

**STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

**DW 11-026  
&  
DW  
04-049**

**In the Matter of the Acquisition of Pennichuck Corporation  
by the City of Nashua**

**Motion to Intervene of the Town of Merrimack**

NOW COMES the Town of Merrimack, through counsel, Boutin & Altieri, P.L.L.C. and respectfully requests the Public Utilities Commission grant it intervener status in this matter pursuant to RSA 541-A:32, the Administrative Procedures Act and N.H. Administrative Rules PUC 203.02, saying in support thereof, the following:

1. Merrimack is provided water by Pennichuck Corporation from and through Pennichuck's core system.
2. Pennichuck also provides bulk water to Merrimack's largest employer, the Anheiser Busch Corporation and to a separately operating municipal water district within Merrimack, the Merrimack Water District.

3. Merrimack was granted intervener status and was an active participant in the prior proceedings before the Commission regarding the eminent domain taking of Pennichuck by the City of Nashua in DW-04-48..

4. Merrimack continues to have vital interests at stake in this proceeding, concerning as it does the only source of public water supply for the Town, the village district and Anheiser Busch.

5. Merrimack's future economic development depends on a reliable and affordable public water supply, especially in its southern commercial/industrial zones now within the Pennichuck franchise.

6. The interests of justice would be served and the prompt and orderly conduct of the proceedings would not be impaired by the participation of Merrimack as an intervening party in this proceeding.

WHEREFORE, the Town of Merrimack requests that the Commission

A. Grant Merrimack's request that it be allowed to intervene in this matter;  
and

B. Grant such other relief as it deems just and reasonable.

Respectfully submitted

The Town of Merrimack

/s/

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By: Edmund J. Boutin, Boutin & Altieri,

P.L.L.C.

#### CERTIFICATE OF SERVICE

The undersigned certifies that he has sent a copy of this pleading by electronic mail on February 21, 2011 and by pre-paid US mail to the service list attached hereto, with a hard copy to the Consumer Advocate.

/S/

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Edmund J. Boutin