

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

**PENNICHUCK EAST UTILITY, INC.
PETITION FOR CONDEMNATION OF EASEMENT RIGHTS**

DW 06-____

Direct Pre-filed Testimony of Rebecca L. McEnroe, P.E.

1 Q. Please state your name, business address and your position with Pennichuck East Utility,
2 Inc.?

3 A. My name is Rebecca L. McEnroe. My business address is 25 Manchester St.,
4 Merrimack, NH. I am a Water Supply Engineer for Pennichuck Water Works, Inc. and work in
5 that capacity for its related entities. This includes Pennichuck East Utility, Inc. (the
6 “Company”). I have worked for the Company since 2000. I am a licensed professional engineer
7 in New Hampshire and Massachusetts.

8 Q. Please describe your educational background.

9 A. I have a Bachelor of Science degree in Microbiology with a minor in Chemistry from the
10 University of Massachusetts, Amherst.. I also have a Master of Science degree in Environmental
11 Engineering from the University of Massachusetts, Amherst. I am a member of the American
12 Water Works Association, serving the organization as a member of the Plant Operations
13 Research Committee. I am also a member of the New England Water Works Association,
14 serving on its Filtration Committee. I am also a member of the Phi Kappa Phi Honors Society.

15 Q. Please describe your professional background and your responsibilities at the Company.

16 A. Prior to joining Pennichuck, I worked as a Water Engineer for the Littleton Water
17 Department in Littleton, Massachusetts and an Environmental Engineer for CH2MHill in
18 Boston, Massachusetts. I have also worked as a Research Assistant at the University of
19 Massachusetts, Amherst. I possess a New Hampshire Water Operator licenses for Treatment,
20 Grade IV, and Distribution Grade III. I also have obtained my Massachusetts Water Operator
21 Grade IV license for Treatment.

22 My responsibilities at the Company include managing and overseeing all engineering
23 aspects of the thirty (30) MGD IDI Pulsator water treatment plant. In that capacity, I am

1 managing a thirty million (\$30,000,000) dollar water treatment plant upgrade necessary to
2 comply with current regulatory requirements. I am responsible for the capital improvement
3 upgrades of over sixty (60) community water supply facilities. I also oversee additional
4 upgrades to the water supply systems' Supervisory Control and Data Acquisitions computer
5 system known as "SCADA."

6 Q. What is the purpose of your testimony?

7 A. I will be providing testimony discussing the need for the Company to condemn the
8 limited real property rights in limited portions of two parcels of land within the Town of Pelham,
9 New Hampshire, subject to the Company's Petition to Condemn. I will provide a brief history of
10 the water system in question, that being the Gage Hill Community Water System (hereinafter the
11 "the System"). I refer in these answers to the Plans attached to the Pre-filed Testimony of
12 Donald L. Ware, as DLW-1 and DLW-2, and the proposed easements DLW-1A and DLW-2A.
13 Finally, I will summarize the nature and extent of the Company's efforts to contact and discuss
14 these issues with the current owners of the lots affected.

15 Q. Please describe the history of the Gage Hill Community Water System?

16 A. The System was originally owned by Consumers Water Company ("Consumers"). The
17 Company acquired the System as part of its acquisition of a number of small community water
18 systems that had been owned by Consumers in 1998. The Company became involved in the
19 acquisition at the request of the town of Hudson, when Hudson was attempting to purchase the
20 Consumers' assets within the town of Hudson. Many of the systems acquired lacked specific or
21 detailed records relative to the systems being acquired. No record of any easements for this
22 System have been recovered. I have learned from reviewing Consumers' files, however, that the
23 System's water storage is provided by a steel water tank that is approximately 36-38 years old,

1 and that it is believed to have been located in its current location since its original installation. I
2 am aware that there has been work on the tank and other portions of the System since its original
3 installation. Relevant to the current proceedings, I note that the early 90's the tank required
4 repairs because the tank was found to be leaking due to the bottom of the tank rusting through
5 from the outside. Records indicate that a steel plate was welded on the inside of the water tank at
6 the bottom. The ground in which the tank is located is extremely wet most likely due to the
7 natural drainage pathways of the surrounding area. The Company believes the conditions and
8 amount of water in the soils around the tank has caused premature corrosion, shortening the
9 useful life of the tank. I believe the tank requires prompt replacement to ensure our ability to
10 continue to provide reliable and continuous service to rate payers of this System.

11 Q. Please describe why the Company is requesting an easement area which goes beyond
12 where the tank is located?

13 A. In researching what would be required to replace the tank with a tank of equal size, and
14 required for future maintenance of the tank, I spoke with the R.H. White Company, a water
15 equipment installer with whom the Company has done a number of projects. In discussing
16 replacement of the tank, R.H. White's representatives made it clear that the proposed easement
17 areas described on the Plans, DLW-1 and DLW-2, are the minimum area required to be able to
18 complete the replacement of the tank. Work required to replace the tank includes the use of
19 digging or excavation equipment to dig up the original tank. The work would also require the
20 temporary storage of soil and materials. Future maintenance, upgrades and replacement will also
21 require similar access. The Company has made every effort to minimize the size of the easement
22 area and limit the easement rights to the specific needs of the company in order to meet its
23 obligations to the rate payers of the System.

1 Q. Has the Company made any efforts to resolve this matter with the current property
2 owners?

3 A. Yes. I have made a number of attempts personally to contact the property owners, and I
4 have caused our attorney in this matter to make a number of inquiries. On August 19, 2002, a
5 letter was sent by the Company to the Cranes and to Mr. Quintal requesting that they grant a
6 formal easement so that the Company could complete the work required on the tank. No
7 response to that letter was ever received from Mr. Quintal. In September of 2002, I placed a call
8 and had a brief telephone conversation with someone who identified herself as Ms. Crane. Ms.
9 Crane indicated that she would like to speak to her attorney about the Company's request. She
10 also indicated that she was not inclined to grant an easement right but would consider granting
11 some form of a license. On September 3, 2002, I called and left a message for Mr. Quintal on his
12 answering machine. It was never returned. The Company, during this time period, did receive
13 responses and eventually acquire easements from two abutting lots, 12-117 (Saitow) and 12-118
14 (Beaucage), as shown on DLW 1 and DLW-2.

15 On March 14, 2003, I caused another letter to be sent by the Company to the Cranes and
16 to Mr. Quintal. On March 31, 2003, I caused a third letter to be sent by the Company to Mr.
17 Quintal. On June 11, 2003, I caused a letter to be sent by Attorney John Pendleton to the Cranes,
18 in an attempt to initiate contact. The letter requested a response but none was ever received. On
19 March 29, 2004, two attempts were made by Attorney Pendleton, by telephone, to speak with the
20 Cranes. On April 28, 2004, a follow-up letter was sent by Attorney Pendleton to the Cranes and
21 to Mr. Quintal. On March 11, 2005, a certified letter sent by Attorney Pendleton to the Cranes
22 and to Mr. Quintal. On March 12, 2005, Mr. Quintal accepted service of the certified letter but
23 no response was received. On March 19, 2005, Attorney Pendleton received a returned

1 certificate of service from the Cranes. The Cranes failed to accept service of the letter. Attorney
2 Pendleton then contacted the Pelham Town Clerk and confirmed the Quintal and Crane
3 addresses. On March 28, 2005, a telephone call was made to a Daniel Crane in Massachusetts
4 matching Mr. Crane's basic information and a message was left on his answering machine. No
5 response was ever received. On or about February 16, 2006, Attorney Pendleton caused a final
6 letter and a copy of a draft Petition for Condemnation attached to be forwarded to both Daniel
7 and Sandra Crane, at their address, and to Felix Quintal, at his address. Those letters have been
8 signed for and received by the Respondents. On or about February 17, 2006, Attorney Pendleton
9 received a telephone message from an individual who identified herself as Sandra Crane, who
10 indicated to a staff member, she would not be granting the Company an easement. Attorney
11 Pendleton immediately attempted to return the telephone call, and spoke with a male at the
12 number leaving a message requesting Ms. Crane to return his call to discuss the matter to see if
13 there was a way to resolve the matter. No return call has been received.

14 Q. Does that complete your testimony?

15 A. Yes.