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September 14, 2004

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Debra A. Howland  
Executive Director and Secretary  
Public Utilities Commission  
Walker Building  
21 South Fruit Street-Suite 10  
Concord, NH 03301

Re: DW 04-048 Petition of City of Nashua to acquire Pennichuck  
Water Works, et al

Dear Ms. Howland:

I am writing in response to Attorney Camerino's letter of September 13, 2004. Nashua appreciates the concession of the Pennichuck Utilities that the Docket may now proceed but does not believe that the Motion to Dismiss filed by the Pennichuck Utilities is ripe for decision. At the hearing before the Commission on July 28, 2004 arguments were made concerning the Motion to Dismiss but the Motion was not properly before the Commission and neither party has had the opportunity to brief the issues for the Commission. The Motion to Dismiss should be made a part of the procedural order and considered by the Commission in the ordinary course of its consideration of this Docket.

Very truly yours,

  
Robert Upton, II

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