

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

DW 11-026  
&  
DW 04-048

In the Matter of Acquisition of Pennichuck by the City of Nashua

Petition for Approval of the Acquisition of Pennichuck  
Corporation by the City of Nashua

Motion to Intervene by the Merrimack Valley  
Regional Water District

NOW COMES the Merrimack Valley Regional Water District ("District"), by and through its counsel, Wadleigh, Starr & Peters, P.L.L.C., and respectfully requests that this Honorable Commission grant it intervener status in the above-captioned matter pursuant to RSA 541-A:32 and N.H. Admin. Rules PUC 203.02. In support thereof the District states as follows:

1. Pennichuck Water Works, Inc., Pennichuck East Utilities, Inc., and Pittsfield Aqueduct Co., Inc. (collectively the Pennichuck Utilities) provide water service to the Merrimack Valley Region.

2. In 2003, HB 361 was enacted to enhance the ability of municipalities to form regional water districts and obtain municipal bonding.

3. Following the enactment of HB 361, the District's Charter was drafted by a Charter Committee under a Memorandum of

Understanding among 16 communities in the Merrimack Valley Region served by the Pennichuck Utilities.

4. The Charter was approved by a majority of the Committee on April 29, 2004. A copy of the Charter is contained in DW 04-100 and DW 04-048. Subsequently, the Charter was submitted to the Attorney General's Office and the PUC pursuant to RSA 53-A. Both agencies approved the Charter by June 4, 2004 and it was filed with the Secretary of State on June 10, 2004.

5. The initial members of the District, the City of Nashua and the Towns of Bedford, Pittsfield, Amherst, Londonderry, Litchfield and Pelham took appropriate action pursuant to the laws of their governing bodies to approve the Charter and join the District. The Charter was filed with the Clerk of each of the communities and was signed by the duly appointed Director from each community on June 24, 2004. Later, Raymond also joined the District.

6. The purpose of the District is set out at Article 2 of the Charter:

The Merrimack Valley Regional Water District is created as a regional water district and established for the purpose of providing and assuring for the provision of an adequate and sustainable supply of clean potable water at reasonable cost and to advance the conservation and compatible recreational use of the land subject to the District's control consistent with the foregoing. The Merrimack Valley Regional Water District shall exercise its powers and carry out its duties under this Charter for the benefit of the Customers of the Water District consistent with the

health, safety, welfare, and well-being of all residents of the District.

7. The powers of the District have been discussed at length in pleadings in the related condemnation action, are listed in Article 10 of the District's Charter, and include the power, *inter alia*:

- a. To enter into cooperative agreements with other water authorities, municipalities, water districts or Water Companies within or outside of the District for interconnection of facilities, for exchange or interchange of services and commodities or for any other lawful purpose; and
- b. To do any and all other things necessary or appropriate for the benefit of the District, its Members or Customers consistent with the purpose and intent of this Charter.

8. In connection with its Petition for Approval of the Stock Transfer, Nashua has moved to consolidate that matter with DW 04-048, a matter in which the District has already been granted intervener status. See Order No. 24,379 at 10 (Oct. 1, 2004)Docket DW-04-048.

9. Although the District's role in managing or assisting in the management of the Pennichuck Utilities following their acquisition by Nashua is as yet undefined, Nashua has voiced an intention to continue working with the District to further the goal of local control over a public resource which is used by the constituent members of the District.

10. Additionally, the District and many of its constituent members have invested significant resources in support of the goal of public ownership of the Pennichuck utilities.

11. Thus, the rights, duties, privileges, immunities and substantial interests of the District will be directly affected by this proceeding.

12. Water costs in the Member-Municipalities of the District directly affect land values and economic development within the District.

13. The interests of justice would be served and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention of the District.

WHEREFORE, the District respectfully requests that the Commission:

- A. Grant it full intervener status in this proceeding; and,
- B. Grant such other relief as is just and reasonable.

Respectfully submitted,

Merrimack Valley Regional  
Water District

By and through its attorneys,

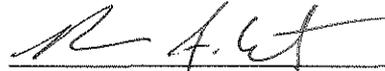
WADLEIGH, STARR & PETERS, P.L.L.C.

Date: 2/17/2011

By:   
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded via first-class mail and electronic mail this date to Commission Staff, City of Nashua, NH, Pennichuck Corporation, Office of the Consumer Advocate, Towns of Bedford, Pittsfield, Amherst, Londonderry, Litchfield, Raymond and Pelham.



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Pierre A. Chabot