

BROWN, OLSON & GOULD

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2 DELTA DRIVE, SUITE 301

CONCORD, NEW HAMPSHIRE 03301-7426

PETER W. BROWN

ROBERT A. OLSON

BRYAN K. GOULD

DAVID K. WIESNER

DAVID J. SHULOCK

PHILIP R. BRALEY

E. MARIA REINEMANN

TELEPHONE: 603-225-9716

FACSIMILE: 603-225-4760; 225-6394

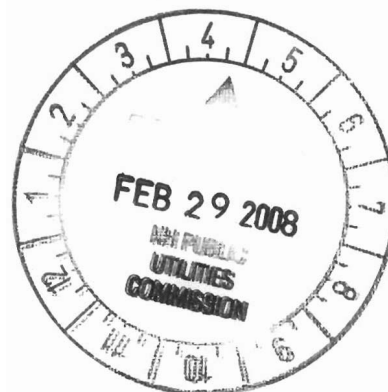
EMAIL: bowlaw@bowlaw.com

INTERNET: www.bowlaw.com

February 29, 2008

VIA E-MAIL TRANSMISSION
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Debra A. Howland
Executive Director and Secretary
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: Docket #DW 04-048
City of Nashua's Petition for Valuation Pursuant to RSA 38:9

Dear Ms. Howland:

This will respond to Marcia Thunberg's letter of February 22, 2008, on behalf of staff in response to the joint motion for approval of a Water Supply and Indemnity Agreement (the "Agreement") filed by the Town of Milford and the City of Nashua on February 21, 2008.

As we understand it, staff raises three main issues: (1) whether the Commission has jurisdiction to enforce the Agreement; (2) whether Milford and Nashua seek to reopen the evidentiary record; and (3) whether Milford's position, as set forth in its brief and reply has changed. We address each of these issues in turn.

The joint motion does not require the Commission to decide whether it has jurisdiction to enforce the Agreement. Rather, Milford and Nashua have simply asked the Commission to approve the Agreement pursuant to RSA 38:11 and :17 as a condition of any approval of Nashua's petition.


Nothing in the joint motion suggests that Milford or Nashua wish to reopen the evidentiary record. The Agreement resolves some of the issues in dispute between Nashua and Milford in this docket. The joint motion notifies the Commission of the resolution of these

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issues and in that respect is consistent with the objectives of Puc 203.20(f). To suggest that the Commission should not be informed when parties have resolved some of their differences is to argue that the Commission must decide an issue once the record is closed even if that issue has been mooted.

Finally, we believe that the state of the record is clear with respect to Milford's position in this docket. The Commission has received Milford's prefiled testimony, heard Milford's cross-examination of the Nashua panel, heard Chairman Daniels's testimony, and received Milford's post-hearing submissions. The Agreement resolves certain clearly identified issues, and its provisions speak for themselves. Beyond that, nothing was intended and nothing should be inferred regarding Milford's position.

Very truly yours,


Bryan K. Gould, Esq.

BKG:bmb

cc: Service List

Edmund J. Boutin, Esq.
Boutin & Associates, P.L.L.C.
One Buttrick Road, P.O. Box 1107
Londonderry, NH 03053

Steven V. Camerino, Esq.
McLane Graf Raulerson & Middleton
15 North Main Street
Concord, NH 03301-4945

David Caron
Town of Londonderry
50 Nashua Road, Suite 100
Londonderry, NH 03053

Guy Scaife
Town of Milford
One Union Square
Milford, NH 03055

David R. Connell
City of Nashua
229 Main Street, PO Box 2019
Nashua, NH 03061-2019

Elizabeth Coughlin
Merrimack River Watershed Council
600 Suffolk Street, 4th Floor
Lowell, MA 01854

John Mills
Anheuser-Busch, Inc.
221 Daniel Webster Highway
Merrimack, NH 03054

Daniel Mullen, Esq.
Ransmeier & Spellman
One Capitol Street, P.O. Box 600
Concord, NH 03302-0600

John Alexander, Esq.
Ransmeier & Spellman
One Capitol Street, P.O. Box 600
Concord, NH 03302-0600

William Drescher, Esq.
Drescher & Dokmo
21 Emerson Road, P.O. Box 7483
Milford, NH 03055-7483

Michael Giaimo
Business & Industry Assoc.
122 N. Main Street
Concord, NH 03301

Jay Hodes, Esq.
Bossie Kelly Hodes Buckley Wilson
440 Hanover Street
Manchester, NH 03104

Stephen Judge, Esq.
Wadleigh, Starr & Peters
95 Market Street
Manchester, NH 03101

Claire McHugh
61 Dublin Avenue
Nashua, NH 03063-2045

Barbara Pressly
11 Orchard Avenue
Nashua, NH 03060

John Ratigan, Esq.
Donahue Tucker & Ciandella
225 Water Street, P.O. Box 630
Exeter, NH 03833-0630

Justin Richardson, Esq.
Upton & Hatfield, LLP
159 Middle Street
Portsmouth, NH 03801

Kenneth Traum, Esq.
Office of Consumer Advocate
21 South Fruit Street, Ste. 18
Concord, NH 03301

Laura Spector, Esq.
Mitchell & Bates
25 Beacon Street East
Laconia, NH 03246

Robert Upton, II, Esq.
Upton & Hatfield
23 Seavey Street, P.O. Box 2242
N. Conway, NH 03860

Eugene F. Sullivan, III, Esq.
11 South Street
Concord, NH 03301

Steve Williams
Nashua Regional Planning Comm.
115 Main Street, P.O. Box 847
Nashua, NH 03061

Brenda Cloutier
Town of Merrimack
P.O. Box 940
Merrimack, NH 03054

Henry Fuller
N. Hampton Water Commission
86 North Road
N. Hampton, NH 03862

Meredith Hatfield
Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, NH 03301

Rorie Hollenberg
Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, NH 03301

Tom Donovan, Esq.
McLane Graf Raulerson Middleton
PO Box 459
Portsmouth, NH 03802

Sarah Knowlton, Esq.
McLane Graf Raulerson Middleton
PO Box 459
Portsmouth, NH 03802