

CLERKS REPORT

DOCKET NO. & NAME : DW 04-048 City of Nashua

DATE: 12/9/04 OPENED AT: 9:14 CLOSED: 10:58 PHC: X HEARING:

PRESIDING OFFICER: Commissioners HEARING EXAMINER:

COURT REPORTER: Steve Patenaude CLERK: Diane Bateman

APPEARANCES:

Robert Upton, II for City of Nashua

Steve Camerino for PWW

Anne Ross for OCA on behalf Residential Ratepayers

Marcia Thunberg for Staff

William Drescher for Town of Milford

Eugene F. Sullivan for Town of Bedford

Barbara Pressly for self

Fred Teeboom for self

Laura Spector for Town of Pittsfield

Stephen Judge for Merrimack Valley Regional Water District

Clare B. McHugh for self

Dom D'Ambruoso for Anheuser-Busch, Inc.

Edmund Boutin for Town of Merrimack

Michael S. Giaimo for BIA

AFFIDAVIT FILED:

INTERVENTION GRANTED: City of Nashua does not fully object to BIA's intervention but does not feel they have any rights, duties or privileges as they are merely a trade organization and that their participation should be limited. Commissioners will take the matter under advisement.

PWW attorney Camerino feels that the objection is premature considering that there are other entities as intervenors which could have the effect of numerous data requests to PWW.

The Commissioners recommend that they discuss this in the Technical Session that will follow and they will take BIA's Motion under advisement.

NOTES: The City stands by its position in its original filing and testimony. The Commission did rule yesterday that the City of Nashua cannot take over Pittsfield or Pennichuck East Utilities, only PWW. The city feels that they should be able to purchase those entities however they are excited as this is the largest eminent domain proceeding in the state.

The City feels that the date of valuation should be 12/31/04 and that they should get first crack at discovery.

Merrimack Regional Water District takes the position of supporting of the City's petition.

Town of Merrimack is deeply skeptical and urges the commission to please be practical when considering outcome. Wants to know what the rate impact will be, needs to know as they are pleased with the way PWW handles things.

BIA represents 400 members.

PWW says they have the highest quality of water and has had so for over 150 years. They do not believe that the City will operate in the same manner as it has been over these years. Believes the City will use the company for their own benefits and asks, "Can Nashua do a better job running the utility than PWW?"

PWW plans to file a Motion for Summary Judgment; also requests the date of valuation; looks as if the City is pleased with the Commissions oral decision and it appears that they will not appeal; will need to hear back from the district as to who they represent; clarify the role of intervenors for the city as well as for PWW and where do they fit in as to procedure; as well as other house keeping items.

McHugh claims that change is going to happen anyway as PWW has already claimed they are for sale. They do not want to be run by a foreign corporation and that the city did a wonderful job of keeping the community informed. She is concerned about the amount of money the company is spending on the numerous advertisements and television commercials.

Pressly concerned when read in paper that PWW was going to sell to PSC and that is how she heard. She requests that the Commission order PWW to cease and desist advertising. Also claims that the City is not squeaky clean either and asks the Commission to advise them to consider the ratepayers.

Town of Hudson is not taking a position and the Town of Litchfield is considering their position.

Mr. Teeboom feels there is no case as no one has said PWW is doing a poor job or that the water is poor tasting. Also, no one is moving the water from being local and the water is staying where it is. Believes that PWW should remain as is and that the vote was premature as discussions of valuation were never discussed and where is

the case that Nashua will run the company better than it is now? Also there is or will be no PUC oversight.

OCA has not taken a position one way or the other but the major concern is the impact on ratepayers.

Staff's goal is to do a thorough review of this and takes no position in this case. It sees itself as the protector and assisting people in the process, not providing legal advice, help out when can.

Staff objects to the Oral Motion by Ms. Pressly and is not aware of any detrimental impact of the advertising PWW is doing.

PROCEDURAL SCHEDULE: .

HEARINGS CONTINUED:

BRIEFS DUE:

ORDER DUE:

TRANSCRIPT DUE DATE:

REQUEST WHEN DUE:

HEARING EXAMINER REPORT DUE:

ATTACH THE EXHIBITS LIST:

UNDER ADVISEMENT: