

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

Public Service Company of New Hampshire

Investigation of Merrimack Station Scrubber Project and Cost Recovery

Docket No. DE 11-250

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S MOTION FOR REHEARING
AND/OR RECONSIDERATION OF ORDER 25,334**

Public Service Company of New Hampshire ("PSNH" or the "Company") hereby moves the Commission, pursuant to RSA 541:3, to reconsider or conduct a rehearing of Order No. 25,334 issued March 12, 2012. In support of its Motion, PSNH states as follows:

1. This Motion arises out of a technical session discovery request issued to PSNH during the temporary rate phase of discovery during this proceeding. In that technical session data request (Q-Tech-008), the Office of Consumer Advocate requested information on permits and approvals associated with the disposal of wastewater from the Scrubber at Merrimack Station. The Company responded to that request by providing representative information about its discharge permits/agreements with local municipal POTWs (publicly owned treatment works) to dispose of Scrubber Wastewater.¹

2. CLF moved to compel, claiming that not only had it issued the technical session data request, but also claiming that the request was broader in scope than the question to which the Company responded. Specifically, CLF requested that the Commission compel the Company "to provide and complete response to Tech Session Data Request 008, which includes without

¹ At the March 12, 2012 hearing on temporary rates, the Commission issued a record request seeking copies of all permits and approvals associated with the disposal of Scrubber wastewater. That information has been provided as Exhibit 10.

limitation, all permits, approvals, agreements, transit arrangements, bills of lading, manifests, invoices, and receipts with respect to all publicly or privately owned wastewater treatment / disposal facilities and/or shippers with whom PSNH has arranged to dispose of scrubber wastewater including records of disposal to date.” CLF Motion to Compel at 5-6.²

3. In response, the Commission issued Order 25,334, in which it concluded that “...information about the manner and cost of wastewater disposal is reasonably calculated to lead to the production of admissible evidence in the permanent rate phase of this proceeding.” Order at 10. The Commission concluded that the information was not relevant to temporary rates but ordered the Company to produce the information during the permanent rate phase of the proceeding. *Id.* The Company now moves for rehearing and or reconsideration of that Order to clarify the scope of information to be produced.

4. Specifically, PSNH requests that the Commission reconsider its order and clarify that production of “information about the manner and cost of wastewater disposal” means information that reflects the following about each such shipment of Scrubber wastewater: (1) the date of the shipment; (2) the volume of wastewater shipped; (3) the location of the shipment, and (4) the cost associated with the shipment.³ The Company further requests that the Commission order that bills of lading, truck manifests, invoices, transit arrangements, and receipts associated with disposal of Scrubber wastewater is beyond the scope of Order 25,334.

² As a basis for its Motion to Compel, CLF stated, “it is critical for the Commission and the parties to understand how PSNH is disposing of its scrubber wastewater; whether it has all permits necessary to do so, and thus to operate the scrubber system...” CLF Motion to Compel at 5. The matters cited by CLF are not just outside of the purview of this docket – they are also beyond the jurisdiction of this Commission. At the urging of CLF, the U.S. Environmental Protection Agency, Region 1, has requested information from PSNH under Section 308 of the Clean Water Act regarding the disposal of scrubber wastewater. The EPA is the proper agency to conduct that inquiry.

³ The Company inquired of CLF whether it would accept such information as responsive to Order 25,334 but has not yet received a response from CLF.

5. It is hard to imagine how truck manifests and bills of lading – which confirm the shipment of Scrubber wastewater and provide information on the consignor and consignee - will shed any light on whether the costs of the Scrubber Project were prudently incurred. That information is well beyond the scope of information relevant to this proceeding. The four elements of information identified above (date, volume, location and cost) of each shipment is sufficient detail to substantiate the costs associated with wastewater disposal. To require any further level of detail regarding any and every cost associated with the Scrubber's construction and operation will be a diversion from the purpose of this docket, which is to determine whether the Company was prudent in its decision making regarding the construction and operation of the Scrubber. For these reasons, the Company requests that the Commission issue an order on rehearing limiting the scope of production of information as described above.

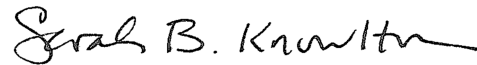
WHEREFORE, PSNH respectfully requests that the Commission:

- A. Grant this Motion for Rehearing and/or Reconsideration of Order 25,334; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

By Its Attorneys



Dated: April 11, 2012

By: _____

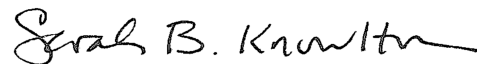
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Certificate of Service

I hereby certify that a copy of this Motion for Rehearing and/or Reconsideration has been served electronically on the persons on the Commission's service list in this docket in accordance with Puc 203.11 this 11th day of April, 2012.



Sarah B. Knowlton