

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DE 10-195

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Petition for Approval of Power Purchase Agreement with
Laidlaw Berlin BioPower, LLC

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
OBJECTION
TO
WOOD-FIRED IPPs' MOTION FOR REHEARING**

Pursuant to Rule Puc §203.07(f), Public Service Company of New Hampshire ("PSNH") hereby objects to the Wood-Fired IPPs' Motion for Rehearing dated February 14, 2011. By that Motion, the IPPs request that the Commission grant rehearing of its decision in Order No. 25,192.

PSNH objects to the Motion, as it does not allege sufficient good reason for rehearing or reconsideration; therefore it should be denied. RSA 541:3.

In support of this Objection, PSNH says the following:

I. Introduction

All of the grounds for rehearing contained in the Motion were previously carefully reviewed and considered by the Commission in its Order No. 25,192 whereby it denied the Wood-Fired IPPs' December 15, 2010 Motion to Dismiss PSNH's petition.

II. Discussion

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by

identifying new evidence that could not have been presented in the underlying proceeding, see *O'Loughlin v. N.H. Personnel Comm'n*, 117 N.H. 999, 1004 (1977), or by identifying specific matters that the were “overlooked or mistakenly conceived” by the deciding tribunal. *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. See *Connecticut Valley Electric Co.*, Order No. 24,189, 88 NH PUC 355, 356 (2003), *Comcast Phone of New Hampshire*, Order No. 24,958 (April 21, 2009), and *Public Service Co. of New Hampshire*, Order No. 25,168 (November 12, 2010, issued earlier in this very docket.).

A careful review of the Motion reveals that the grounds set forth for reconsideration have been previously raised and addressed in the Order, or are mere reformulations of previous arguments. The IPPs merely reiterate their previous claims that were set forth in their December 15, 2010 Motion to Dismiss. In fact, the IPPs Motion refers back to their “legal arguments [which] are more fully set forth in the Wood-Fired IPPs' motion to dismiss, which is appended to this motion for rehearing, and are incorporated herein by reference. Motion at 2.

Therefore, the IPPs have failed to meet the requirement for rehearing set forth in RSA 541:3 that “good reason for the rehearing be stated in the motion.” The IPPs Motion is the classic reassertion of prior arguments with a request for a different outcome.


To the extent that the Commission deems it necessary to consider the very same legal arguments contained in the Wood-Fired IPPs original Motion to Dismiss, which they incorporated by reference in the instant Motion, PSNH respectfully requests the Commission to consider the matters set forth in the “Objection of Public Service Company of New Hampshire to Wood-Fired IPPs’ Motion to Dismiss” dated December 23, 2010, which is incorporated herein by reference.

III. Conclusion

For the reasons set forth herein, the Commission should sustain its original decision in Order No. 25,192, and deny the Wood-Fired IPPs’ Motion for Rehearing.

Respectfully submitted this 16th day of February, 2011.

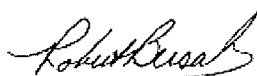
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2011, I served an electronic copy of this filing with each person identified on the Commission's service list for this docket pursuant to Rule Puc 203.02(a).



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