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October 5, 2005

Dennis L. Keschl  
Administrative Director  
Maine Public Utilities Commission  
242 State Street  
State House Station #18  
Augusta, ME 04333-0018

Re: GEORGE A. TRASK et al. Request for Commission Investigation  
(Gardiner Water District) MPUC Docket No. 2005-3

Dear Mr. Keschl:

Enclosed with this letter, please find the City of Gardiner's Petition to Intervene in the above-referenced proceeding pursuant to Rules 720(b) and 722 of the Commission's Rules of Practice and Procedure.

Please note that the City of Gardiner seeks to participate as a party in the Commission's review of the Hearing Examiner's Report on October 24, 2005. Accordingly, prompt attention to the enclosed petition is requested.

Copies of the enclosed Petition have been mailed to attorney James Cohen (for the District), George A. Trask (for the Petitioners) and to the Maine Public Advocate's office, this date.

Please call me if you have any questions concerning this filing.

Sincerely,

*Erik M. Stumpf*  
Erik M. Stumpf, Esq.

Encls.

Pc: James Cohen, Esq.  
George A. Trask  
Maine Public Advocate  
City Manager

GEORGE A. TRASK, et al.  
Request for Commission Investigation of  
Gardiner Water District Pursuant to  
35-A MRSA sec. 1302

PETITION TO INTERVENE

The City of Gardiner, by its undersigned counsel, pursuant to Rules 720(b) and 722 of the Commission's Rules of Practice and Procedure, hereby moves to intervene as a party in the above-referenced proceeding.

In support of this Motion, the City of Gardiner states as follows:

- (1) The City of Gardiner is a local government entity organized and existing under the laws of the State of Maine and as such is entitled to intervene in this proceeding as a matter of right under Commission Rule 720(b).
- (2) The City of Gardiner is currently an "interested person" in the above-referenced proceeding and, through its representatives, attended the July 8, 2005 technical conference relating to this matter.
- (3) The Petitioners' complaint in this matter touches on the validity of the appointment of two members of the Water District's Board of Trustees by the Gardiner City Council pursuant to the Council's authority as the municipal officers of the City of Gardiner under the Water District's legislative charter, Private and Special Laws 1903, Chapter 82, as amended by Private and Special Laws 1979, chapter 40 and 1981, chapter 58. The complaint also seeks the Commission's inquiry into a proposed facilities consolidation plan involving the Gardiner Water District and the City of Gardiner's public works and sewer departments. Accordingly, the City

of Gardiner would be “substantially and directly affected” by the Commission’s final decision in this matter. *See* Commission Rule 720(a).

(4) The City of Gardiner seeks to formally intervene in the Commission’s proceedings at this date for the purpose of (a) participating in the Commission’s October 24<sup>th</sup> review of the Hearing Examiner’s Report / recommended decision, (b) commenting on the Report / recommended decision and (c) preserving the City’s standing and appellate rights with respect to the Commission’s final decision.

(5) The City of Gardiner consents to the record as described in the Commission’s September 30, 2005 Procedural Order.

(6) The City of Gardiner does not believe that either a formal evidentiary hearing or the taking of additional evidence is necessary.

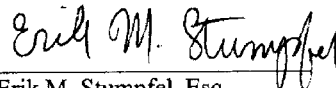
(7) No party to this matter would be prejudiced by intervention of the City of Gardiner for the purposes stated above at this date.

(8) The City of Gardiner’s intervention would not delay the Commission’s final resolution of this matter, but would materially contribute to the development of relevant issues.

CITY OF GARDINER

Dated: October 5, 2005

(By):



Erik M. Stumpf, Esq.  
Maine Bar Reg. No. 2826  
City Solicitor

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