

CITY OF NASHUA PETITION FOR VALUATION  
Deposition of Brian S. McCarthy

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STATE OF NEW HAMPSHIRE  
PETITION FOR VALUATION PURSUANT TO RSA 38:9

CITY OF NASHUA

Docket No. DW-04-048

DEPOSITION of BRIAN S. MCCARTHY

Taken by Notice at the offices of the Nashua City  
Hall, 229 Main Street, Nashua, New Hampshire, on  
Wednesday, July 20, 2005, commencing at 9:44 in the  
forenoon.

Court Reporter: Marcia G. Patrisso,  
Certified Shorthand Reporter  
NH CSR No. 83 (RSA 331-B)  
Registered Professional Reporter  
Certified Realtime Reporter

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<p style="text-align: right;">Page 58</p> <p>1 A. We probably do. I do not recall what 2 it is off the top of my head. 3 Q. Is it two months, six months, 4 12 months? 5 A. I don't recall off the top of my head. 6 Q. You really don't know? 7 A. No. 8 Q. And you also responded to -- I believe 9 it was you -- to a data request indicating that the 10 city's not aware of any expertise on staff in the 11 city with respect to water supply; is that right? 12 A. I'd have to see the response to 13 understand the context. 14 Q. Let me show you Request No. 1-119 from 15 Pennichuck to Nashua. 16 (There is a pause.) 17 You've had a chance to review 1-119? 18 A. Yes. Yes. Our answer was that -- was 19 not that we weren't aware of anybody. We haven't 20 made a survey to see if there's anyone who has that 21 expertise. 22 Q. Well, absent a survey, are you aware 23 of anyone with water supply expertise within the</p>	<p style="text-align: right;">Page 60</p> <p>1 respect to Nashua's operation of its wastewater 2 system is because your -- Nashua's capabilities in 3 that regard are not relevant, it's the capabilities 4 of the contractor that are relevant; isn't that 5 right? 6 A. Yes. 7 Q. Has Nashua considered -- or to your 8 knowledge, has the district considered what role it 9 will have with respect to acquiring troubled water 10 systems in New Hampshire? 11 A. I'm not sure I understand the 12 question. 13 Q. Okay. You might know that some of the 14 assets of Pennichuck Water Works include what had 15 been privately owned community water systems that 16 got into financial or water-quality problems and 17 which Pennichuck then acquired. Are you aware, 18 generally, of that? 19 A. Yes. 20 Q. What would Nashua or the district do 21 with respect to similar circumstances where there 22 are such systems in New Hampshire? 23 A. I can't speak for the district as a</p>
<p style="text-align: right;">Page 59</p> <p>1 ranks of the City of Nashua? 2 A. I'm not aware that there is or isn't 3 anyone. We have people with significant and varying 4 experience in the public works department which may 5 include water supplies. I don't know. 6 Q. But the plan, as I read in one of your 7 other answers to the data request, is that the plan 8 is for the public works department to have nothing 9 to do with the operation of the water system; isn't 10 that right? 11 A. That is correct. 12 Q. Theoretically there could be someone 13 in the library who is an expert on water supply 14 issues, you just don't know it, right? 15 A. Yes. There could be someone in the 16 public works department who is an expert on water 17 supply systems and I don't know it, either. 18 Q. But the plan would be to get that 19 expertise from the O&amp;M contractor, correct? 20 A. Correct. 21 Q. And without making too fine a point on 22 it, the reason why you've refused to answer 23 questions and why the PUC backed you up on that with</p>	<p style="text-align: right;">Page 61</p> <p>1 whole. My personal opinion and the way I would 2 approach it as a member of -- current member of the 3 board of directors of the region is in the member 4 communities, we certainly should take the same level 5 of interest in those systems that has been taken in 6 the past. 7 Q. In the member communities of the 8 district? 9 A. Yes. And in the communities that are 10 served by the district. 11 Q. Right. 12 A. There may be a distinction between 13 those two. 14 Q. But not in other communities? 15 A. I think it would have to be assessed 16 whether it geographically made sense to take on 17 systems. Certainly I don't think the Merrimack 18 Regional Water District has any place owning 19 troubled systems in Colebrook. 20 Q. What about Epping? 21 A. It would have to be based on decisions 22 regarding the status of the water district and where 23 it made sense.</p>