

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

January 16, 2007 - 9:07 a.m.
Concord, New Hampshire

NHPUC JAN30'07 AM 9:27

RE: DW 04-048
CITY OF NASHUA, NEW HAMPSHIRE:
Petition for valuation pursuant to RSA 38:9.
(RE: Joint Motion for Continuance of Merits
Hearing and Stay of the Proceedings)

PRESENT: Chairman Thomas B. Getz, Presiding
Commissioner Graham J. Morrison
Commissioner Clifton C. Below

Diane Bateman, Clerk

APPEARANCES: Reptg. the City of Nashua, NH:
Robert Upton, II, Esq.
Justin C. Richardson, Esq.
Linda Regan

Reptg. Pennichuck Water Works, Pennichuck
East Utilities & Pittsfield Aqueduct Co.:
Steven V. Camerino, Esq.
Sarah B. Knowlton, Esq.
Thomas J. Donovan, Esq.

Reptg. Anheuser-Busch:
Daniel J. Mullen, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, CCR

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APPEARANCES: (C o n t i n u e d)

Reptg. the Town of Milford:
E. Maria Reinemann, Esq.

Reptg. the Town of Merrimack:
Edmund Boutin, Esq.

Claire McHugh, pro se

Barbara Pressley, pro se

Reptg. Residential Ratepayers:
Rorie Hollenberg, Esq.
Meredith Hatfield, Esq, Consumer Advocate
Office of Consumer Advocate

Reptg. PUC Staff:
Marcia A. B. Thunberg, Esq.

P R O C E E D I N G S

1
2 CHAIRMAN GETZ: Okay. Good morning.
3 We'll open the hearing in docket DW 04-048. We've just
4 been presented a copy of a Joint Motion for Continuance of
5 the Merits Hearing and Stay of the Proceeding by the City
6 of Nashua and Pennichuck. And, it indicates that, given
7 the lateness of the day when this agreement was reached,
8 that we haven't heard from all of the other parties.

9 Before we give the opportunity for the
10 other parties to react to the motion, I'll give the
11 opportunity, Mr. Upton or Mr. Camerino, would you like to
12 speak to the motion beforehand or just go around the room
13 and hear what the rest of the folks have to say?

14 MR. CAMERINO: From Pennichuck's
15 standpoint, we don't have anything to add to what's in the
16 motion, other than that Mr. Donovan received a call from
17 Attorney Judge for the District a few minutes ago and he
18 indicated that the Regional Water District does assent to
19 the relief that's requested in the motion.

20 CHAIRMAN GETZ: Okay. Thank you.

21 MR. UPTON: And Nashua has nothing to
22 add that's not in the motion either, Commissioner.

23 CHAIRMAN GETZ: Okay. Then, we'll give
24 the opportunity for the other parties to react, and then

1 we'll also -- then, if there is anything in response,
2 then, Mr. Upton, Mr. Camerino, you'll have a chance to
3 respond. So, let's go around the room. Ms. Pressley, do
4 you have a --

5 MS. PRESSLEY: Delighted. I'm delighted
6 and supportive of this happening. Thank you.

7 CHAIRMAN GETZ: Okay. Thank you. Ms.
8 McHugh?

9 MS. McHUGH: I'm very pleased with
10 what's happening.

11 CHAIRMAN GETZ: Thank you. Mr. Boutin?

12 MR. BOUTIN: Merrimack has no objection.

13 CHAIRMAN GETZ: Thank you. And, --

14 MS. REINEMANN: Town of Milford has no
15 objection.

16 CHAIRMAN GETZ: Thank you. Ms.
17 Hollenberg?

18 MS. HOLLENBERG: The Office of Consumer
19 Advocate has no objection.

20 CHAIRMAN GETZ: Okay. Thank you.

21 MR. MULLEN: Anheuser-Busch has no
22 objection.

23 CHAIRMAN GETZ: Thank you.

24 MS. THUNBERG: The Staff concurs with

1 the motion. Thank you.

2 CHAIRMAN GETZ: Okay. Well, then, I
3 guess there's not too much more to say in response, Mr.
4 Upton or Mr. Camerino?

5 MR. CAMERINO: No. I would note, Ms.
6 Pressley made a filing this morning with the Commission,
7 which, once the Commission acts with regard to this
8 motion, we would like to very briefly address.

9 CHAIRMAN GETZ: Okay. Well, why don't
10 you do that right now then.

11 MR. CAMERINO: Just to describe it, I
12 haven't read this entire document, but Ms. Pressley
13 submitted some additional information that appears to be
14 in the form of testimony to some extent related to the
15 matters in this proceeding. If the proceeding were to go
16 forward, we would object to this becoming part of the
17 record. If the proceeding does not go forward, the motion
18 indicates that the proceeding would be stayed, and no
19 party would make any further evidentiary submission to the
20 Commission until the stay is lifted. So, in that event,
21 we would ask that, again, this not be made part of the
22 record unless and until the stay is lifted, and then we
23 have an opportunity to consider it at that time.

24 So, our request is simply that, I

1 understand that this has been received by the Commission,
2 you can't unreceive it, but that this not be part of the
3 record unless the parties have an opportunity to address
4 it further.

5 CHAIRMAN GETZ: Do you have any
6 objection to that, Ms. Pressley?

7 MS. PRESSLEY: Well, for the record, the
8 new information was presented by another department of the
9 State. So, I certainly hope that it would be --
10 eventually would be allowed to be admitted into a trial
11 that's taking place in another arm of government.

12 CHAIRMAN GETZ: Well, do you have any
13 objection to the treatment that Mr. Camerino recommends
14 that this arm of government takes?

15 MS. PRESSLEY: I believe he's saying
16 that you take -- you do nothing until -- should the trial
17 continue on, is that --

18 CHAIRMAN GETZ: That's how I understand
19 it.

20 MS. PRESSLEY: Okay.

21 CHAIRMAN GETZ: Okay. Thank you. Well,
22 I'd suggest that we do this. I want to make sure that we
23 absorb all of this motion and make sure we understand
24 certainly some of the time period requests. So, I think

1 we will take a brief recess to review the document, and
2 then we will come back down, which I anticipate will be
3 shortly, to deliberate on the motion.

4 (Hearing recessed at 9:26 a.m. and
5 reconvened at 9:33 a.m.)

6 CHAIRMAN GETZ: Okay. We're back on the
7 record. And, it looks like the parties have had a very
8 busy weekend. And, I would move, with respect to the
9 joint motion for continuance of the merits hearing and
10 stay of proceedings, that we grant the motion to continue
11 for the 120 day period. That we set a status conference
12 near the end of that period to hear from the parties how
13 settlement discussions have progressed. And, to the
14 extent it's necessary at that time, to consider any
15 requests for an extension of that period, we will do that
16 at the status conference. And, we will memorialize a
17 decision on this in a secretarial letter that we will
18 issue forthwith. So, that's so moved.

19 CMSR. MORRISON: I second.

20 CMSR. BELOW: And I concur.

21 CHAIRMAN GETZ: Okay. So, the motion
22 carries. Thank you very much, everyone. And, we'll be
23 seeing you.

24 (Hearing recessed at 9:34 a.m.)