

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

City of Nashua: Taking Of Pennichuck Water Works, Inc.

Docket No. DW 04-048

Motion to Allow Donald Ware to Adopt
A Portion of the Prefiled Direct Testimony of Donald Correll

NOW COME Pennichuck Water Works, Inc., Pennichuck East Utility, Inc., Pittsfield Aqueduct Company, Inc., Pennichuck Water Service Corporation and Pennichuck Corporation (collectively "Pennichuck") by and through their attorneys, McLane, Graf, Raulerson & Middleton, Professional Association, and move the Commission for leave to substitute Donald Ware as the sponsoring witness for a portion of testimony previously sponsored by Donald Correll. In support of this motion, Pennichuck states as follows:

1. Donald Correll, in his capacity as President of Pennichuck Water Works, Inc., prepared direct testimony that was filed in this proceeding on February 27, 2006. The testimony included statements that were highly critical of Veolia Water North America – Northeast, LLC and its affiliates.
2. In April 2006, Mr. Correll became the CEO of American Water, which is a member of the Water Partnership Council ("Council"). American Water plays a leadership role in the Council, and a senior officer of American Water will become the Chairman of the Council later this year. Veolia Water is also an important member of the Council. There are only five other members of the Council.

3. Just prior to the commencement of hearings in this proceeding on January 10, 2007, Veolia undertook direct efforts to attempt to cause Mr. Correll to withdraw his testimony regarding Veolia. Prior to the date on which Mr. Correll was required to testify before this Commission, the proceeding was stayed.

4. Shortly after the Commission scheduled the resumption of the merits hearing in this case, Veolia renewed its efforts to have Mr. Correll withdraw his testimony regarding Veolia. Given Mr. Correll's fiduciary duty as CEO of American Water, the leadership role that American Water plays in the Council and the fact that Veolia is an important member of the Council, Mr. Correll has determined that he should not sponsor testimony that is critical of Veolia, and he has so informed counsel for Pennichuck.

5. Donald Ware is the President of Pennichuck Water Works, Inc. and has previously submitted testimony in this proceeding. Mr. Ware's May 22, 2006 testimony is similar in nature and content to Mr. Correll's testimony regarding Veolia, and was intended to supplement Mr. Correll's prior testimony. Mr. Ware is familiar with the statements included in Mr. Correll's testimony regarding Veolia and is prepared to adopt such testimony as his own in this proceeding.

6. No party would be prejudiced by allowing Mr. Ware to adopt Mr. Correll's testimony regarding Veolia because the parties have had a full opportunity to conduct discovery regarding such matters and they have previously had an opportunity to seek depositions of the relevant witnesses.

7. If the Commission grants this motion, Pennichuck is prepared to submit an amended version of Mr. Correll's February 27, 2006 testimony with Mr. Ware substituted

as the witness. The amended testimony would be identical to the current testimony in all respects, except that Mr. Ware's name would be substituted for Mr. Correll's and any other necessary similar corrections would be made to reflect that Mr. Ware would be the testifying witness, rather than Mr. Correll.

WHEREFORE, Pennichuck respectfully requests that the Commission allow Donald Ware to adopt as his testimony the prefiled supplemental direct testimony of Donald Correll dated February 27, 2006.

Respectfully submitted,

Pennichuck Water Works, Inc.
Pennichuck East Utility, Inc.
Pittsfield Aqueduct Company, Inc.
Pennichuck Water Service Corporation
Pennichuck Corporation

By Their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

August 15, 2007

By: May Anne Leahy

Thomas J. Donovan
Steven V. Camerino

for Sarah B. Knowlton
11 South Main Street, Suite 500
Concord, NH 03301
Telephone (603) 226-0400

Joe A. Conner
Baker Donelson Bearman Caldwell &
Berkowitz, P.C.
633 Chestnut Street
Chattanooga, TN 37450

Certificate of Service

I hereby certify that a copy of this motion has been forwarded to the parties listed on the Commission's service list in this docket.

Dated: August 15, 2007

Mary Susan Leiby
for Sarah B. Knowlton