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Please respond to the Concord office

September 20, 2005

RECEIVED
SEP 20 2005
UTILITIES COMMISSION

VIA HAND-DELIVERY

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: City of Nashua, Petition for Valuation Pursuant to RSA 38:9
Docket No. DW04-048

Dear Ms. Howland:

Enclosed please find an original and eight copies of the Joint Motion to Extend the Procedural Schedule, as well as an electronic copy on diskette, submitted on behalf of the City of Nashua and Pennichuck Water Works, Inc. A copy of the foregoing Joint Motion is being sent this day by e-mail and first class mail to all of the parties on the Commission's official service list in this proceeding.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Very truly yours,

Justin C. Richardson
jrichardson@upton-hatfield.com

JCR/lm
Enclosure

cc: Official Service List

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

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

DW 04-048

JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE

Now come the City of Nashua ("Nashua") and Pennichuck Water Works, Inc. ("PWW") in the above-entitled Docket and respectfully move the honorable Commission to extend the Procedural Schedule, pursuant to Puc 202.04, in accordance with the Revised Procedural Schedule attached hereto as Exhibit A. In support of the Motion, Nashua and PWW say as follows:

1. The current Procedural Schedule was adopted pursuant to Order No. 24,457 of the Commission dated April 22, 2005.
2. The current Procedural Schedule requires Nashua and PWW to submit testimony on valuation and public interest issues dependant upon valuation on October 14, 2005. In addition, PWW is required to submit its testimony regarding public interest by that date.
3. There are currently pending before the Commission a number of motions filed by the parties which relate to the testimony to be submitted on October 14, 2005. These motions include: (1) Nashua's *Motion to Reconsider Order No. 24,487* (severance damages); (2) PWW's *Motion for Reconsideration and/or Rehearing Regarding Order No. 24, 488* (scope of discovery); (3) PWW's *Motion for Clarification, Reconsideration and/or Rehearing Regarding Order No. 24,489* (discovery from parties not testifying); (4) Nashua's *Motion for Reconsideration*

and Clarification of the Commission's Order Addressing Nashua's Motion to Compel (scope of discovery); and (5) PWW's *Motion for Summary Judgment.*

4. Nashua and PWW recognize that the Commission's determination with respect to any of these motions is likely to have a significant impact on the nature, scope and extent of their respective testimony. In addition, if a determination by the Commission provides for responses to discovery requests that have previously been propounded by one or more of the parties, additional time will be required.
5. In consideration of the foregoing, and in light of the significant amount of information that the parties expect to provide to the Commission in this case, Nashua and PWW have agreed that it would be appropriate and beneficial to the preparation of the case to be presented to the Commission to extend the existing procedural schedule by 90 days. Exhibit A to this Motion sets forth Nashua and PWW's proposed revisions to the procedural schedule. The proposed schedule provides for an additional 90 days for the filing of the October 14, 2005 testimony and adjusts subsequent dates in the schedule accordingly. In addition, the proposed schedule is designed to address an additional scheduling concern raised by the Commission staff ("Staff"), and therefore the dates for events beginning with the filing of capstone testimony have generally been adjusted by an additional month.
6. The Staff, Merrimack Valley Regional Water District and the Towns of Amherst, Merrimack, Litchfield, Pittsfield and Hudson consent to this Motion. The Office of Consumer Advocate takes no position. Nashua sought the consent of the other

parties to this proceeding, but as of the time of filing this Motion had not received a response.

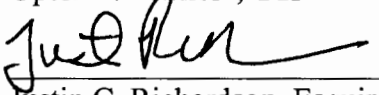
WHEREFORE, the City of Nashua and Pennichuck Water Works Inc., respectfully move the Commission:

a. To revise the Procedural Schedule as set forth in Exhibit A; and

b. To grant such other and further relief as justice may require.

Respectfully submitted,
CITY OF NASHUA

By its Attorneys:
Upton & Hatfield, LLP



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Dated: September 20, 2005

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PENNICHUCK WATER WORKS, INC.

By its Attorneys:
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CERTIFICATION

I hereby certify that a copy of the foregoing Joint Motion to Extend Procedural Schedule was this day forwarded to all persons on the Service List listed in this Docket.

Justin C. Richardson, Esquire

Exhibit A. Revised Procedural Schedule

Event	Current Schedule	Revised Schedule	Revised Order
Testimony by Nashua on valuation and public interest issues dependent upon valuation. Testimony by Pennichuck on valuation. Testimony by Pennichuck and parties opposing taking, and neutral parties on technical, financial, and managerial capability and public interest.	October 14, 2005	January 12, 2006	Testimony by Nashua on valuation and public interest issues dependent upon valuation. Testimony by Pennichuck on valuation. Testimony by Pennichuck and parties opposing taking, and neutral parties on technical, financial, and managerial capability and public interest.
Data requests from any party on 10/14/05 testimony - 1st round.	October 28, 2005	January 26, 2006	Data requests from any party on 1/12/06 testimony - 1st round.
Responses to 1st round of data requests on 10/14/05 testimony.	November 18, 2005	February 16, 2006	Responses to 1st round of data requests on 1/12/06 testimony.
Technical Session - 9 a.m.	November 21, 2005	February 20, 2006	Technical Session - 9 a.m.
Data requests from any party on 10/14/05 testimony – 2nd round.	November 29, 2005	February 27, 2006	Data requests from any party on 1/12/06 testimony – 2nd round.
Responses to 2nd round data requests.	December 20, 2005	March 20, 2006	Responses to 2nd round data requests.
Staff and OCA testimony on valuation, technical, financial, and managerial capability and public interest.	January 13, 2006	April 13, 2006	Staff and OCA testimony on valuation, technical, financial, and managerial capability and public interest.
Data requests from any part on 1/13/06 testimony – 1st round.	January 27, 2006	April 27, 2006	Data requests from any part on 4/13/06 testimony – 1st round.
Responses to first round data requests.	February 17, 2006	May 18, 2006	Responses to first round data requests.
Reply testimony by PWW and Nashua on valuation and public interest.	February 21, 2006	May 22, 2006	Reply testimony by PWW and Nashua on valuation and public interest.

Data requests from any party on January 13 testimony - 2nd round.	March 3, 2006	June 1, 2006	Data requests from any party on April 13 testimony - 2nd round.
Responses to second round data requests.	March 24, 2006	June 22, 2006	Responses to second round data requests.
Depositions on valuation issues complete.	April 7, 2006	July 6, 2006	Depositions on valuation issues complete.
Technical Session - 9 a.m.	April 10, 2006	July 10, 2006	Technical Session - 9 a.m.
Reply testimony regarding Staff/OCA on January 13 testimony by any party.	April 21, 2006	July 20, 2006	Reply testimony regarding Staff/OCA on April 13 testimony by any party.
Capstone testimony joining public interest and valuation issues.	May 19, 2006	September 15, 2005	Capstone testimony joining public interest and valuation issues.
Data requests on capstone testimony and reply testimony.	June 2, 2006	September 29, 2005	Data requests on capstone testimony and reply testimony.
Responses to data requests on capstone and reply testimony.	June 23, 2006	October 20, 2006	Responses to data requests on capstone and reply testimony.
Capstone rebuttal testimony.	July 17, 2006	November 14, 2006	Capstone rebuttal testimony.
Settlement discussions.	July 21, 2006	November 20, 2006	Settlement discussions.
Pre-hearing briefs.	August 2006	December 15, 2006	Pre-hearing briefs.
View.	September 2006	December 2006	View.
Hearings (reserve a month, subject to further discussion at a later date).	September 2006	January 2007	Hearings (reserve a month, subject to further discussion at a later date).

g:\jcr\Nashua\pleadings\2005-09-20 Exhibit A (schedule)