

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Docket No. DE 11-250

Public Service Company of New Hampshire
Investigation of Merrimack Station Scrubber Project and Cost Recovery

MOTION TO AMEND PROCEDURAL SCHEDULE

December 24, 2013

Pursuant to the N.H. Admin. Rules, Puc 203.07, Public Service Company of New Hampshire (“PSNH” or the “Company”) respectfully moves the New Hampshire Public Utilities Commission (“Commission”) to amend the procedural schedule for this proceeding established by Secretarial Letter dated November 15, 2013.

In support of this Motion, PSNH states as follows:

1. By Secretarial Letter dated November 15, 2013, the Commission established a procedural schedule for this docket which called for the filing of “Staff, Intervenor Testimony” 38 days later - Monday, December 23, 2013 - and for “Data Requests on Testimony” to be propounded 8 business days after that – by Monday, January 6, 2014.
2. As of December 23, 2013, PSNH received testimony from the following parties: Commission Staff; Office of Consumer Advocate; TransCanada; Sierra Club; and Conservation Law Foundation. In total, eight witnesses submitted seven separate pieces of pre-filed testimony. At this time, the pre-filed testimony and attachments total over 1,100 pages. (One exhibit, CLF’s Exhibit 2 was not provided until today, December 24; CLF noted by email, “Exhibit 2 is too large to email and will be mailed on a CD-ROM.” CLF was subsequently able to provide this Exhibit electronically. If printed, that exhibit alone contains approximately 300 pages.)
3. In light of the extreme volume of testimony filed, the number of witnesses, the predominance of expert witnesses, and the fact that some materials were not timely provided,

PSNH requests that the date for the filing of data requests on testimony be extended by two weeks from Monday, January 6, 2014 until Tuesday, January 21, 2014. (Monday, January 20, 2014, is the Martin Luther King, Jr. Civil Rights Day holiday per RSA 288:1.)

4. This request for an extension to the procedural schedule could not have been submitted until today, as the necessity for this request only became evident as a result of the volume of testimony filed by the other parties to this proceeding. In addition, as noted earlier, contrary to Rule Puc 203.11 (b) PSNH had to await part of CLF's testimony. ("When a party submits a filing to the commission on the last day on which such filing may be made pursuant to a commission procedural schedule order or by law, the party shall also serve such filing on all parties to the proceeding electronically or by facsimile or, prior to the expiration of such deadline, shall notify all other parties that such filing is available at the commission.")

5. The requested two week extension for preparation of data requests is not unreasonable in light of the time that other parties were granted to propound discovery questions on the Company. PSNH filed its testimony concerning permanent rates in this proceeding on June 15, 2012. Initial discovery questions concerning that testimony were not due until August 31, 2012 – a period of 77 days from the date the Company's testimony was filed. However, per the Secretarial Letter dated August 6, 2013, written discovery on PSNH actually continued through August 30, 2013 (over a year from the filing of PSNH's testimony) and the complete discovery process continued until September 16, 2013 – the day of Mr. Gary Long's deposition. In light of the extensive period afforded other parties to ask discovery of PSNH and the facts described above, an extension of the existing 8 business-day deadline for discovery (which is presently scheduled over the Christmas and New Year's holiday period) from January 6, 2014 until January 21, 2014 is not unreasonable.


6. The concurrence of the parties to this proceeding was sought by PSNH. Commission Staff indicated that it did not object to the relief requested. Other parties did not or were unable to respond to PSNH's inquiry – perhaps because of the holiday period discussed above.

WHEREFORE, PSNH respectfully requests that the Commission:

- A. Grant this Motion to amend the procedural schedule; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted this 24th day of December, 2013, by:

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2013, 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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