

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

DE 16-693

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY
Petition for Approval of a Power Purchase Agreement with Hydro Renewable Energy Inc.

**OBJECTION OF CONSERVATION LAW FOUNDATION
TO MOTION FOR REHEARING**

Pursuant to Puc 203.07(f), Conservation Law Foundation (“CLF”) respectfully objects to the motion for rehearing filed on April 3, 2017 by Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”), as follows:

1. On March 27, 2017, the Commission issued Order No. 26,000 dismissing Eversource’s petition requesting approval of a proposed twenty-year Power Purchase Agreement between Eversource and Hydro Renewable Energy Inc., pursuant to which Eversource proposed to purchase electrical energy over the proposed Northern Pass electric transmission line, resell that electricity into the wholesale market, and include the net costs or benefits of such purchases and sales in its electric generation rates, using the Stranded Cost Recovery Charge mechanism established by the 2015 Restructuring Settlement Agreement.

2. While styled as a Motion for Rehearing, Eversource requests as its primary relief that the Commission suspend its order. It does so primarily on the basis of pending legislative activity – SB 128 – relative to New Hampshire’s restructuring law, RSA 374-F. While Eversource is correct that SB 128 recently passed the New Hampshire Senate, it did so only following a highly dynamic process in which SB 128 underwent a significant evolution through

multiple amendments.¹ As of this date, the legislative process in the House of Representatives, which may prove equally dynamic, with uncertain results, has only begun, with the first House hearing yet to be scheduled.² The Commission should refrain from suspending its order in this proceeding simply because of the existence of legislative activity that may – or may not – be enacted into law and that may – or may not – ultimately be relevant to this docket. It is not unusual for the General Court to consider legislation that may have implications for pending dockets. Suspending final orders each time such legislation is under consideration, and awaiting the uncertain outcomes of such legislative processes, will only serve to undermine administrative and judicial efficiency. The Commission should proceed with its reliance on the law as it currently exists – both with respect to legislative activity and issues under consideration by the Supreme Court in the pending appeal from Order No. 25,950 in Docket No. DE 16-241 – and should deny Eversource’s request to suspend its Order.

3. The Commission also should deny Eversource’s request, in the alternative, for the Commission to grant rehearing of its Order. Eversource’s motion fails to establish that the Commission overlooked or mistakenly conceived of matters in its Order, and it presents no new, previously unavailable information, effectively re-asserting matters that have been the subject of extensive briefing yet seeking a different result. Rather, the motion re-hashes arguments correctly rejected by the Commission, arguing yet again that the Commission failed to properly interpret the underlying intent of RSA 374-F, and yet again failing to even acknowledge the

¹See General Court website, SB 128 Docket, at http://www.gencourt.state.nh.us/bill_status/bill_docket.aspx?lsr=955&sy=2017&sortoption=&txtsessionyear=2017&txtbillnumber=sb128&q=1 (as of April 10, 2017).

² *Id.*

ratepayer risks at issue in its proposal, and the intent of RSA 374-F in protecting ratepayers from such risk. Accordingly, Eversource's request for rehearing should be denied.³

WHEREFORE, Conservation Law Foundation respectfully requests that the Commission deny Eversource's Motion for Rehearing and the relief requested therein.

Respectfully submitted,

CONSERVATION LAW FOUNDATION



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V.P. and Director, CLF New Hampshire

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³ As the Commission recently stated in *PNE Energy Supply, LLC, et al. v. PSNH d/b/a Eversource Energy*, DE 15-491, Order No. 25,693 (Nov. 9, 2016):

The Commission may grant rehearing or reconsideration for “good reason” if the moving party shows that an order is unlawful or unreasonable. *See* RSA 541:3, RSA 541:4; *Rural Telephone Companies*, Order No. 25,291 (November 21, 2011). A successful motion must establish “good reason” by showing that there are matters the Commission “overlooked or mistakenly conceived in the original decision,” *Dumais v. State*, 118. N.H. 309, 311 (1978) (quotations and citations omitted), or by presenting new evidence that was “unavailable prior to the issuance of the underlying decision,” *Hollis Telephone Inc.* Order No. 25,088 at 14 (April 2, 2010). A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome. *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also* *Freedom Energy Logistics*, Order No. 25,810 (September 8, 2015).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition has on this 10th day of April, 2017
been sent by email to the service list in this docket.

A handwritten signature in black ink, appearing to read "Thomas F. Irwin", written over a horizontal line.

Thomas F. Irwin (NH Bar No. 11302)