

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
CITY OF NASHUA'S PETITION FOR PURCHASING PENNICHUCK
CORPORATION

Docket No: DW 04-48

PUBLIC INTEREST TESTIMONY
OF
BARBARA PRESSLY, SUPPORTIVE INTERVENOR
FOR
CITY OF NASHUA PURCHASING PENNICHUCK WATER
SUBMITTED ON APRIL 20, 2005

PUBLIC PURPOSE is served by The City of Nashua taking ownership and exclusive decision making responsibility for our life sustaining WATER, a commodity owned by the people of the State of New Hampshire.

1. **Water is a unique utility.** It is a monopoly in the purest sense of the definition. NO competition is possible. Only one entity can have exclusive control. Water is essential to life. Water is a natural resource owned by the State, produced in the State, and housed by the State. Most other utilities produce, house and own the commodity they process and deliver. Pennichuck Corporation takes what belongs to the customer, processes it and delivers it to them.
2. **Public ownership will provide accountability and transparency.** Pennichuck Corporation has a long history of secrecy from its customers and stockholders. Municipal ownership will produce transparency and allow the ratepayers to know what the decisions are, how they are made and how to communicate with the decision makers. Municipal ownership will have all meetings and decisions open to the public and press

- a. Attachment 1 is the timeline written by myself with the facts leading up to Pennichuck planning to sell the Corporation. See the underlined portions showing Pennichuck being less than forthright with the customers and the stockholders.
 - b. Attachment 2 is the newspaper article reporting the fact that I had to purchase a stock in the company in order to communicate with the decision makers (stockholders). Pennichuck refused to give me the stockholders list in accordance with State Law because I had publicly stated my objections to the sale. See underlined portions.
 - c. Attachment 3 is the Superior Court Petition filed to force the Corporation to reveal the names of the Decision Makers. This demonstrates the tactics of delay, bullying and expense to keep secrets which would be common knowledge if it were owned by a government entity. The costs of their tactics were passed on to the ratepayers. See underlined portions and particularly page 2.
 - d. Attachment 4 is the settlement where Pennichuck produced the shareholders list and paid my court costs. See the underlined portions of pages 5 and 7.
3. **Public ownership will protect the wetlands (the natural water purification system).** Pennichuck Corporation has permanently destroyed the wetlands and buffer areas which naturally protect out drinking water supply. The profit from this development was pure profit for the shareholders. I believe that if the water had been owned and managed by the City, the wetlands would NOT have been destroyed. The citizens of Nashua would have known about the plan and would have actively objected.
- a. Attachment 5 is “The Telegraph” Editorial Opinion of Saturday December 18, 2004. It is the most concise, accurate explanation of what happened between 1980 to the present. It reports how the Pennichuck Board of Directors allowed unethical practices to occur in the destruction of the wetlands.

- b. Attachment 6 is the Federal SEC order of December 16, 2004. See the underlined portions and particularly page 4.
 - c. Attachment 7 is the State of New Hampshire Bureau of Securities Regulations announcement December 16, 2004. See underlined portions of document.
 - d. Attachment 8 is “The Telegraph” story covering the SEC announcement dated December 17, 2004. See underlined portions of article.
- 4 **Public ownership is cost effective and will save money for the ratepayers.** The profit paid to the shareholders will be eliminated. The bond to purchase can be extended over many years and eventually paid off.

SUMMARY

The public interest will be served by open, honest, transparent, and accountable management, protection of the land, and cost savings when the City of Nashua owns the processing and delivery of the water which already belongs to the citizens of the State.

I formally request that the Commissioners grant the request for the public to own and manage their drinking water. I further request that the Commissioners place stipulations on the City or any future government entity to assure that the ratepayers are the representatives that make the decisions and that they are proportionally represented and that all appropriate checks and balances protecting the ratepayer be incorporated into the governing charter.

CLAIRE MCHUGH
61 DUBLIN AVE
NASHUA NH 03063-2045

BARBARA PRESSLY
11 ORCHARD AVE
NASHUA NH 03060

FRED S TEEBOOM
24 CHEYENNE DR
NASHUA NH 03063

EUGENE F SULLIVAN III
ATTORNEY AT LAW
210 NORTH STATE ST
CONCORD NH 03301-3222

JAY HODES
BOSSIE KELLY HODES BUCKLEY & WI
440 HANOVER ST
MANCHESTER NH 03104

EDMUND J BOUTIN
BOUTIN ASSOCIATES PLLC
ONE BUTTRICK RD
PO BOX 1107
LONDONDERRY NH 03053

MICHAEL S GIAIMO
BUSINESS & INDUSTRY ASSOC
122 N MAIN ST
CONCORD NH 03301

DAVID R CONNELL
CITY OF NASHUA
229 MAIN ST
PO BOX 2019
NASHUA NH 03061-2019

JOHN J RATIGAN
DONAHUE TUCKER & CIANDELLA
225 WATER ST
PO BOX 630
EXETER NH 03833-0630

WILLIAM R DRESCHER
DRESCHER & DOKMO
21 EMERSON ROAD
PO BOX 7483
MILFORD NH 03055-7483

DAVID CARON
LONDONDERRY - TOWN OF
50 NASHUA RD
STE 100
LONDONDERRY NH 03053-3416

STEVEN V CAMERINO
MCLANE GRAF RAULERSON & MIDDLE
15 N MAIN ST
CONCORD NH 03301-4945

ELIZABETH COUGHLIN
MERRIMACK RIVER WATERSHED COUN
600 SUFFOLK ST 4TH FLR
LOWELL MA 01854-3629

LAURA A SPECTOR
MITCHELL & BATES PA
25 BEACON ST EAST
LACONIA NH 03246

STEVE WILLIAMS
NASHUA REGIONAL PLANNING COMM
115 MAIN ST
PO BOX 847
NASHUA NH 03061

DOM S D'AMBRUOSO
RANSMEIER & SPELLMAN PC
ONE CAPITOL ST
PO BOX 600
CONCORD NH 03302-0600

MARK JOHNSON
TOWN OF HOLLIS
TOWN HALL
7 MONUMENT SQ
HOLLIS NH 03049-6121

WILLIAM MULLIGAN
TOWN OF MERRIMACK
PO BOX 940
MERRIMACK NH 03054

KATHERINE E CHAMBERS
TOWN OF MILFORD
TOWN HALL
ONE UNION SQ
MILFORD NH 03055-4240

MATTHEW H UPTON
UPTON & HATFIELD
10 CENTRE ST
PO BOX 1090
CONCORD NH 03302

ROBERT UPTON II
UPTON & HATFIELD
23 SEAVEY ST
PO BOX 2242
NORTH CONWAY NH 03860

STEPHEN J JUDGE
WADLEIGH STARR & PETERS PLLC
95 MARKET ST
MANCHESTER NH 03101

LINDA LAVALLEE
WADLEIGH STARR & PETERS PLLC
95 MARKET ST
MANCHESTER NH 03101