

**THE STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION**

Public Service Company of New Hampshire  
Merrimack Station Scrubber Project  
Request for Information

Docket No. DE 08-103

**MOTION OF  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
TO  
WAIVE RULES  
AND TO  
ACCELERATE SCHEDULE**

Public Service Company of New Hampshire ("PSNH" or the "Company") respectfully requests the Commission to accelerate the schedule for filing of information and memoranda of law in this docket. Pursuant to the Commission's Secretarial Letter dated August 22, 2008, such reports and memoranda must be filed by the Company and Office of Consumer Advocate by September 12, 2008. For the reasons set forth below, PSNH urges the Commission to accelerate the due date for such filings to August 29, 2008. In order to accomplish this, pursuant to Rule Puc 201.05 PSNH requests waiver of other applicable procedural rules, including but not limited to, Rule 203.07 (e).

Per the Secretarial Letter, the Commission has determined pursuant to RSA 365:5 and 365:19 to inquire into: the status of PSNH's efforts to install scrubber technology; the costs of such technology; and the effect installation would have on energy service rates (previously referred to as the default service charge) for PSNH's customers. Although PSNH feels that such an inquiry is unnecessary and outside of the authority of the Commission, PSNH stands ready and willing to comply.

However, the September 12 filing date established by the Commission would cause undue hardship on PSNH and its retail customers and would adversely affect the rights of PSNH, its retail customers, and the citizens of New Hampshire as a whole. *See*, Rule Puc 202.04, whereby extensions of time may be granted for such reasons. PSNH believes similar rationale should be considered when there is a need to accelerate a procedural schedule.

This proceeding involves the mandate placed on PSNH by the General Court to install scrubber technology at the Company's Merrimack Station ***as soon as possible***, but not later than July 1, 2013. (RSA 125-O:11, I and RSA 125-O:13, I, emphasis added). Based upon the clarity and mandatory nature of the law, PSNH has been diligently pursuing this mandate via initiation of myriad permitting processes, the execution of various contracts, and the issuance and negotiation of remaining contracts.

As a result of the Commission's decision to initiate this docket and its declaration that it "will consider further actions after it has the opportunity to review the filings" submitted herein, PSNH and its corporate parent, Northeast Utilities, cannot continue to commit additional dollars to the scrubber project until the Commission acts.

Unless the Commission acts expeditiously, PSNH will be required to cease all work proceeding under existing contracts. In addition, binding bids for additional contracts will expire, requiring PSNH to re-open the bidding process. These delays will inevitably lead to higher costs for the project as costs of materials and labor continue to escalate, AFUDC continues to accrue, and the possibility to achieve early emissions reduction credits under RSA 125-O:16 evaporates. These economic

injuries do not include the “significant emissions reduction benefits, including but not limited to, cost effective reductions in sulfur dioxide, sulfur trioxide, small particulate matter, and improved visibility (regional haze)” (RSA 125-O:11, II) that will be lost to delays in completion of the scrubber.


Any delay in the scrubber project is contrary to the direct findings of the General Court. As noted earlier, in RSA 125-O:11, I, the Legislature found “It is in the public interest to achieve significant reductions in mercury emissions at the coal-burning electric power plants in the state *as soon as possible*.” The Legislature provided economic incentives in the law in the form of early reduction credits that would inure to the benefit of PSNH’s customers if the scrubber is operational before the July 1, 2013 deadline. RSA 125-O:16.

Any delay in the installation and operation of the scrubber as a result of this docket would cause undue hardship on PSNH and its customers due to increased project costs and the loss of early emissions reduction credits and would adversely affect the rights of PSNH, its retail customers, and the citizens of New Hampshire as a whole as emissions reductions fail to take place.

WHEREFORE, PSNH urges the Commission to accelerate the schedule for the filing of reports and legal memoranda in this proceeding to August 29, 2008. For the same reasons, PSNH similarly urges the Commission to expedite its actions in this proceeding to minimize the delay and ensuing increased costs.

Respectfully submitted this 25<sup>th</sup> day of August, 2008.

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

By:   
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**CERTIFICATE OF SERVICE**

I certify that on this date I caused the attached Motion to be serviced  
pursuant to N.H. Code Admin. Rule Puc 203.11.

August 25, 2008

  
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