

STATE OF NEW HAMPSHIRE

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November 22, 2019

Re: DW 19-091, Pennichuck Water Works, Inc.
Petition for Declaratory Ruling and Request for Mediation
Statement of Disputed Facts

To the Parties:

By secretarial letter dated October 28, 2019, the Commission directed the parties to file memoranda of law as well as an "Agreed-upon Statement of Facts/Statement of Contested Facts" by November 19, 2019. The letter scheduled a hearing on December 9, 2019, but noted that the hearing would be held or limited at the Commission's discretion.

On November 19, 2019, the Town of Hudson filed a brief "Statement of Agreed Upon and Contested Facts" (Statement of Facts) in which Pennichuck Water Works, Inc. concurred. In addition to stating the agreed upon facts, the parties stated in the Statement of Facts that "[t]he parties dispute all other facts as they relate to the interpretation of the Special Contract and the intention of the parties with regard to the Special Contract."

The parties' Statement of Facts is insufficient, because the Commission is unable to determine from it what specific facts are disputed and whether they are material to the issues to be decided in this proceeding. Therefore, the Commission is unable to determine whether the December 9, 2019, hearing is necessary, or whether this matter can be decided on the memoranda of law previously filed by the parties. Even if the Commission determined that a hearing were necessary, it is unable to determine from the parties' Statement of Facts the appropriate scope of any hearing.

Accordingly, the parties shall file separate statements of disputed facts on or before **Monday, December 2, 2019**. In the statements of disputed facts, each party shall list all of the material facts that are disputed in this matter, if any. Each of the parties shall also file by December 2, 2019, a list of the witnesses who would testify at a hearing, if any, a brief summary of each witness's expected testimony, and an estimate of the total amount of time requested to make that party's evidentiary presentation to the Commission.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Service List (Electronically)
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