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Clifton C. Below  
Amy L. Ignatius

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Debra A. Howland

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION  
21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

February 3, 2012

Re: DE 10-261, Public Service Company of New Hampshire (PSNH)  
2010 Least Cost Integrated Resource Plan (LCIRP)

To the Parties:

Since the issuance of Commission Order No. 25,298 (December 7, 2011), a number of pleadings have been received in the above referenced docket. The Commission has addressed the pleadings as follows:

**1. Motion to Strike, filed on December 16, 2011 by PSNH**, related to the Testimony of Douglas Hurley submitted by the Conservation Law Foundation (CLF), and **Objection to the Motion**, filed on December 27, 2011 by CLF.

PSNH moves to strike CLF's filed testimony of Douglas Hurley. PSNH argues that Order No. 24,945 (February 27, 2009) and RSA 378:38 and RSA 378:39 delineate the scope of this LCIRP proceeding, and that the subject of Mr. Hurley's testimony (the economic aspects of the operation of PSNH's Schiller Station), falls beyond this scope. In its Objection, CLF in reliance upon the same statutes, argues that Mr. Hurley's analysis, as relating to an assessment of PSNH's supply-option and general economic planning, is within the scope of this proceeding and therefore relevant.

The Commission finds that portions of Mr. Hurley's pre-filed testimony do not appear to be beyond the scope of the docket and will allow it to be marked for identification. Parties will have the opportunity to address whether the entirety or certain portions of the prefiled testimony should be made a full exhibit during the course of the hearing. The Commission, therefore, denies PSNH's motion to strike.

**2. Motion to Strike, filed on December 19, 2011 by PSNH**, related to the Testimony (styled as "Expert Report") of Dr. Ranajit Sahu submitted by New Hampshire Sierra Club (Sierra Club), and **Objection to the Motion**, filed on December 22, 2011 by Sierra Club.

PSNH also moves to strike Sierra Club's filed testimony of Dr. Ranajit Sahu. PSNH argues that Dr. Sahu's testimony, addressing the possible compliance-related and economic impacts of upcoming environmental regulations on PSNH's Merrimack

Station, is beyond the scope of this LCIRP proceeding, as delineated by Order No. 24,945 and RSA 378:38 and RSA 378:39. Sierra Club objects, arguing that the LCIRP statutes do contemplate a Commission examination of environmental and economic planning by PSNH.

The Commission finds that portions of Dr. Sahu's prefiled testimony do not appear to be beyond the scope of the proceeding and will allow it to be marked for identification. Parties will have the opportunity to address whether the entirety or certain portions of the prefiled testimony should be made a full exhibit during the course of the hearing. The Commission, therefore, denies PSNH's motion.

**3. Motion to Compel, filed on January 19, 2012 by TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (together, TransCanada), related to a discovery request served on PSNH by TransCanada.**

On January 27, 2012, PSNH filed a response to TransCanada for the discovery request at issue in TransCanada's motion, TC 4-17. The Motion to Compel now being moot, the Commission has no need to rule on this matter.

Sincerely,



Debra A. Howland  
Executive Director

cc: Docket File

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov	
alexander.speidel@puc.nh.gov	njpress@clf.org
amanda.noonan@puc.nh.gov	rgoldwasser@orr-reno.com
aoconnor@nepga.org	robertbackus1@gmail.com
catherine.corkery@sierraclub.org	shennequin@nepga.org
Christina.Martin@oca.nh.gov	steve.mullen@puc.nh.gov
daviekl@nu.com	tom.frantz@puc.nh.gov
desbiam@psnh.com	
dhartford@clf.org	
dpatch@orr-reno.com	
eatongm@nu.com	
edward.arnold@jacobs.com	
edward.damon@puc.nh.gov	
eric.steltzer@nh.gov	
george.mccluskey@puc.nh.gov	
gилfavor@comcast.net	
hallsr@nu.com	
hmoffett@orr-reno.com	
jrodier@freedomenergy.com	
knowlsb@nu.com	
largetj@psnh.com	
menarel@nu.com	
Meredith.A.Hatfield@oca.nh.gov	
mhoffer@clf.org	
MSmith@orr-reno.com	

Docket #: 10-261-1 Printed: February 03, 2012

**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
- DEBRA A HOWLAND  
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
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