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Please respond to the Portsmouth office

August 10, 2007

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Via Hand Delivery

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: City of Nashua: *Petition for Valuation Pursuant to RSA 38:9*
NH PUC Docket No. DW 04-048

Attorneys At Law

Douglas S. Hatfield
Margaret-Ann Moran
Paul L. Apple

Dear Ms. Howland:

Enclosed for filing with the Commission in this proceeding, please find an original and seven copies of the City of Nashua's *Motion for Leave to Substitute Witnesses*, as well as an electronic copy on compact disc.

A copy of the foregoing is being sent by electronic mail to all persons on the Commission's service list in this proceeding, and to Ms. Claire McHugh by first class mail.

If you have any questions, please contact me.

Very truly yours,

Justin C. Richardson, Esq.
JRichardson@upton-hatfield.com

Enclosures

cc: Official Service List DW-04-048 (electronic mail only)
Ms. Claire McHugh (first class mail only).

North Conway Office

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STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

City of Nashua: Petition for Valuation Pursuant to RSA 38:9

Docket No.: DW 04-048

MOTION FOR LEAVE TO SUBSTITUTE WITNESSES

NOW COMES the City of Nashua (“Nashua”) and requests leave to offer two replacement witnesses to adopt testimony previously offered in this proceeding on behalf of Veolia Water North America (“Veolia”), and in support hereof states as follows:

1. By letters dated July 16, 2007, the City of Nashua and the Pennichuck Water Works notified the Commission of their intention to terminate the January 17, 2007 Stay Agreement and resume hearings on the merits in this proceeding.
2. On July 17, 2007, the Commission’s Hearings Examiner held a technical conference to address procedural steps necessary to resume the hearings, and reported by letter to the Commission that “two of the witnesses previously participating in the Veolia panel, now proposed for cross-examination on September 5, are no longer employed by Veolia and that, accordingly, their written pre-filed testimony will be adopted by new witnesses who will be tendered for cross-examination”.
3. The two witnesses to be replaced are David Ford, P.E. and Robert Burton who prepared testimony and responses to data requests as part of a panel describing Nashua’s technical approach and qualifications to operate the water system to be established as a result of this proceeding. In the fall of 2006, Mr. Ford left Veolia to become Director of Public Works for the Town of Wolfeboro, New Hampshire,

and by the time hearings to recommence, he will have had no involvement in the project for nearly a year. Mr. Burton accepted employment in Atlanta, Georgia during the stay period and no longer works for Veolia. As a result, both Mr. Ford and Mr. Burton are effectively unavailable to adopt their prior testimony.

4. On July 24, 2007, Nashua provided to Pennichuck the resumes of Stephen Siegfried and Alyson Willans, the individuals replacing Mr. Ford's and Mr. Burton's roles on the project. By letter dated August 1, 2007, Nashua provided their resumes to all parties and sought their concurrence. A copy of Nashua's request and the resumes for is attached hereto.
5. Nashua has been informed that the Commission Staff, the Merrimack Valley Regional Water District, the Town of Milford and Barbara Pressly consent to Nashua's request. The Town of Merrimack and Anheuser-Busch indicated that took no position. Pennichuck Water Works indicated that it opposes and intends to file an objection to Nashua's request. The remaining parties did not respond.
6. Good cause exists to grant this request. Nashua's need to replace witnesses is the result of a proceeding involving multiple witnesses over a period of years. In that regard, Nashua notes that both the Town of Merrimack and Anheuser-Busch have previously, without objection, sought to replace witnesses no longer available or, in the case of Anheuser-Busch, retired and no longer employed by it.
7. Nashua does not propose any substantive changes to testimony or exhibits as a result of this request, beyond submission of the enclosed resumes. Rather, as set forth in its request to the parties, Nashua proposes that Stephen Siegfried and Alyson Willans simply adopt those Exhibits containing testimony or data

responses submitted previously by Ford and Burton. Nashua understands those Exhibits to be limited to the following:

Exhibit 1005	January 12, 2006 <i>Direct Testimony</i> ;
Exhibit 1013	May 22, 2006 <i>Reply Testimony</i> ;
Exhibit 1051	<i>Responses to PWW Data Requests Set 3</i> ;
Exhibit 1052	<i>Responses to PWW Set 4</i> ;
Exhibit 1053	<i>Responses to PWW Set 5</i> ;
Exhibit 1054	<i>Responses to Staff Set 4</i> ; and
N/A	<i>Exhibits on cross examination offered by other parties (if any)</i>

8. As a result of the foregoing, Nashua believes that good cause exists to offer Stephen Siegfried and Alyson Willans as replacement witness for the purpose of adopting the previously submitted testimony, and that granting this request will not adversely impact the orderly conduct of this proceeding.


WHEREFORE, Nashua respectfully requests that the Commission:

- A. Grant leave to offer Mr. Stephen Siegfried and Ms. Alyson Willans as requested herein; and
- B. Grant such other relief as justice may require.

Respectfully submitted,

CITY OF NASHUA
By Its Attorneys
UPTON & HATFIELD, LLP

Date: August 10, 2007

By: 
Justin C. Richardson, Esq.
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Concord, NH 03301-1090
(603) 224-7791

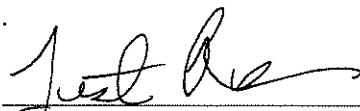
Robert Upton, II, Esq.
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North Conway, NH 03860
(603) 356-3332

David Connell, Esq.
Corporation Counsel
229 Main Street
Nashua, NH 03061-2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent this day by electronic mail to all persons on the Commission's official service list in this proceeding, and to intervenor Claire McHugh by first class mail.

Date: August 10, 2007


Justin C. Richardson, Esq.



**Upton
& Hatfield**^{LLP}
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Please respond to the Portsmouth office

August 1, 2007

Via First Class Mail

Debra A. Howland, Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: City of Nashua: *Petition for Valuation Pursuant to RSA 38:9*
NH PUC Docket No. DW 04-048

Dear Ms. Howland:

I write to inform the Commission and parties of Nashua's proposal to resolve certain procedural issues for the hearings scheduled to commence on September 4, 2007. By letter dated July 27, 2007, the City of Nashua and Pennichuck submitted a witness schedule for completion of the hearings in this proceeding. The schedule notes that on September 5, 2007, Nashua intends to offer Mr. Stephen Siegfried and Ms. Alyson Willans of Veolia Water North America, to replace Mr. David Ford and Robert Burton. In addition, the witness schedule indicates that the Town of Merrimack and Anheuser-Busch will replace witnesses previously identified.

Nashua proposes that Mr. Siegfried and Ms. Willans adopt the testimony, exhibits and discovery responses previously submitted by Mr. Ford and Mr. Burton on behalf of Veolia Water North America. This change is necessary as these individuals are no longer employed by the company, and their roles in the operation of the system will be performed by Mr. Siegfried and Ms. Willans respectively. Specifically, Nashua expects that the exhibits to be adopted by Mr. Siegfried and Ms. Willans is limited to portions of the following:

1. January 12, 2006 *Direct Testimony* (Exhibit 1005);
2. May 22, 2006 *Reply Testimony* (Exhibit 1013);

August 1, 2007

Page 2

3. *Responses to PWW Data Requests Set 3* (Exhibit 1051);
4. *Responses to PWW Set 4* (Exhibit 1052);
5. *Responses to PWW Set 5* (Exhibit 1053);
6. *Responses to Staff Set 4* (Exhibit 1054); and
7. Exhibits on cross examination offered by other parties (if any)

With the exception of the enclosed resumes, no substantive changes to exhibits or testimony previously submitted should be required.

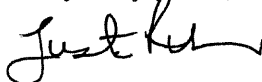
Nashua further notes that other parties, including Anheuser-Busch and the Town of Merrimack also propose to substitute witnesses previously identified for the hearings in January. Nashua therefore proposes the following:

- | | |
|---------------------|--|
| August 7, 2007 | Petitioner and respondent make all previously submitted exhibits available electronically to the parties, in accordance with the prior stipulations for the hearings in January. |
| August 10, 2007. | Parties identify any changes to the witnesses previously identified, exhibits to be adopted by the witness and provide current resumes. |
| August 17, 2007. | Objections (if any) to proposed witnesses. |
| August 20-27, 2007. | Pre-hearing conference before a hearings examiner to address any outstanding witness or procedural issues. |

Nashua believes that this approach will provide for the orderly conduct of hearings scheduled to re-commence on September 4, 2007. In that regard, Nashua remains open to discuss other proposals and requests that Pennichuck, Staff and other parties indicate their concurrence to this proposal.

If you have any questions, please contact me.

Very truly yours,



Justin C. Richardson, Esq.

JRichardson@upton-hatfield.com

Enclosures

cc: Official Service List DW-04-048 (electronic mail only)

Education/ Training:

BA, Geology,
The George
Washington
University,
Washington, D.C.

Masters Engineering
Geology Program
(courses in Fluid
Mechanics, Hydrology,
Hydrogeology, and
Geomechanics),
Drexel University,
Philadelphia, PA

OSHA 40-hour
Training and
Supervisory Training

Rate School training
by National Association
of Regulatory Utility
Commissioners

American Water
Works Management
Training

Registrations/ Certifications:

Professional Geologist,
Pennsylvania

Class 4
Water Treatment
Operator Certification,
ABC

Class 4
Water Treatment
Operator Certification,
Connecticut

Membership/ Affiliation:

American Waterworks
Association

Background:

Mr. Siegfried is an Area Manager with Veolia Water North America – Northeast, LLC (Veolia Water), and provides oversight, management and business development support for projects in the Northeast United States. These include operation, maintenance and management (O&M), design/build/operate (DBO) and related projects for governmental and industrial clients.

Mr. Siegfried brings to this project more than 20 years of professional experience, with a strong background in operation and maintenance of drinking water distribution systems. He has top management to hands-on experience in distribution piping and water treatment systems. His water treatment experience includes O&M of facilities ranging from 20 gallon per minute wells to 160 million gallon per day surface water treatment plants. Throughout his career Mr. Siegfried has been responsible for meeting regulatory agency water quality standards and customer needs for water quality, quantity, metering, billing, collections and engineering. He has also been responsible for managing pipeline installation and replacement projects conducted on a routine basis.

Mr. Siegfried has had P&L responsibility for projects totaling \$24 million annually, including monthly variance reporting. He has also been involved with developing multi-year operating budgets and delivering budgeted results is accomplished. Additionally, he has been involved with developing long-range Capital Improvement Plans, as well as five-year capital plans.

Key Experience:

- **2006–Date – Area Manager - New Hampshire - Veolia Water North America – Northeast, LLC**
 - Provides business development support for the Northeast, LLC, with responsibility for budget development and verification of O&M and Capital contracts totaling \$15 million annually.
 - Responsible for developing contractual options for meter reading, billing, customer service and collection.
 - Project management responsibility of annual \$ 8 million capital improvement program.
 - Directed the contracting of 38-MGD treatment plant, 400 miles of mains and over 50 of stand-alone satellite systems.
 - Designed an organizational structure to maximize staff usage, and assisted in the design of a Human Resources program to transition benefits to a commercial package and revise union work rules.
- **2003–2006 – Director of Contract Operations, Northeast Region – American Water Services - Voorhees, New Jersey**
 - Provided management oversight, personnel selection and placement, contract compliance and financial responsibility for O&M contracts in the Northeast region.

- Directed the operation of seven water treatment plants, ranging in size from 3-MGD to 160-MGD, serving water to a population of approximately 500,000.
 - Maintained distribution systems, including underground pipeline repair, tank management and pumping operations, for systems with populations of 5,000 to 280,000.
 - Responsible for meter reading, billing, customer service and collection in systems with 3,000 to 80,000 accounts
 - **1999-2003 – Vice President, Operations – Torrington Water Company - Torrington, Connecticut**
 - Managed regulatory compliance monitoring and sampling for all drinking water regulations.
 - Maintained and operated the distribution system, reservoirs, 5.5 MGD treatment plant, tanks, pump stations, and meters
 - Estimated and contracted pipeline installation projects and coordinated with developers for water main extension agreements.
 - Administered annual contracts for water distribution materials and treatment chemicals.
 - Responsible for implementation of \$2 million operating and \$1.5 million capital improvement annual budgets.
 - Conducted training program for Connecticut State waterworks certification of all distribution and treatment personnel.
 - **1994-1996 – Operations Manager – North Penn Water Authority - Landsdale, Pennsylvania**
 - Operated and maintained 370 miles of water main in 100 square mile service area experiencing rapid suburban growth (approximately 5%).
 - Responsible for multiple pressure zones and associated tanks and pump stations.
 - Managed regulatory sampling and SOC sampling waivers for 70 ground water sources.
 - Installed 45,000 feet of main and 1,000-1,500 taps annually with operations staff.
 - Managed groundwater wells and pumping of 10-MGD from 70 wells in a region surrounded by Superfund sites.
 - Conducted aquifer tests and installed wells, air strippers and GAC treatment systems for VOC contamination
 - Responsible for \$1.2 million operation and \$2.5 million capital improvement annual budgets.
 - **1990-1994 – Director of Public Works – Collegeville Trappe Public Works Department - Trappe, Pennsylvania**
 - Managed all aspects of water/sewer operation, billing, metering and administration.
 - Managed wells and pumping of 1-MGD from 12 wells in a region surrounded by Superfund sites.
 - Led technical activity in a cost recovery lawsuit action against the three polluters of the aquifer supplying public water. Conducted aquifer tests and installed wells to monitor the magnitude and extent of contamination. Installed and operated air strippers and VOC treatment systems.
 - Supervised \$1.6 million expansion of sewer collection system, including coordination and inspection. Rebuilt facilities to meet current standards, repaired water main breaks, tapped mains and constructed new facilities.
 - **1992-1999 – Instructor – Pennsylvania Department of Environmental Protection**
 - Part-time Instructor for operator certification classes in Distribution Systems and Treatment
 - **1986–1990 – Project Manager/Geologist – BCM Engineers, Inc. - Plymouth Meeting, Pennsylvania**
 - Led technical activity in hazardous waste site field investigations, including drilling and soil sampling.
-

- Conducted hydrogeologic investigations assessing the magnitude and extent of groundwater contamination. Conducted aquifer testing and permitting of several major supply wells in the Delaware and Susquehanna Basins.
- Managed and conducted groundwater investigations and drilling activity for municipal supply wells in the states of Pennsylvania, Virginia and New Jersey.

Education:

Bachelor of Engineering (BEng), University of Bradford
Diploma in Quality Management, University of Luton
Diploma, Business excellence and management, University of Newcastle

Registration/Certification:

Diploma in Safety Management
RoSpa Safety Inspector Certificate
Institute of Quality Assurance - UK
Institute of Occupational Health & Safety -UK

Licensing

Water Treatment grade, WT5- Indiana
Water Distribution grade, DSL- Indiana

Background:

Ms. Willans is Director of Operations Support with Veolia Water Indianapolis LLC. (Veolia Water). She is responsible for the Asset Management, Quality Control, Operations and Production Technical Support. She is also responsible for developing and implementation of Best Practice strategy, Change management, Innovation, Process Control, Process Optimization and Continues Improvements.

Ms Willans has more than 20 years of experience in directing and managing all aspects of water supply systems. This experience includes directing labor resources, operations, maintenance, watershed management, managing water quality laboratory, assets management, capital planning, process control and optimization, communication with state agencies, regulators, clients and board member and budget management.

Prior to joining Veolia Water Indianapolis, she held varies management position within Veolia Water UK and Three Valleys Water, a water supply system that serves 2.4 million people in communities north of London England: a utility operations group that is a subsidiary of Veolia Water.

Key Experience:

September 2006 – Present: Services as the Director of Operations Support with Veolia Water Indianapolis LLC, which manages and operates Veolia Water's 20 year , \$1.5 billion contract with the City of Indianapolis, Indiana which includes all O&M, capital project work and customer service of the City's water work's system, a system that serves over 1.1 million people. Responsible for directing the Asset Management, Quality Control , Operations Technical and Production Technical strategies for the company. Responsible for implementing Best Practice strategy, Change management, Innovation, Process Control, Process Optimization and Continues Improvements

Aug 2004 until Aug 2006: Served as the Director of Production and Water Quality, Veolia Water Indianapolis, with responsibility for management of a \$21 million budget and 102 personnel. Departmental responsible for the: operations, maintenance and water quality of 12 water treatment plants and control of 22 pumping station.

Key Achievement

Restructured and reorganization the department, which optimized work flow practices and improvement to budget management.



Technical support Director , Aug 2002 until Aug 2004

Aug 2002 until Aug 2004: Served as the Director of Technical Support, Veolia Water Indianapolis, with responsibility for developing the Quality and Environmental Management system to ISO 9001 and 14001 Standard. Implementation of Total Quality Management techniques, change management programs, process re engineering programs, Process Mapping and Statistical Process Control.

Key Achievement

Quality and Environmental management systems both registered to the ISO standards.

1999 – Aug 2002: Served as the Group Quality and Risk Manager, for Veolia water UK, with responsibilities for developing and managing the Groups Quality and Risk management strategy, developing change management , training management and staff in the group companies in the use of quality assurance, risk management and continues improvement tools and techniques.

Key Achievement

ISO 9000 registration for 5 Group Companies in the UK and ISO 14001 for 2 Group Companies in the UK

Development of an integrated management system, SHEQ (Health & Safety, Environment and Quality);

Development and implemented: business risk assessments, risk control evaluation and design of controls to limit mitigation under corporate governance.

1998- 1999: Severed as Business Improvement Manager for Three Valleys Water England. Part of a team that was involved in the management of organization changes that reviewed and implemented changes to work practices, improve labor utilization that improved efficiency and profit performance

1997-1998: Severed as Production Manager for Three Valleys Water England. Responsible for all the activities necessary, that ensured the pumping and treatment facility performs within the regulations.

1995-1997: Severed as Technical Services Technician for Three Valleys Water England. Responsible for: leakage control, Assets and Capital management.

1990-1995: Severed as Distribution Supervisor for Three Valleys Water England. Responsible for maintenance, of the water distribution system.

1988- 1995: Severed as New mains Engineer for Three Valleys Water England. Responsible for the design and project management of new large diameter distribution mains.

1982- 1988: Severed as Mains Engineer for Yorkshire Water England. Responsible for the design and project management of new small diameter distribution mains.
