

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

**City of Nashua: Taking of Pennichuck Water Works, Inc.**

**Docket No. DW 04-48**

**PENNICHUCK WATER WORKS, INC.'S MOTION FOR LEAVE TO REPLY**

NOW COMES Pennichuck Water Works, Inc., Pennichuck Corporation, Pennichuck East Utility, Inc., Pennichuck Water Service Corporation, and Pittsfield Aqueduct Company, Inc. (collectively, "Pennichuck") and moves the Commission for leave to reply to the City of Nashua's ("Nashua" or the "City") objection to Pennichuck's Motion to Strike the City's Motion for Rehearing and Clarification of Order No. 24,878. In support of its motion, Pennichuck states as follows:

1. On August 29, 2008, Pennichuck filed its Motion to Strike Nashua's Motion for Rehearing and Clarification of Order No. 24,878 on the basis that the City's motion was filed outside of the 30-day period prescribed by RSA 541:3 and was therefore untimely.

2. On September 3, 2008, Nashua filed its Objection to Pennichuck's Motion. Given that the Commission's procedural rules do not expressly provide for the filing of a reply to an objection to a motion for rehearing, Pennichuck now seeks the Commission's leave to file the attached reply to Nashua's Objection.

3. Pennichuck requests that it be granted the opportunity to submit a reply to Nashua's Objection and address the City's erroneous claim that Pennichuck "misstated the law" in its Motion to Strike. Nashua has exaggerated certain cited authorities to create the illusion of a "well-settled principle" that is actually contradicted by contemporary New Hampshire case law. Moreover, recent legislative action relied upon by Nashua is in fact detrimental to their

position, and the Commission should review the full text of the statutory amendment referenced by the City. Principles of justice and due process support Pennichuck's request to be afforded the opportunity to reply to Nashua's objection.

4. Granting Pennichuck the right to reply to Nashua's Objection serves the public interest because it will enable the Commission to predicate its decision, which may settle the matter of adherence to statutory deadlines conclusively and control future motions for rehearing, upon a clear and accurate review of the relevant law. In addition, allowing Pennichuck to file this reply will not disrupt the orderly conduct of the proceeding, as the mere consideration of Pennichuck's brief response will not cause any material delay in the Commission's consideration of its Motion to Strike.

5. For these reasons, pursuant to Puc 201.05, Pennichuck requests that the Commission waive its rules to the extent necessary and allow Pennichuck to file the attached reply to Nashua's Objection.

WHEREFORE, Pennichuck respectfully requests that the Commission:

- A. Grant this motion for leave to reply; and
- B. Grant such other and further relief as the Commission deems just and

reasonable.

Respectfully submitted,

Pennichuck Water Works, Inc.  
Pennichuck East Utility, Inc.  
Pittsfield Aqueduct Company, Inc.  
Pennichuck Water Service Corporation  
Pennichuck Corporation

By Their Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,  
PROFESSIONAL ASSOCIATION

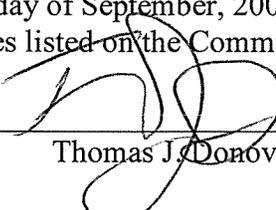
Date: September 18, 2008

By: 

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Thomas J. Donovan  
Steven V. Camerino  
Sarah B. Knowlton  
11 South Main Street, Suite 500  
Concord, NH 03301  
Telephone (603) 226-0400

Certificate of Service

I hereby certify that on this 18th day of September, 2008 a copy of this Motion for Leave to Reply has been forwarded to the parties listed on the Commission's service list in this docket.

  
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Thomas J. Donovan