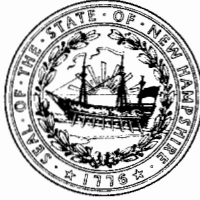


STATE OF NEW HAMPSHIRE



CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Susan S. Geiger  
Graham J. Morrison

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland

PUBLIC UTILITIES COMMISSION

8 Old Suncook Road  
Concord, N.H. 03301-7319  
May 6, 2004

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
www.puc.state.nh.us

Debra A. Howland  
Executive Director and Secretary  
NH Public Utilities Commission  
8 Old Suncook Road  
Concord, NH 03301

Re: DW 04-048 City of Nashua, RSA 38 Valuation Petition

Dear Ms. Howland:

Enclosed for the Commission's information is a Notice of Hearing issued by the Hillsborough County Superior Court, Southern District. It sets a hearing for May 13, 2004 to hear arguments on the motion for preliminary injunction filed by Pennichuck Corporation, Pennichuck Water Work, Inc., Pennichuck East Utility, Inc., and Pittsfield Aqueduct Company, Inc. (Pennichuck).

In their First Amended Verified Petition for Declaratory Judgment and Injunctive Relief, Pennichuck requests the court make certain declaratory rulings regarding the constitutionality of RSA 38 and whether Nashua's valuation petition is unlawful and untimely. Pennichuck also requests the court issue a preliminary injunction as follows:

Issue a preliminary and permanent injunction against Nashua's pursuit of its petition at the PUC, because it seeks to acquire property by eminent domain beyond that which is permitted pursuant to RSA 38:9-11, or pursuant to Nashua's inherent municipal powers, and because it seeks to acquire property by eminent domain on behalf of a regional water district which does not yet exist and which would not have eminent domain authority.

An unsigned copy of the amended petition is attached for your reference. Staff is making arrangements to observe the argument on May 13<sup>th</sup>. If you have any questions, please feel free to contact me.

Sincerely,

Marcia A. B. Thunberg  
Staff Attorney



cc: Service list  
NH PUC MAY 05 2004 8:30 AM

THE STATE OF NEW HAMPSHIRE  
Southern District of Hillsborough County

30 Spring Street  
P. O. Box 2072  
Nashua, NH 03061 2072  
603 883-6461

NOTICE OF HEARING

THOMAS J DONOVAN ESQ  
MCLANE LAW FIRM  
900 ELM ST/PO BOX 326  
MANCHESTER NH 03105-0326

- 04-E-0062 Pennichuck Corporation, et al v. City of Nashua

The above-referenced case has been scheduled for the following:  
Hearing on motion for preliminary injunction

Date: May 13, 2004  
Time: 1:30 pm  
Location: Hillsborough Superior - South Room: See list at Court  
30 Spring Street  
Nashua NH 03061-2072

Time allotted for this hearing: 30 min.  
Please advise immediately if this is not sufficient.

Your failure to physically appear at a hearing may result in a default.  
All issues raised by the pleadings will be disposed of immediately  
without your participation.

Please advise clients, witnesses, and others that it is a class B  
felony to carry a firearm or other deadly weapon as defined in  
RSA 625:11,V in a courtroom or area used by a court.

4/29/2004

BY ORDER OF THE SUPERIOR COURT  
Marshall A. Buttrick  
Clerk of Court

cc: David R Connell Esq  
Robert Upton II Esq