

**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

**RESPONSE AND OBJECTIONS
of
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
to
PETITIONS TO INTERVENE**

October 2, 2014

Pursuant to RSA 541-A:32, N.H. Code of Admin Rule Puc 203.07, and the Order of Notice issued in this proceeding, Public Service Company of New Hampshire ("PSNH") hereby responds to the Petitions to Intervene ("Petitions") filed in this proceeding by the Office of Energy and Planning; the City of Manchester; the City of Berlin; the International Brotherhood of Electrical Workers, Local #1837; the Business and Industry Association of New Hampshire; TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (collectively "TransCanada"); the New England Power Generators Association, Inc.; the Retail Energy Supply Association; Granite State Hydro Association; the Conservation Law Foundation, Inc.; the Sierra Club; the New Hampshire Sustainable Energy Association d/b/a NH Clean Tech Council, and Pentti J. Aalto. PSNH notes that some of the parties seeking intervenor status do not have any rights, duties, privileges, immunities or other substantial interests that may be affected by the proceeding. In those cases, the petitions do not meet the standards of RSA 541-A:32 to be granted intervenor status. PSNH identifies those parties, and lodges its objections to their intervention, as noted herein.

In support of this Response and Objection, PSNH states:

1. During its 2014 session, the General Court enacted Chapter 310 of the New Hampshire Session Laws of 2014, "An Act relative to the divestiture of PSNH assets and relative to the siting of wind turbines." At Chapter 310:1, "Purpose," the Legislature indicated that the

singular interest at stake in this proceeding is “the economic interests of PSNH’s retail customers.” The “economic interest” standard is narrower than the “public interest” standard that prior to the enactment of Chapter 310 governed the potential retirement of PSNH’s generation assets. In *Appeal of Pinetree Power, Inc.*, 152 N.H. 92 (2005), the New Hampshire Supreme Court discussed RSA 369-B:3-a and that statute’s “public interest” standard, noting, “the ‘public interest’ of PSNH’s customers encompasses more than simply rates.” 152 N.H. at 97. The Court continued by stating, “the public interest standard for modification is broader than just economic interests.” *Id.* As this proceeding is governed by the narrower “economic interest” standard, parties asserting standing based upon grounds not encompassed by this standard have not demonstrated an adequate foundation for their intervention request.

2. The standard for reviewing petitions for intervention is set forth in the Administrative Procedure Act at RSA 541-A:32. To qualify for intervenor status as of right, a petitioner must set forth “facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.” RSA 541-A:32, I(b). In addition, a petitioner for intervention must also meet the requirement “that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” *Id.* at I(c) and II.

3. The Order of Notice establishing this proceeding cited to and repeated the RSA 541-A:32, I standard, by stating “any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to PSNH and the Office of the Consumer Advocate on or before September 29, 2014, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, I(b).” Order of Notice at 3. The Order of Notice did not reference the discretionary intervenor provisions of RSA 541-A:32, II. If applicable, that standard requires a finding that the grant of intervenor status “would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.”

4. In light of the Legislature’s determination that the narrower “economic interest” standard applies in this proceeding in lieu of the broader “public interest” standard, petitioners for intervention must have standing by demonstrating requisite rights, duties, privileges,

immunities or other substantial interests that fall within this narrower scope. Granting of intervenor status to entities that have no such standing would result in there being no standard for intervention whatsoever, leading to a much more complex and controversial proceeding than necessary. The New Hampshire Supreme Court recently reiterated that under the New Hampshire Constitution to have standing a party must have specific personal legal or equitable rights at stake. *Duncan v. State*, ___ N.H. ___, *slip op.* at 10 (August 28, 2014). A more complex and controversial proceeding would also conflict with the Legislature's directive that it wanted this proceeding to begin quickly (before January 1, 2015 – Chapter 310:2); for the Commission to “expedite” this proceeding (*Id.*); and for the Commission to submit a progress report to the Legislature by March 31, 2015 (*Id.*).

5. As of the date of this filing, PSNH is aware of petitions to intervene filed by the Office of Energy and Planning; the City of Manchester; the City of Berlin; the International Brotherhood of Electrical Workers, Local #1837; the Business and Industry Association of New Hampshire; TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (collectively "TransCanada"); the New England Power Generators Association, Inc.; the Retail Energy Supply Association; Granite State Hydro Association; the Conservation Law Foundation, Inc.; the Sierra Club; the New Hampshire Sustainable Energy Association d/b/a NH Clean Tech Council, and Pentti J. Aalto. Many of those petitions fail to meet the burden of demonstrating the requisite rights, duties, privileges, immunities or other substantial interests under RSA 541-A:32 relating to the issues in this proceeding. PSNH provides the following responses or objections to each of these petitions.

6. PSNH does not object to the petition of the Office of Energy and Planning (“OEP”). In its Petition, OEP summarily states that it is an Executive Branch agency and that it has ongoing interests in the issues regarding PSNH’s generation assets. Although OEP’s petition fails to meet the standard set forth in both RSA 541-A:32, I and the Order of Notice as it does not demonstrate how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, PSNH notes that Ms. Deborah J. Schachter, Director, Governor’s Office of Energy and Community Services -- OEP’s predecessor agency¹ – is a signatory and party to the "Public Service Company of New Hampshire Restructuring Settlement Agreement"

¹ See OEP Petition to Intervene at ¶ 2.

signed on September 22, 2000², that is referred to in the Order of Notice (at 2), that was defined in RSA 369-B:2, VIII; and that is referred to multiple times throughout RSA Chapter 369-B and RSA Chapter 369-A, as well as in 2001 N.H. Laws 29:4,V. That Settlement Agreement expressly notes that, “The rights conferred and obligations imposed on the Parties to this Agreement shall be binding on or inure to the benefit of their successors in interest or assignees as if such successor or assignee was itself a Signatory hereto.” Restructuring Settlement Agreement at ¶ XVII, B. The stated purpose of the Restructuring Settlement Agreement was “to provide a resolution of all major issues pertaining to PSNH in the electric industry restructuring proceeding of the New Hampshire Public Utilities Commission (‘PUC’) Docket No. DR 96-150, as well as in the other dockets and pending litigation described in Section XV of this Agreement.” *Id.* at ¶ I. As a result of OEP’s status as a successor to GOECS, OEP is bound by that Agreement’s requirement that “The Parties agree to support this Agreement before the PUC and in any related legal proceedings or legislative inquiries or hearings, and to take all such action as is necessary to secure approval and implementation of the provisions of this Agreement.” *Id.* at ¶ XVII, D. As a result of OEP’s status as a party to the Restructuring Settlement Agreement and the legal obligations that arise from that Agreement, PSNH does not object to OEP’s petition to intervene.

7. PSNH also does not object to the petitions submitted by the Cities of Berlin and Manchester. Both of the Cities have substantial interests in and rights reflected by provisions of the Restructuring Settlement Agreement relating to PSNH’s hydroelectric generating assets. Because the Commission’s Order of Notice lists “the status of the 1999 restructuring settlement agreement with PSNH in docket DE 99-099 and its application to issues in this docket” as an issue in this proceeding, the Cities have clearly demonstrated rights, privileges, or substantial interests to protect that warrant the grant of intervenor status.

8. Similarly, PSNH does not object to the request for intervenor status submitted by the IBEW. Although the IBEW’s filing is lacking in formal legal qualities, in Chapter 310 the Legislature enacted a new RSA Section 369-B:3-b to protect the interests of employees who may be affected by a divestiture of PSNH’s generation assets, many of whom are IBEW members, and

² Other signatories to the Restructuring Settlement Agreement were the Honorable Jeanne Shaheen, Governor of the State of New Hampshire; Philip T. McLaughlin, Attorney General of the State of New Hampshire; Thomas B. Getz, Executive Director and Secretary of the New Hampshire Public Utilities Commission; Michael G. Morris, Chairman, President and Chief Executive Officer of Northeast Utilities; and Gary A. Long, President and Chief Operating Officer of PSNH.

enacted other provisions relating to those same interests. (*See* Chapter 310:3, 310:4). The “employee protections” referred to by the Legislature were contained in the Restructuring Settlement Agreement. Because the Commission’s Order of Notice lists “the status of the 1999 restructuring settlement agreement with PSNH in docket DE 99-099 and its application to issues in this docket” as an issue in this proceeding, the IBEW has rights, privileges, or substantial interests that warrant the grant of intervenor status.

9. PSNH does not object to the petition of Pentti J. Aalto. Mr. Aalto’s interest in the docket stems from his interests as an individual retail customer of PSNH. In that the purpose of this proceeding is to examine the economic interests of PSNH’s retail customers as it relates to PSNH’s generating facilities, Mr. Aalto does have rights that are implicated by this proceeding.

10. PSNH hereby objects to the petition for intervention filed by the Business and Industry Association of New Hampshire (“BIA”). BIA summarily states that, “[t]he resolution of this docket will directly affect Public Service of New Hampshire’s commercial and industrial customers. Many of these customers are BIA members.” This generalized statement of interest does not set forth any clearly demonstrated rights, privileges, or substantial interests that warrant the grant of intervenor status. The Commission recently discussed its prerequisites for consideration of and the granting of intervention requests, “The Commission reviews the facts alleged in the petition and determines whether the petition has demonstrated ‘rights, duties, privileges, immunities or other substantial interests [that] may be affected by the proceeding ...’ RSA 541-A:32, I(b).” *Liberty Utilities*, Docket No. DE 14-211, Order No. 25,715 (September 8, 2014), *slip op.* at 3. Rejecting petitions for intervention filed by Freedom Logistics LLC d/b/a Freedom Energy Logistics (“FEL”) and NextEra Energy Power Marketing LLC (“NEPM”), both participants in the region’s wholesale power markets, the Commission stated, “A general interest in competitive markets or in a bidding process that has not yet occurred is insufficient to entitle these parties to intervene pursuant to RSA 541-A:32, I.” *Id.* In the instant case, BIA’s general interest in this proceeding similarly does not create legal standing supporting its request for intervention. *See also North Atlantic Energy Corporation, et al.*, Order No. 24,007 (July 8, 2002) at 3 (“It should be recognized that merely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding.”).

11. PSNH hereby objects to the petition for intervention filed by TransCanada. TransCanada asserts that it is entitled to intervenor status because of its interests as “a competitive supplier of electricity in New Hampshire and as a producer of electricity that is sold into the New England ISO market... .” Petition to Intervene, ¶4. TransCanada also claims that it “has knowledge that could be of value to the parties and to the Commission in this proceeding” *Id.*, ¶5. TransCanada’s professed interest in this proceeding is akin to those of FEL and NEPM in the *Liberty Utilities* proceeding; *i.e.*, generalized interests in competitive markets. TransCanada underscores this general interest by noting that “TransCanada’s competitive position relative to PSNH and other owners of generation may be affected by the results of this docket.” *Id.*, ¶4. TransCanada’s position relative to PSNH or to other non-regulated generation owners is not in issue in this docket. In the instant case, TransCanada’s general interest in this proceeding similarly does not create legal standing supporting its request for intervention.

12. PSNH hereby objects to the joint petition for intervention filed by the New England Power Generators Association, Inc. (“NEPGA”) and the Retail Energy Supply Association (“RESA”). NEPGA indicates that its mission is “to promote sound energy policies to further economic development, jobs and balanced environmental policy.” Petition to Intervene, ¶5. NEPGA asserts that it is entitled to intervenor status because:

As participants in the region’s wholesale power markets, NEPGA’s members have a substantial and specific interest in a fully competitive generation market and a level playing field. Unlike PSNH, NEPGA’s members are not guaranteed recovery of and on their generation investments. NEPGA’s members are therefore impacted by PSNH’s continued ownership of generation assets. Therefore, NEPGA’s members’ substantial interests will be directly impacted by the outcome of this proceeding.

Id.

RESA asserts a similar basis its request for intervenor status:

Several RESA member companies are authorized by the Commission to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State. As such, RESA and its members have a substantial and specific interest in a fully competitive generation market. As competitive retail suppliers in New Hampshire, RESA’s members are and would be directly impacted by PSNH’s continued ownership of generation assets. Thus, the rights, duties, privileges or substantial interests of RESA’s members will be affected by the outcome of this proceeding.

Id., ¶7.

NEPGA's and RESA's bases for intervention are similar to those claimed by FEL and NEPM in the *Liberty Utilities* proceeding.³ The interests upon which both NEPGA and RESA base their claims for intervention are generalized interests in: "sound policy", "economic development", "balanced environmental policy", and "a competitive generation market." Those interests demonstrate no rights, duties, immunities or substantial interests that would be affected by a docket reviewing the economic interests of PSNH's retail customers, and are insufficient to support their claims for intervention.

13. PSNH hereby objects to the petition for intervention filed by the Granite State Hydropower Association ("GSHA"). GSHA claims that the substantial interests of many of GSHA's members are likely to be affected by this proceeding because many may enter into power purchase agreements with wholesale power purchasers - including PSNH - upon the expiration of their current rate orders or power purchase agreements and because GSHA members operate in a competitive marketplace. GSHA bases for intervention are similar to the claims made by FEL and NEPM found insufficient in the *Liberty Utilities* proceeding and are generalized and speculative; *i.e.*, the possibility that some members might enter into PPAs in the future (potentially with PSNH), and in the general operation of the competitive marketplace. GSHA demonstrates no rights, duties, immunities or substantial interests that would be affected by a docket reviewing the economic interests of PSNH's retail customers and its petition is insufficient to support its claim for intervention.

14. Moreover, the grant of intervenor status to TransCanada, NEPGA, RESA and/or GSHA would likely impair the orderly conduct of this proceeding. As the Commission is well aware, in recent dockets various of these parties have either limited the amount of discovery provided, or objected to providing discovery all together, despite being aware of the relevance and necessity of the information. At times such objections have been based upon a professed inability to obtain information, and at other times on a clear unwillingness to obtain or provide it.⁴ In this case, the Legislature has specifically stated that the Commission should expedite this

³ PSNH notes that NEPM's affiliate, NextEra Energy Resources, is a member of NEPGA and its affiliate, NextEra Energy Services, is a member of RESA.

⁴ See, *e.g.*, June 6, 2014 Letter of TransCanada in Docket No. DE 11-250 stating, in relevant part, that although the Commission had specifically ordered TransCanada to provide responses to certain data requests it would not comply. See also, August 27, 2012 Objection of RESA to Motion to Compel of GSEC in Docket No. DE 12-097 at ¶5, stating that RESA would not, or in some cases presumed it could not, gather information from its member companies. Presumably such impediments exist for NEPGA and GSHA as well.

proceeding. The very real possibility of having to address such issues, particularly with entities that have no legal interest at stake in the proceeding, and over which the Commission has only limited enforcement authority, imperils the Commission's ability to abide the Legislature's requirement and strongly counsels against granting intervention.

15. Furthermore, in the Order of Notice initiating this docket the Commission recognized that the treatment of confidential data will be a significant issue in this proceeding. Order of Notice at 2. TransCanada and NEPGA's, RESA's, and GSHA's member companies represent the region's suppliers and potential purchasers of electric generation assets. In the event that this proceeding ultimately leads to the initiation of such a divestiture process, TransCanada's, NEPGA's, RESA's, and GSHA's involvement and access to confidential materials would provide them or their members an unfair advantage over other potential purchasers, generators or suppliers. If these parties truly desire "a level playing field" in the competitive generation market, they should not be allowed to participate in this proceeding, create additional burdens regarding the handling of confidential materials, and ultimately unlevel the playing field if a divestiture process is deemed necessary. The recent revelation by RESA member TransCanada criticizing the handling and treatment of confidential information in Commission proceedings must also be considered when determining whether the grant of intervenor status is consistent with RSA 541-A:32 or whether it would impair the orderly conduct of this proceeding:

Providing confidential responses . . . under normal discovery practices (i.e., subject to a protective order) is extremely risky and therefore not a feasible option, given that if the information were disclosed to and used by competitors, it is unlikely that the Commission could fashion any remedies that could adequately compensate for the financial damages resulting from the disclosure. Further, this assumes the party harmed is even aware of or able to prove the use of its methodology by a competitor.

Letter dated June 6, 2014, from Orr & Reno⁵, counsel for TransCanada Power Marketing Ltd., to the Commission in Docket No. DE 11-250, PSNH Scrubber Prudence Proceeding, at 2.

Given TransCanada's, NEPGA's, RESA's, and GSHA's inability to demonstrate legal standing sufficient to warrant the grant of intervenor status, and the evident belief that protecting confidential materials is simply "not a feasible option", the Commission should reject their petitions for intervention, based upon the requirement of RSA 541-A:32 that intervention not impair the orderly and prompt conduct of the proceedings.

⁵ PSNH notes that Orr & Reno is counsel to and submitted the petitions for intervention of TransCanada, NEPGA, RESA and GSHA in this proceeding.

16. At best, TransCanada's, NEPGA's, RESA's, and GSHA's interests in this proceeding are those of competitors in the energy marketplace. The New Hampshire Supreme Court has held that the allegation of increased competition alone is not typically deemed to be a legal harm conferring standing on a party. *Nautilus of Exeter v. Town of Exeter*, 139 N.H. 450 (1995). In *Nautilus*, the Supreme Court rejected a property owner's denial of standing to participate in a town zoning board proceeding. The standard set forth in RSA 676:5 for participation in such zoning matters is similar to the RSA 541-A:32 standard applicable in this proceeding. RSA 676:5, I allows appeals to be taken "by any person aggrieved." This standard is substantially similar to that in RSA 541-A:32, I(b), requiring the demonstration "that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding." Based on RSA 676:5's standard for standing the Court held, "We agree with the trial court that the only adverse impact that may be felt by the plaintiffs as a result of the ZBA's decision is that of increased competition with their businesses. This type of harm alone is insufficient to entitle the plaintiffs to standing to appeal the ZBA's decision: '[I]njury resulting from competition is rarely classified as a legal harm but rather is deemed a natural risk in our free enterprise economy.' *Weeks Restaurant Corp. v. City of Dover*, 119 N.H. 541, 545 (1979) (quotation omitted)." *Nautilus* at 452; see also *Hannaford Bros. Co. v. Town of Bedford*, 164 N.H. 764, 769 (2013) ("The petitioner acknowledges that 'increased' business competition is not a type of harm sufficient to confer standing."). Competitors in the marketplace including TransCanada, NEPGA, RESA, and GSHA should not be granted legal standing in this proceeding to avoid the "natural risk[s] in our free enterprise economy."

17. PSNH objects to the petition for intervention of the Conservation Law Foundation, Inc. ("CLF"). In support of its petition, CLF states that this docket raises issues that are "important economic and environmental concerns which, as set forth below, affect the rights, duties, and privileges of CLF and its members." Petition to Intervene, ¶4. CLF's support for its claim of legal standing is its claim that, "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." *Id.*, ¶5. Less than 90 days ago, the Commission ruled on a similar intervention request by CLF made in Docket No. 14-120, PSNH's 2013 "Reconciliation" proceeding. In Order No. 25,689 dated July 7, 2014, *slip op.* at 5, the Commission found "that CLF has not demonstrated any rights, duties, or privileges that would be affected by this docket and that would mandate its

intervention.” The Commission noted that it was not persuaded that CLF’s mission as an environmental advocacy organization included protecting its members from financially imprudent decisions of utility companies or PSNH’s financial prudence in generating its own power. *Id.* at 6. In footnote 1 of its petition for intervention, CLF notes that it “disagrees” with the Commission’s findings in Order No. 25,689.⁶ PSNH questions CLF’s claim that it is a “membership” organization with a goal of protecting its “members’” financial interests. There is no indication that “membership” with CLF provides any specific benefits, or gives the “members” any apparent say in the governing of the organization. Instead, it appears that the only requirement for becoming a “member” is the making of a financial contribution to CLF. Based upon those criteria, every non-profit organization could claim intervenor status in this proceeding based upon its claim of representing its “member” donors. CLF has no interest in this proceeding, either in its own right, or as relates to the potential economic interests of its “members.”

18. PSNH similarly objects to the petition for intervention of the Sierra Club. Like CLF, the Sierra Club asserts that it is nonprofit environmental organization whose purposes include: to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment. Petition to Intervene, ¶1. Sierra Club states it has legal standing to intervene because such intervention will allow the Sierra Club to protect its members’ substantial interests in the environmental and public health impacts resulting from a determination as to the future of PSNH’s generating assets. *Id.*, ¶4. The Sierra Club’s bases for intervention are no different than those of CLF rejected by the Commission in Docket No. DE 14-120, and the Commission should similarly reject them here.

19. CLF’s and the Sierra Club’s claims that their interventions in this docket are justified by the environmental and public health interests of their members are not relevant to this

⁶ PSNH also notes that CLF’s contention that it represents its members’ economic interests is one of only recent vintage. Compare June 10, 2013 Petition to Intervene of CLF in Docket No. DE 13-108 at ¶4 (“Intervention will allow CLF to protect its members’ substantial interests in the environmental and public health impacts resulting from PSNH’s use of its generating resources and market purchases to supply its customers.”) with June 3, 2014 Petition to Intervene of CLF in Docket No. DE 14-120 at ¶5 (“Intervention will allow CLF to protect the interests of CLF’s New Hampshire members who are PSNH default energy service customers and pay bills determined using the rates resulting from Commission decisions in this proceeding, including Commission decisions regarding the prudence of costs incurred by PSNH for its self-owned generating assets.”).

proceeding. As noted earlier, the scope of this proceeding is not governed by the broader “public interest” standard that might include such environmental issues; instead, the standard is the narrower economic interest of PSNH’s retail customers. Had the Legislature desired the use of the broader public interest standard, it clearly would have said so. Recall that in Chapter 310 the Legislature chose to change the standard for review of potential asset retirement from the “public interest” standard to the “economic interest” standard.

20. Furthermore, intervention by CLF and Sierra Club may lead to delays and affect the orderly conduct of this proceeding. Of particular note in this regard is the declaration of CLF that “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 Petition to Intervene at ¶9. The Commission has express statutory authority to impose limitations on any intervenors, including by consolidating their participation. RSA 541-A:32, III(c). Despite this clear authority, CLF has stated that it would oppose the Commission’s consolidation of its participation based upon its belief that it has a unique perspective of some kind. In so doing, CLF has made clear for the Commission that it will, contrary to its claims, impair the orderly and prompt conduct of this expedited proceeding.

21. PSNH objects to the petition for intervention by the New Hampshire Sustainable Energy Association d/b/a NH Clean Tech Council (“NHCTC”). NHCTC’s petition is little different than that of the BIA, CLF or Sierra Club and should, for like reasons, be rejected. NHCTC claims, in general fashion, that it has an interest in the fate of PSNH’s generating facilities because the “sources and ownership structures of electric generation assets” affect its members and concern its “guiding principles.” NHCTC offers no explanation of any rights, duties, privileges, immunities or other substantial interests that would be affected by this proceeding; neither does it explain why its “guiding principles” confer upon it any legal interest in the matters at issue in this docket. Similar to CLF, were the interests expressed by NHCTC sufficient to permit intervention, there would be effectively no limit on the entities that would qualify for participation in this docket. NHCTC’s generalized interest in electric generation bears no relation to the economic interest of PSNH’s retail customers and its petition should be denied.

22. Ultimately, PSNH is aware that the Commission may conclude that despite its objections, parties may be permitted to intervene under the “discretionary” standard in RSA 541-A:32, II. Accordingly, PSNH offers the additional considerations for the Commission to assist in potentially avoiding delays in this proceeding. First, the Commission should strongly consider consolidating parties for their participation in this docket. While parties may allege somewhat differing perspectives, in the end the analysis must focus on the economic interests of PSNH’s retail customers. Therefore, the issues are limited by a legislative requirement and claimed differences of perspectives should not be a substantial issue – especially when intervention is not a matter of right in is instead at the discretion of the Commission. To the extent a party contends it should not be consolidated, that party should be required to justify that contention, including by demonstrating how its individual participation is both necessary and how it would not impair the orderly progress of the proceeding. To this same end, the Commission should consider directing parties to limit their intervention to the issues of specific concern to each party so as to help avoid potential duplication of issues (*e.g.*, the Cities of Manchester and Berlin should be limited to the impact of this proceeding on the hydro assets located within their municipal boundaries; CLF and Sierra Club should be limited to any environmental issues that may fall within the scope of the proceeding; the competitor intervenors TransCanada, NEPGA, RESA, GSHA, and NHSEA have no interests at stake, making such limitation impossible and demonstrating the impracticality of allowing their intervention).

23. Similarly, and with respect to briefs or memoranda as they may be requested or ordered by the Commission, PSNH would request that the Commission consider limitations not just on the number of pages, but limitations on overall length by similarly situated parties. Should it be the case that, for example, three parties share a similar view on an issue to be briefed, those parties would be able to essentially circumvent a page limitation by filing three documents addressing that same issue. This concern may be limited or eliminated by the Commission’s consolidation of parties.


24. Finally, PSNH would request that the Commission make clear that all parties, including those permitted “discretionary” intervention, must: produce and provide relevant information as it may be needed; abide by the Commission’s directives regarding the providing of information; and not attempt to avoid providing such information. Should a party not be willing to produce or provide relevant information, or should it otherwise disrupt the proceeding, its status as an

intervenor should be reviewed and modified as the Commission deems appropriate pursuant to RSA 541-A:32, V.

WHEREFORE, PSNH respectfully objects to the petitions for intervention filed by the Business and Industry Association of New Hampshire; TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (collectively "TransCanada"); the New England Power Generators Association, Inc.; the Retail Energy Supply Association; Granite State Hydro Association; the Conservation Law Foundation, Inc.; the Sierra Club; and the New Hampshire Sustainable Energy Association d/b/a/ NH Clean Tech Council. Those intervention requests should be rejected because: they fail to state any legal standing; such interventions would impair the orderly conduct of this proceeding; they would negatively impact the expedited nature of this proceeding as mandated by the Legislature; and, would negatively impact the conduct of a divestiture process should the Commission determine that divestiture is in the economic interest of PSNH's retail customers.

Respectfully submitted this 2nd day of October, 2014.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By: 
Robert A. Bersak
Assistant Secretary and Chief Regulatory Counsel

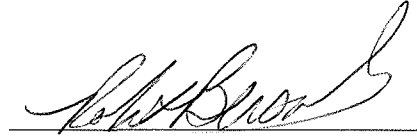
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CERTIFICATE OF SERVICE

I certify that on this date I caused this Objection to be served to parties on the Commission's service list for this docket.

October 2, 2014

A handwritten signature in cursive script, appearing to read "Robert Brown", is written over a horizontal line.