

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Re: City of Nashua Acquisition of Pennichuck Corporation

DOCKET NOS. DW 11-026/DW 04-048

MOTION TO STAY PROCEDURAL SCHEDULE

NOW COME the City of Nashua, Pennichuck Corporation, Pennichuck Water Works, Inc., Pennichuck East Utility, Inc., and Pittsfield Aqueduct Company, Inc. (collectively “the Joint Petitioners”) and hereby move the New Hampshire Public Utilities Commission to temporarily stay the procedural schedule in the above-captioned proceeding. In support of this motion, the Joint Petitioners state as follows:

1. This proceeding is currently in the discovery phase, with testimony due from the Commission staff (“Staff”) and intervenors on June 10, 2011.
2. The Staff and the parties participated in a technical session on May 11, 2011, at which the Staff and intervenors asked the Joint Petitioners a number of questions. Because of the nature of some of the questions, the Joint Petitioners indicated that they would provide written responses to a number of questions after the technical session.
3. The Joint Petitioners have responded to some, but not all, of the questions to which they indicated that written responses would be provided. The Joint Petitioners expect to provide responses to the remaining questions on or before June 10. The Joint Petitioners recognize that responses to these questions are necessary for the Staff and intervenors to prepare their testimony in this case.
4. N. H. Code of Admin. Rules Puc 202.04(c) states “[t]he commission shall grant a request for an extension if: (1) the party making the request has demonstrated that circumstances

would cause undue hardship or inconvenience unless the request were granted; and (2) the extension would not unduly delay the proceeding or adversely affect the rights of any party.” N.H. Code of Admin. Rules Puc 203.13(c) states, “[t]he commission shall grant a request for postponement of a hearing if it finds that to do so would promote the orderly and efficient conduct of the proceeding.”

5. Because the information being provided by the Joint Petitioners in their responses to the technical session data requests is needed before the Staff and intervenors are able to finalize their testimony, the Joint Petitioners recognize that it would cause Staff and the intervenors undue hardship or inconvenience if they were required to file their testimony without having sufficient time to consider the import of the responses. The Joint Petitioners, therefore, have agreed that the procedural schedule should be stayed until they have responded to the remaining technical session questions. The Joint Petitioners also believe that staying the procedural schedule and subsequently rescheduling the hearing in this proceeding will promote the orderly and efficient conduct of the hearing by allowing the Staff and intervenors sufficient time to incorporate the information in the responses to the technical session data requests into their testimony as needed.

6. Once the Joint Petitioners have responded to the remaining questions, they will discuss a revised schedule with the Staff and intervenors and submit a joint proposal for a new schedule or, if agreement is not reached, each party will be free to submit its own proposal.

7. For the foregoing reasons, the Joint Petitioners request that Commission stay the procedural schedule in this case, pending a proposed new schedule or separate proposals from the Staff and one or more of the parties.

8. The Joint Petitioners have contacted Staff and the intervenors in DW 11-026. The Staff, Office of Consumer Advocate, Town of Merrimack, Anheuser-Busch Corporation, Merrimack Valley Regional Water District, Fred Teeboom, and Town of Milford have all consented to the relief requested in this motion.

WHEREFORE, the Joint Petitioners respectfully request that the Commission:

- A. Grant this Motion to Stay Procedural Schedule; and
- B. Such other relief as is just and reasonable.

Respectfully submitted,

CITY OF NASHUA

By Its Attorneys

RATH, YOUNG AND PIGNATELLI, P.C.

Date: June 2, 2011

By: 

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PENNICHUCK CORPORATION
PENNICHUCK WATER WORKS, INC.
PENNICHUCK EAST UTILITY, INC.
PITTSFIELD AQUEDUCT COMPANY, INC

By Its Attorneys

McLANE, GRAF, RAULERSON & MIDDLETON
PROFESSIONAL ASSOCIATION

Date: June 2, 2011

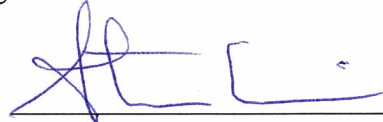
By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this day on all persons on the Commission's official service list in this proceeding.

Date: June 2, 2011

A handwritten signature in blue ink, appearing to read 'S. Camerino', is written over a horizontal line.

Steven V. Camerino