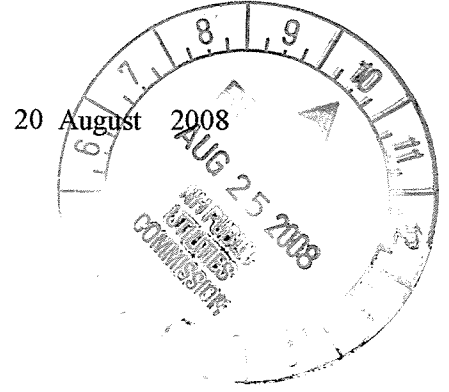


DW 08-088



The State of New Hampshire
Public Utilities Commission

Petition to Intervene

Gentlemen:

1. Pursuant to N.H. Administrative Rules PUC 203.17, on behalf of the Sept. 12, 2007 Special Town Meeting petitioners of Atkinson, (who were overwhelmingly supported by the townspeople at the Sept. 2007 Special Town Meeting), we submit these seven copies of this **Petition to Intervene**, with a copy also sent to Hampstead Area Water Company (HAWC) and to the Office of the Consumer Advocate.
2. The petition filed by HAWC directly affects and illegally violates the rights of the townspeople of Atkinson, N.H. who overwhelmingly and by landslide vote, at the September 12, 2007 Special Town Meeting, passed the Atkinson Water Withdrawal Control Ordinance (Attachment # 1) which forbids the pumping and movement out of Atkinson of water for sale in other towns.
3. On June 27, 2008, in deliberate disregard of the legal passage of Atkinson's Water Withdrawal Control Ordinance, HAWC filed a petition for authority to borrow from the State Revolving Loan Fund (SRF), a long term debt of \$1,100,885 pursuant to RSA 369—for the end-result purpose of violating the Atkinson Water Withdrawal Control Ordinance: specifically “to fund the construction of an inter connection between HAWC's two core systems in the Towns of Hampstead and Atkinson...”
4. The intent of HAWC's Petition is to obtain state funds to illegally pump water out of Atkinson to Hampstead in violation of and counter to the legally passed Atkinson Water Withdrawal Control Ordinance which is on the books and in effect in Atkinson.
5. We ask that the Public Utilities Commission not allow HAWC to use them to be an accomplice to this illegal action of HAWC to violate the laws and ordinances of Atkinson. HAWC's deliberate withholding from the PUC the pertinent and crucial information that the outcome of their petition is to illegally violate a standing ordinance in Atkinson constitutes bad faith dealing on their part.
We ask that the PUC to uphold the rule of law and not condone, encourage or assist HAWC to violate the laws and ordinances of Atkinson or to enable them to do so by financially subsidizing their violation of Atkinson ordinances.
6. In addition to withholding from the PUC the crucial and pertinent fact of the existence of a recently-passed Atkinson Ordinance which bars the movement of water from Atkinson to Hampstead, the HAWC has also withheld from the PUC the fact that there is another Atkinson Special Town Meeting scheduled for Sept. 9, 2008, which includes, in part, the following

amendments to the original already-passed Atkinson Water Withdrawal Control Ordinance (Attachment # 2) :

Section 6.1 Civil Rights: Any person acting under the authority of a permit issued by the Department of Environmental Services, any corporation operating under a State charter or certificate of authority to do business, or any director, officer, owner, or manager of a corporation operating under a State charter or certificate of authority to do business, who deprives any Town resident... of any rights, privileges, or immunities secured by this Warrant Article..., the N.H. Constitution, the U.S. Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation to satisfy that liability, including, without limitation, expert and attorney's fees.

Section 6.6 Liability: No permit, license, privilege or charter issued by any State or federal Regulatory Agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Warrant Article or deprive any Atkinson resident... of any rights, privileges,... secured by this Warrant Article, the N.H. Constitution, the U.S. Constitution, or other laws, shall be deemed valid within the Town of Atkinson.

Additionally, any employee, agent or representative of any State or federal Regulatory Agency, commission or board who issues a permit, license, privilege or charter to any person of any corporation operating under a State charter, or any director, officer, owner or manager of a corporation operating under a State charter, which would violate the provisions of this Warrant Article or deprive any resident... of any rights, privileges or immunities secured by this Warrant Article, the N.H. Constitution, the U.S. Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees."

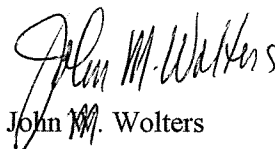
(The above amendments overwhelmingly passed the Deliberative Session for the Sept. 9, 2008 Special Town Meeting.)

7. In summary, on behalf of the petitioners of both Atkinson Special Town Meetings, and the overwhelming number of voters who passed the Atkinson Water Withdrawal Control Ordinance at the first Atkinson Special Town Meeting, we ask that the Public Utilities Commission deny the petition of the HAWC for financial support to engage in illegal actions in Atkinson.

For the Petitioners and Supporting voters of both Atkinson Special Town Meetings



Carol A. Grant (Mrs.)
19 Crown Hill
Atkinson, N.H. 03811



John M. Wolters
5 Hickory Pond Road
Atkinson, N.H. 03811

Copy: Hampstead Area Water Company
N.H. Office of the Consumer Advocate

Attachments:

1. Atkinson Water Withdrawal Control Ordinance passed at the Sept. 12 , 2007 Atkinson Special Town Meeting
2. Ordinance Amendments approved by Deliberative Session to be voted on at the upcoming Sept. 9, 2008 Atkinson Special Town Meeting.