

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Least Cost Integrated Resource Plan
Docket No. DE 10-261

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO
TRANSCANADA'S MOTION TO COMPEL

Pursuant to N. H. Code Admin. Rule Puc §203.07 (e), Public Service Company of New Hampshire ("PSNH" or "the Company") hereby objects to a Motion to Compel filed by TransCanada Power Marketing, Ltd and TransCanada Hydro Northeast Inc. ("TransCanada") on June 28, 2011. In support of its Objection, PSNH says the following:

1. On June 3, 2011 TransCanada filed three data requests including its request Number 2¹:

Please provide Newington annual generation, costs, revenues, profit margins and profitability indices from the GE-MAPS model runs prepared for Northeast Utilities by Charles River Associates ("CRA") as part of CRA's study entitled "LMP and Congestion Impacts of Northern Pass Transmission Project", dated December 7, 2010. The data requested should be provided for scenarios both with and without the Northern Pass Transmission line.

2. Before June 3, two rounds of discovery on PSNH's Least Cost Integrated Resource Plan had been conducted based upon a procedural schedule to which TransCanada had agreed. An extra, third round of discovery by Staff and Intervenors was agreed upon and permitted. This third round of data requests to PSNH was limited to the subject matter of revised results from the Newington Continued Unit Operation Study ("the Revised Levitan Data"). See, Secretarial Letter of May 9, 2011, attached. PSNH supplied these revised results to the parties on April 26, 2011, corrected the responses to earlier data requests, and awaited the

¹ PSNH responded to the two other data requests on June 17, 2011, both of which were directly related the Revised Levitan Data.

requests limited to the Revised Levitan Data. TransCanada's Request No. 2 does not request any information or data related in any manner to the Revised Levitan Data but instead seeks information from a study conducted for a completely different purpose. The study was submitted and became a public document as part of a December 15, 2010 filing with the Federal Energy Regulatory Commission ("FERC"). On June 13, 2011, PSNH objected to TransCanada's data request Number 2 as being untimely and requesting information that was unavailable to the persons preparing the Continued Unit Operation Study in the summer of 2010. On June 28, 2011, TransCanada filed its Motion to Compel.

3. PSNH's Least Cost Plan filing including the Newington CUO was prepared and submitted on September 30, 2010. Intervenor had from the date of the prehearing conference, November 18, 2010, until February 25, 2011 to issue any number of rolling data requests. A second round of data requests was served on PSNH on April 8, 2011. Each deadline for discovery was several months after the filing at FERC which is the subject of TransCanada's Request No. 2. TransCanada gives no credible excuse why it could not have asked for the data earlier. Furthermore, the discovery schedule in a least cost plan proceeding should be restricted to the information available to the persons preparing the write up of the plan or studies supporting the plan. This restriction would prohibit a continuous stream of data requests based upon new revelations, studies, projections, modifications, articles and reports that have been revealed or will come to light long after the least cost plan and the Continued Unit Operation Study were formulated and submitted to the Commission for review.

4. PSNH did not offer the Charles River Associates ("CRA") study entitled "LMP and Congestion Impacts of Northern Pass Transmission Project" ("the CRA Study") in this proceeding or before this Commission. The CRA Study was filed with the FERC for the limited purposes of showing whether congestion would be eased by the addition of the Northern Pass Transmission project and the effect that proposed

project might have on market clearing prices in New England. That information is contained in the CRA Study report and is available to TransCanada right now.

5. The Northeast Utilities companies did not request from CRA and were not supplied with output files listing the information requested; therefore, PSNH does not possess the information requested in TransCanada's Request No. 2. PSNH, therefore, cannot provide the information sought by the request because it does not have such information.

6. Unlike the Continued Unit Operation Study which looked only at Newington Station, the CRA Study used a production cost model to assess the entire New England electrical control area and addressed only whether the New England system would be different if the Northern Pass Transmission project were built and incorporated into to the system. The CRA Study is so vastly different from the Continued Unit Operation Study that, even if PSNH had the information sought by TransCanada, the information would not lead to admissible evidence. RSA 541-A:33, II.

WHEREFORE PSNH respectfully requests this Commission to deny TransCanada's Motion to Compel and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

July 7 2011
Date

By: Gerald M. Eaton
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Objection to TransCanada's Motion to Compel to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

July 7 2011

Date

Gerald M. Eaton

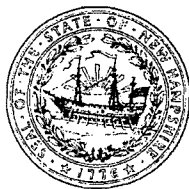
Gerald M. Eaton

THE STATE OF NEW HAMPSHIRE

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May 9, 2011

Re: DE 10-261, Public Service Company of New Hampshire
2010 Least Cost Integrated Resource Plan
Modification of Procedural Schedule

To the Parties:

On May 4, 2011, Staff filed a request to revise the existing procedural schedule to allow Staff to integrate additional discovery regarding New Levitan Data. Staff represents that the parties concur with the following revised procedural schedule:

Staff's Questions Regarding Levitan Newington CUO Modeling	04/25/11
2 nd Round of Data Requests from Staff/Intervenors	04/29/11
Company's Updates to 1 st Round Responses to Data Requests, <u>per New Levitan data</u>	05/13/11
Company's Responses to Staff Questions Regarding Levitan Newington CUO Modeling	05/13/11
Data Responses to 2 nd Round of Data Requests	05/20/11
3 rd Round of Data Requests from Staff/Intervenors, <u>regarding New Levitan Data only</u>	06/03/11
Company's Data Responses to 3 rd Round of Data Requests	06/17/11
2 nd Technical Session	06/22/11, 10:00 a.m.
Staff/Intervenor Testimony	07/01/11
1 st Round of Data Requests to Staff/Intervenors	07/15/11
Data Responses to 1 st Round of Data Requests	07/29/11
2 nd Round of Data Requests to Staff/Intervenors	08/15/11
Data Responses to 2 nd Round of Data Requests	09/09/11
Rebuttal Testimony	09/30/11
Settlement Conference	10/20/11
4th Round of Data Requests from Staff/Intervenors	10/28/11
Data Responses to 4 th Round of Data Requests	11/14/11
Hearing on the Merits	11/30/11-12/01/11, 10:00 a.m.

The Commission has determined that the proposed revised schedule is in the public interest and therefore has approved it.

Sincerely,

A handwritten signature in dark ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director