

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DW 04-048

CITY OF NASHUA

RSA 38 Proceeding re Pennichuck Water Works

ASSENTED TO MOTION TO EXTEND DEADLINE FOR FILING CONTRACT

NOW COMES the City of Nashua (the “City”) and moves to extend the deadline for filing contracts required by Condition No. 8 of Order No. 24,878, as previously extended by determination of the Commission in its Secretarial Letter dated June 8, 2010 (the “Commission Letter”), and, in support thereof, states as follows:

1. Condition No. 8 of the Commission’s July 25, 2008 Order No. 24,878, requires that the City submit duly authorized and executed agreements with Veolia Water and R. W. Beck, “within *60 days* of its order on the merits of this case becoming final and no longer subject to appeal”.
2. Pursuant to the Commission Letter, the Commission granted the City leave to file the authorized and executed agreements until the earlier date of the decision of the Nashua Board of Aldermen pursuant to RSA 38:13 or September 30, 2010.
3. Nashua has negotiated contracts with Veolia Water and R. W. Beck, but the Nashua Board of Aldermen has not yet authorized or executed those agreements pending its decision pursuant to RSA 38:13.
4. The City and Pennichuck have engaged in efforts to reach an amicable resolution of this proceeding and remain hopeful that such a resolution can be reached.

5. By joint motion dated the same date as this motion (the "Joint Motion"), the City and Pennichuck are requesting an extension of time for responding to the Commission's August 31 secretarial letter until November 30, 2010, for the reasons stated therein.

6. Rule Puc 202.04 allows for extensions of time where "circumstances would cause undue hardship or inconvenience unless the request were granted" and "extension would not unduly delay the proceeding or adversely affect the rights of any party".

7. Requiring the City to file duly authorized and executed contracts prior to its decision on ratification and prior to completion of efforts to reach agreement on a consensual settlement and transaction would cause undue hardship and inconvenience. Further, granting the extension requested by this motion is consistent with the request made by the Joint Motion, and the reasons stated therein. Finally, the extension of time to file the executed contracts would not adversely affect the rights of any party.

8. To the extent necessary to enable the Commission to rule on this motion on an expedited basis, the City also requests that the Commission shorten the ten day period for objections provided for by N.H. Code of Admin. Rule Puc 203.07(e) to three days. The City believes that reducing the response time to three days will serve the public interest and will not disrupt the orderly and efficient resolution of the matters before the Commission in this case (N.H. Code of Admin. Rule Puc 201.05) because (a) requiring the Commission to wait ten days before ruling would undermine the purpose of the principal relief sought by this motion, and (b) the City is notifying all parties to this

proceeding electronically contemporaneously with the filing of this request that their response, if any, to this motion is sought within three days.

8. Pennichuck Water Works assents to the relief requested in this Motion.

WHEREFORE, the City respectfully requests that the Commission extend the time for filing the authorized and executed agreements of Veolia Water and R. W. Beck until November 30, 2010.

Respectfully submitted,

CITY OF NASHUA
By Its Attorneys
RATH, YOUNG AND PIGNATELLI, P.C.

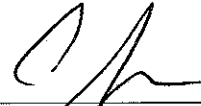
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CERTIFICATE OF SERVICE

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: 9/21/10



Andrew W. Serell, Esquire