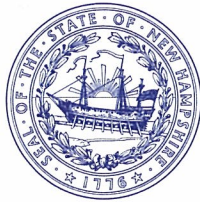


THE STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
Meredith A. Hatfield

ASSISTANT CONSUMER ADVOCATE
Kenneth E. Traum



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

Tel. (603) 271-1172

FAX No. 271-1177

Website:
www.oca.nh.gov

OFFICE OF THE CONSUMER ADVOCATE

21 S. FRUIT ST., SUITE 18
CONCORD, NEW HAMPSHIRE 03301-2429

September 11, 2008

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301-7319



**RE: DE 08-103 Public Service Company of New Hampshire
Investigation of Merrimack Station Scrubber Project**

Dear Ms. Howland:

I enclose for filing the Office of Consumer Advocate's Memorandum of Law which the Commission invited in its secretarial letter dated August 22, 2008. We appreciate the opportunity to contribute to the Commission's inquiry and consideration of the important legal issues in this case. We urge the Commission to determine as expeditiously as possible the threshold legal issue of its authority to review the Merrimack Station scrubber project, so that the parties may proceed quickly to the substantive public interest determination required.

We note that the OCA has limited its filing to only the legal questions asked by the Commission. We have not conducted any discovery or analysis on PSNH's substantive filing regarding the updated costs of the scrubber project. We will begin that work once the Commission rules on the pending legal question and issues a procedural schedule in the docket. When the Commission proceeds to the next phase, we encourage it to seek the participation and input of all stakeholders.

Respectfully,

A handwritten signature in blue ink, appearing to read "M. Hatfield".

Meredith A. Hatfield
Consumer Advocate

Enclosure

cc: Service List and Interested Parties List

SEP 11 2008 PM 12:34

