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ATTORNEYS AT LAW

October 6, 2004

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NH Water Council
C/O Michael Sclafani, Appeals Clerk
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

RE: Notice of Appeal of Administrative Order No. WD 04-001 filed herewith
Docket #: 04-05WC

Motion for Extend Stay and Set Hearing Date

Ladies and Gentlemen:

Freudenberg-NOK General Partnership through its attorneys, Stebbins, Lazos & Van Der Beken, PA, has filed a Notice of Appeal from the above referenced Administrative Order with the New Hampshire Water Council.

On behalf of Freudenberg NOK , we request that the Council extend the previously granted stay of action on the Notice of Appeal for an additional thirty (30) days and set a Hearing Date because of the following:

A title search of the title to the Upper IPC Dam #031.03 which determined that title transferred to the State of New Hampshire by action at law pursuant to the terms of two (2) Quitclaim Deeds dated December 22, 1964 from (i) Public Service Company of New Hampshire to International Packings Corporation recorded at Book 1013, Page 44 of the Grafton County Registry of Deeds, and from (ii) Public Service Company of New Hampshire to The State of New Hampshire recorded at Book 1012, Page 544 of said Registry was delivered to the Department of Environment Services, Water Division and the DES Legal Unit on March 16, 2004 ("Title Search").

Freudenberg NOK believes, based on the deed from the Public Service Company of New Hampshire to the State of New Hampshire at Book 1012, Page 544, that as a result of its discontinuance of electricity generation after April 2002 that, effective 12 months from such discontinuance (i.e., after April 2003), title transferred to the State of New Hampshire.

STEBBINS, LAZOS & VAN DER BEKEN
PROFESSIONAL ASSOCIATION

The Daily Mirror Building
66 Hanover Street, Suite 301
Manchester, NH 03101
Telephone (603) 627-3700
Facsimile (603) 641-8900

Freudenberg NOK has delivered to the , information confirming legal title in the Upper IPC Dame #031.03 is now in the State of New Hampshire which renders the Administrative Order moot and unnecessary.

A significant period of time has passed since the Title Search and other information was submitted to the Department of Environmental Services, Water Division and its legal counsel without response from legal counsel. Freudenberg NOK continues to be responsible for the Upper Dam pursuant to the Administrative Order notwithstanding its belief that the title to the Upper Dam now resides in the State of New Hampshire. Although Freudenberg NOK continues to hope for a negotiated resolution of this matter, it is now necessary, because of the time of year, to obtain a formal determination of the ownership status of the Upper Dam.

Therefore, we respectfully request that the Council stay its consideration of the Notice of Appeal for a period of thirty (30) days to permit possible discussions with the Water Division and its legal counsel but also schedule a Hearing Date to permit a formal presentation of the facts in this matter for consideration by the Council.

Sincerely,
Freudenberg-NOK General Partnership
By its Attorneys
Stebbins, Lazos & Van Der Beken, PA

By: _____
Nicholas J. Lazos
66 Hanover Street, Suite #301
Manchester, NH 03101
603-627-3700

COPY

CC: Gretchen R. Hamel, Esquire DES Legal Unit
James Gallagher, Jr. PE
Chief Water Resource Engineer
Robert Evans, Esquire

Certificate of Service

I hereby Certify that I a copy of the foregoing Motion for Stay was send this 6th day of October, 2004 first class mail, postage prepaid to and James Gallagher, Jr. PE and to Gretchen R. Hamel, Esquire of the DES Legal Unit.

COPY

Nicholas J. Lazos