

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

Investigation of PSNH's Installation
Of Scrubber Technology at Merrimack Station

DE 08-103

MOTION FOR REHEARING
and RECONSIDERATION
of ORDER NO. 24,898
September 19th, 2008

OF

Edward M.B. ROLFE

NOW COMES Edward M.B. ROLFE pursuant to N.H. RSA 541:3 and 541:4,
respectfully moves the New Hampshire Public Utilities Commission ("the Commission")
to reconsider and rehear its decision Order No. 24,898. In support of this Motion,
Edward Rolfe states as follows:

1. On September 19, 2008, the Commission issued Order No. 24,898 ("the Order")
which concluded the State's Mercury Scrubber law RSA 125-O:11,1 took precedent over
other considerations in the investment by PSNH in its Merrimack Station. I have a few
concerns with this Order.

2. The first defect is procedural. The Commission invited only two parties (PSNH and
the OCA), and should have "noticed" it as a public hearing. RSA 541:3 requires public
notice and an opportunity for participation by those who will be affected by the
Commission's decisions. This oversight violated my right, as a PSNH rate payer, to due

process in this matter.

3. The second defect is that the Commission, in my opinion, came to the wrong decision regarding the interplay of the “Mercury Statute” and all the other Statutes that the Commission is charged with implementing on behalf of rate payers (ref. RSA 365 and RSA 374).

4. I also contend that the Commission failed to regard future additional costs that are to be absorbed by the PSNH in complying with Federal EPA Clean Air and Clean Water regulations, as well as RGGI Standards.

5. Additionally, the Commission did not consider the investment in this 40-year old coal plant in the context of several developing State policies, such as the Governor’s Climate Change Action Plan Task Force (which is to report to the Executive in December of this year), as well as energy policies to deal with recent fluctuations in fuel costs.

6. Recent turmoil in financial markets and government-banking restructuring also suggests that many of the premises upon which PSNH justified its investment may be subject to further scrutiny rendering any predictions of the final cost, and subsequent increase in electric rates suspect. It would seem prudent to reconsider these assumptions in the light of newly defined economic environment.


7. Finally, I also urge the Commission to reevaluate the Memorandum of Law submitted by the Office of Consumer Advocacy, dated September 11th, 2008, as it suggests many effects of the scrubber project on energy service rates. For example, RSA

347:3 endows the Commission with “general supervision of all public utilities . . .”
... acting as “the arbiter between the interests of the customer and the interest of the
regulated utilities”.

WHEREFORE, Edward M.B. Rolfe respectfully request that this honorable
Commission:

- A. Grant rehearing and reconsideration of its Order; and
- B. Grant such further relief as it deems appropriate.

Respectfully submitted,



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