

**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**

**Objections of the Conservation Law Foundation to Data Requests served by PSNH and**  
**Motion to Direct PSNH to Serve a Reasonable Number and Scope of Requests**

NOW COMES the Conservation Law Foundation (CLF) pursuant to Puc 203.09(g) and moves this honorable Commission for an Order requiring the Public Service Company of New Hampshire (PSNH) to submit a more reasonable and finite number of data requests and to limit the scope of those data requests to information reasonably calculated to lead to admissible evidence within the scope of this docket. To preserve its right to specifically object, CLF also has prepared and served objections upon PSNH within ten days following receipt of the data requests as required by Puc 203.09(g)(1). A copy of those objections is filed with this Motion, and is incorporated herein by reference.<sup>1</sup> In support of the general objections and this Motion, CLF states as follows:

1. On January 16, 2014, PSNH served 104 data requests on CLF, many of which contain detailed subparts for a total of 187 requests.
2. By procedural order dated November 15, 2013, the Commission limited the scope of those requests to “data requests on testimony.”

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<sup>1</sup> CLF acknowledges that objections generally are not filed with the Commission. Puc 203.09(e). In this case, the objections are filed to aid the Commission in its determination of the issue at hand.

3. Many of the data requests exceed that scope. Moreover many of the requests seek information not relevant to the Commission's prudence review and/or go beyond the scope of evidence that the Commission has already ruled it will not review (e.g. data requests seeking information related to legislative lobbying related to scrubber legislation).

4. CLF agrees with and adopts the legal analysis set forth by TransCanada in its Objection to Public Service Company of New Hampshire's Data Requests and Motion to Direct PSNH to Submit Reasonable Number of Requests filed on January 24, 2014. CLF specifically agrees that many of the data requests are over broad, unduly burdensome and not reasonably calculated to lead to admissible evidence; that many attempt to shift the focus away from a prudence review and have no prospect of aiding the Commission in its determination of that issue; that some requests are tantamount to requests for admissions or seek work product/legal analysis of counsel; that other requests are unnecessarily argumentative; and that much of the information is in the public domain or readily available to PSNH if not already in its possession.

5. CLF further agrees with the approach recommended by both TransCanada and the Office of the Consumer Advocate that the Commission's General Counsel be appointed as hearing examiner to attend a conference of the parties to address any and all disputes concerning the data requests and to make a recommendation to the Commission regarding a ruling on the number and scope of the data requests that PSNH can propound upon the other parties to this docket.

6. CLF has this date served a copy of this Motion and its Objections on PSNH, but has not yet ascertained its position with respect to the relief sought.

WHEREFORE, CLF respectfully requests that this honorable Commission:

- A. Issue an order limiting the both the number and scope of data requests that PSNH may propound upon the parties to this docket; or
- B. In the alternative, appoint the Commission's General Counsel to hold a conference and to thereafter recommend to the Commission a ruling on the number and scope of the data requests that PSNH can propound upon the other parties.
- C. Finally CLF requests such further relief as this Commission deems appropriate.

Dated: January 27, 2014

Respectfully submitted,



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N. Jonathan Peress  
Ivy L. Frignoca  
New Hampshire Advocacy Center  
Conservation Law Foundation  
27 North Main Street  
Concord, New Hampshire 03301  
Tel.: (603) 225-3060  
Fax: (603) 225-3059  
njperess@clf.org

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>nd</sup> day of January 2014, a copy of the foregoing General Objection and Motion was sent electronically or by First Class Mail to the service list.



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N. Jonathan Peress  
New Hampshire Advocacy Center  
Conservation Law Foundation  
27 North Main Street  
Concord, New Hampshire 03301  
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Fax: (603) 225-3059  
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