

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

Docket No. DE 14-238

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Determination Regarding PSNH's Generation Assets

**PETITION TO INTERVENE
OF CONSERVATION LAW FOUNDATION**

Pursuant to the Commission's Order of Notice dated September 16, 2014, N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, the Conservation Law Foundation ("CLF") hereby petitions for leave to intervene in the above-captioned docket. In support of its petition, CLF states the following:

1. CLF is a private, non-profit membership organization dedicated to protecting New England's environment for the benefit of all people. CLF uses the law, science, and the market to create solutions that build healthy communities, sustain a vibrant economy, and preserve natural resources, including resources affected by the generation, transmission, and distribution of electric power. As part of its mission to promote thriving, resilient communities, CLF is dedicated to advancing solutions that strengthen New England's—and New Hampshire's—economic vitality. In this regard, CLF represents the interests of its members in avoiding adverse economic impacts associated with continued use and reliance on uneconomic, environmentally unsustainable electricity generation such as the coal-fired generation units at Merrimack and Schiller Stations owned by Public Service Company of New Hampshire ("PSNH").

2. CLF has over 4,100 members, including approximately 500 members residing in New Hampshire, at least 200 of whom are PSNH customers.

3. In order to achieve its organizational objectives, CLF's focus includes advocacy regarding the design and operation of the region's energy markets, including those regulated by state Public Utility Commissions, such as the retail market in New Hampshire in which PSNH participates, and the wholesale electricity market in New England, as regulated by the Federal Energy Regulatory Commission.

4. In this docket, the Commission must determine whether, and if so how, PSNH should divest its generation assets, including its fossil fuel power plants, building on the extensive work of Commission staff and consultants that is embodied in the reports filed in Docket IR 13-020. As set forth in the Order of Notice, and as required under RSA 369-B:3-a, this proceeding addresses, *inter alia*, issues related to the potential divestiture of PSNH's generation assets, including the economic interest of PSNH ratepayers, the rate impacts of retaining or selling PSNH's generation assets, the appropriateness of continued operation or repowering of PSNH power plants, and the application of the electric market restructuring principles contained in RSA 374-F. These issues raise important economic and environmental concerns which, as set forth below, affect the rights, duties, and privileges of CLF and its members.

5. CLF and CLF's New Hampshire members have a direct and substantial interest in the outcome of this proceeding. Intervention will allow CLF to protect the interests of CLF's New Hampshire members who are PSNH customers and pay bills that will be determined using the rates resulting from Commission decisions in this proceeding, potentially for many years to come.¹

¹ CLF respectfully disagrees with the Commission's recent implication, in an order granting CLF's petition to intervene in DE 14-120, that CLF's mission does not encompass protection of its members who are PSNH customers from the adverse economic consequences of PSNH decisions, including its continuing decision to own and operate generation assets. *See* Order 25,689 at 6 (July 7, 2014). Historically and today, CLF represents

6. A dominant, overarching issue at stake in this docket—the future of PSNH’s fossil fuel power plants—implicates the direct and substantial environmental and public health interests of CLF and its members, including those exposed to harmful and toxic air pollution from PSNH plants. In this regard, CLF has long advocated for the PSNH plants’ full compliance with environmental laws and is currently engaged in litigation now pending in the U.S. District Court for the District of New Hampshire against PSNH that alleges violations of the federal Clean Air Act at Merrimack Station (Civil Action No. 11-353-JL).

7. CLF’s institutional expertise in these matters and its deep experience with state retail electric markets and the regional wholesale electric market, as well as with environmental compliance measures at energy facilities, will inform its participation and benefit the Commission’s consideration of the issues pertinent to its decisions in this docket.² For close to twenty years, CLF has been an active participant in, and advocate of, the development and implementation of electric restructuring policies in the New England states.

8. CLF has had an important role in bringing forward the issues now before the Commission in this docket. CLF strongly advocated that the Commission take up the issues to be considered here in the context of PSNH’s least-cost integrated resource plan in Docket DE 10-261, and CLF recently participated in both Commission Staff’s investigation regarding PSNH’s ownership of generation in Docket IR 13-020 and in the legislative process leading to the passage of House Bill 1602.

the economic *and* environmental interests of its members in advancing a clean and efficient energy economy that promotes competition among energy suppliers, consumer choice, and timely technology turnover. These objectives are fundamental to CLF’s broader mission, and CLF’s advocacy on PSNH matters, including before the Commission, is intended to secure for its members the economic benefits of achieving those objectives, including affordable electric rates for PSNH customers.

² CLF’s policy and program experience includes over twenty years of extensive collaborative work and participation in numerous utility commission dockets throughout New England, including DR 97-211; DE 99-099; DE 01-057; DE 07-064; DE 08-103; DE 08-145; DE 09-033; DE 10-160; DE 10-188; DE 11-215; DE 11-250; DE 13-108; DE 13-275; and DE 14-120 in New Hampshire.

9. Allowing CLF to intervene will not impair the orderly and prompt conduct of the proceedings. In this regard, CLF is open to innovative approaches to briefing, discovery, hearings, and settlement that will focus and expedite the proceeding in appropriate ways. However, while CLF's interests may be related to those of other potential parties to this docket, CLF initially states that it opposes full consolidation of intervenors because no other party can adequately represent CLF's unique perspectives. CLF's interests in this docket are neither purely environmental nor congruent with the Consumer Advocate; our distinct interest is in achieving a balanced outcome that addresses the challenges presented by PSNH's ownership and operation of power plants in a way that benefits the environment, consumers, New Hampshire's clean energy economy, and the effectiveness and efficiency of state and regional energy markets—all matters explicitly referenced in the legislative policies referenced in the Order of Notice.³

WHEREFORE, CLF respectfully requests that it be granted full intervenor status in this proceeding.

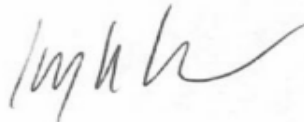
Respectfully submitted,

CONSERVATION LAW FOUNDATION



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Dated: September 26, 2014

³ The legislative policies regarding restructuring referenced in the Order of Notice directly incorporate environmental, clean energy, and energy efficiency objectives. RSA 374-F:3, VIII-X.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition has on this 26th day of September been sent by email to the service list in Docket No. DE 14-238 and by first-class mail to PSNH and the Office of Consumer Advocate.

A handwritten signature in black ink, appearing to read "Thomas F. Irwin". The signature is fluid and cursive, with the first name "Thomas" and last name "Irwin" being clearly legible despite the cursive style.

Thomas F. Irwin (NH Bar No. 11302)