Manchester, NH 03104

Mark Johnson  
Town of Hollis  
Town Hall  
7 Monument Square  
Hollis, NH 03049-6121

Stephen J. Judge, Esq.  
Wadleigh, Starr & Peters, PLLC  
95 Market Street  
Manchester, NH 03101

Claire McHugh  
61 Dublin Avenue  
Nashua, NH 03063-2045

William Mulligan  
Town of Merrimack  
Baboosic Lake Road  
P.O. Box 940  
Merrimack, NH 03054

Barbara Pressly  
11 Orchard Avenue  
Nashua, NH 03060

John J. Ratigan, Esq.  
Donahue, Tucker & Ciandella  
225 Water Street  
P.O. Box 630  
Exeter, NH 03833-0630

F. Anne Ross  
Office of Consumer Advocate  
21 South Fruit Street, Suite 18  
Concord, NH 03301-2429

Laura A. Spector, Esq.  
Mitchell & Bates, PA  
25 Beacon Street East  
Laconia, NH 03246

Eugene F. Sullivan, III, Esq.  
210 North State Street  
Concord, NH 03301-3222

Fred S. Teeboom  
24 Cheyenne Drive  
Nashua, NH 03063

Matthew H. Upton, Esq.  
Upton & Hatfield  
10 Centre Street  
P.O. Box 1090  
Concord, NH 03302

Robert Upton II, Esq.  
Upton & Hatfield  
23 Seavey Street  
P.O. Box 2242  
North Conway, NH 03860