

**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**

General Objections:

The Conservation Law Foundation (CLF) asserts the following general objections to the data requests served by PSNH on CLF on January 16, 2014:

CLF objects to the instructions to the extent that they seek information that goes beyond the scope of this proceeding and is not reasonably calculated to lead to admissible evidence.

CLF objects to the data requests overall on the basis that the number and breadth of the requests is unduly burdensome and not reasonably calculated to lead to admissible evidence.

CLF objects to the data requests directed to CLF rather than in response to the pre-filed testimony as the procedural order dated November 15, 2013 clearly states that data requests are to be on testimony and CLF will not testify at hearing. CLF further objects to the extent that many of these requests are designed to either discover work product or to impermissibly harass and burden CLF. Moreover many of the requests go well beyond the scope of this docket, and ignore the dual role of CLF as party and counsel in this matter.

In addition CLF asserts the following specific objections to the data requests.

Specific Objections:

**Dr. Stanton**

1. To the extent not otherwise requested herein, produce your entire file pertaining to this matter, whether in hard copy or electronic form.

Objection: CLF objects to the extent that the file contains privileged work product or is unduly burdensome to produce, not reasonably calculated to lead to admissible evidence or broader than the requirements of RSA 516:29-b.

2. Have you ever testified in a prudence case before a public utilities commission? If so, please provide copies of all testimony you have filed related to a prudence review.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. CLF will agree to produce a list of other prudence cases in which Dr. Stanton has testified.

3. Have you ever testified or written any reports or analyses that supported a fossil-fueled generating project? If so, please identify the project and provide copies of such supporting testimony, reports or analyses.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. CLF will agree to produce a list of fossil-fuel cases in which Dr. Stanton has testified.

4. Page 2: You testify that your past work included preparation of comments on proposed Effluent Limitation Guidelines. Please provide a copy of those comments.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

5. Page 2: You state that you have led studies examining cost-benefit analyses. Provide copies of all such studies. In these studies, did you include the following items as benefits? If yes, please explain; if no why not.
  - a. Environmental impact
  - b. Economic stimulus
  - c. Job creation

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

6. Page 2: Provide a copy of your report on the likely future of the U.S. domestic coal market.

7. Page 3: Regarding your experience with coal plants:
  - a. Describe your experience working directly with coal plant operations and/or investment decision-making.
  - b. Provide a detailed summary of your experience with large construction projects, particularly at coal-fired power plants, identifying the type of project, the plant, the cost of construction, the timeframe, and your role.

- c. Please provide a summary of all other site-specific work you have been involved with at coal-fired facilities.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

8. Page 4: Have you or Synapse previously testified or provided expert services or reports to CLF? If so, please provide copies of all such testimony and reports. Also, describe any other services provided to CLF by you or Synapse.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence; CLF also objects to the extent that this request seeks discovery of privileged work product.

9. Page 5: You testify that New Hampshire passed legislation "ordering" that a scrubber be installed at Merrimack Station; yet you conclude (page 16) that it was not "reasonable" to proceed with the scrubber. Please provide all documentation that forms the basis for your conclusion that compliance with the law was discretionary and not reasonable.

Objection: CLF objects to the extent that this request seeks a legal conclusion and to the extent that it mischaracterizes Stanton's testimony.

10. Page 6: Regarding your analysis on pages 5-6, does it take into account the public interest goals that the New Hampshire Legislature identified as critical components in its decision making process when passing the Scrubber Law? Explain your answer.

Objection: CLF objects to the extent that this request seeks a legal conclusion and goes beyond the scope of this docket.

11. Page 6: You testify that decisions to proceed with a project "must be reassessed continually throughout the planning and construction of the project." Please provide specific examples of your personal involvement in large construction projects which were delayed or cancelled for such a reevaluation and the impacts of such a delay or cancellation.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

12. Page 6: You state that decisions should be reassessed for prudence continuously up until the point that all costs are "sunk." Explain what you mean by "sunk costs" in this context.

13. Page 6: Regarding your statement that a prudent utility manager should compare the costs of continued operation of the unit to the cost of providing the same energy services should the unit be retired, explain the phrase in parentheses (“the unit’s revenues from the energy and capacity markets”).  
**[Note: this question is asked subject to PSNH’s pending Motions to Strike. If the Commission rules in PSNH’s favor on the relevant Motion, PSNH will withdraw this question].**
14. Page 6: You state that the net benefits of continued operation may be compared “both year by year and in terms of their ‘net present value’... Explain the usefulness of computing net benefits “year by year” (versus in terms of net present value).
15. Page 7: You state that “prudence requires a utility manager to restrict capital expenses for which he or she plans to seek recovery from ratepayers to those projects that are beneficial to ratepayers”. Based on your understanding of the prudence standard, is prudence defined by whether or not a particular action results in ratepayer benefits?

Objection: CLF objects to the extent that this request seeks a legal conclusion.

16. Page 7: Please provide the basis for your statement that natural gas prices were in flux from 2006 to March 2009, including all documents relied upon and the basis for using those two specific dates.
17. Page 7: You state that the cash flow analysis should “take into consideration penalties for the cancelation of contracts.” Explain where in your analysis of cash flows these penalties are included.
18. Page 8: Provide all gas price forecasts in the 2008/2009 timeframe you relied upon.
19. Page 8: Provide New England emissions price forecasts in the 2008/2009 timeframe you relied upon.
20. Page 8: Provide New England capacity price forecasts in the 2008/2009 timeframe you relied upon.
21. Page 8: Provide any analysis you have performed or relied upon concerning the expected change in capacity factor at Merrimack Station.
22. Page 9: You state that you have reviewed PSNH’s major contracts for the scrubber project and that the provisions appear “to allow PSNH to terminate contracts at its convenience and assign a calculable monetary amount that PSNH must pay to the contractor in the event of termination for its convenience.”

- a. Did you develop these calculations?
  - b. If so, what were the results of your calculations? If not, why not?
  - c. Provide all underlying work papers supporting your opinion on this issue.
23. Page 9: You state you examined a summary of invoiced expenses incurred by PSNH from April 2004 through April 2012.
- a. In your analysis did you use the pay date of invoices or the receipt date of invoices?
  - b. How does your analysis address the timing of the number of outstanding invoiced costs both in the company's accounts payable system and in the invoicing process of the numerous businesses providing services to the Clean Air Project?
  - c. How does your analysis address the indirect costs associated with the project such as AFUDC, labor, which are not "invoiced" but have been incurred as costs of the project.
24. Page 11: You indicate that you have developed an Excel spreadsheet to calculate cash flows. Please provide the Excel spreadsheet with all working formulas and a detailed explanation of all assumptions contained therein.
25. Page 11: You note that in preparing Exhibit 4 you use a "range of wholesale energy prices taken from the AESC 2007 report" and that "these prices corresponded to the range of future natural gas prices expected at that time".
- a. When was the AESC 2007 report published?
  - b. Do you consider the information available at that time relevant for an analysis "that a reasonable and prudent utility manager would have undertaken in early 2009"? Explain why.
  - c. Was this source the most up-to-date source available for forecasted wholesale energy prices as of early 2009?
  - d. The AESC 2007 report uses NYMEX futures prices to develop its natural gas price forecast from 2007 through 2012. Explain why you assert it is appropriate to use prices from the NYMEX futures market to develop projections for natural gas prices over a period of six years into the future?
  - e. Please provide the underlying CO2 emission compliance assumptions in the wholesale energy prices taken from the AESC 2007 report. Explain how these assumptions compare to the CO2 compliance costs of the Merrimack units in your analyses.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

26. Page 11: You discuss the information used to produce exhibit 4. You state that the reference case includes FGD. Please identify how the analysis includes the following:
- a. The in-service date.
  - b. The assumed emission reduction percentage.
  - c. The associated emissions reduction and the associated emission compliance cost reduction.
  - d. Did the analysis revise the dollar cost average of the SO<sub>2</sub> allowances to reflect the lesser SO<sub>2</sub> emissions? If yes, provide the calculations. If not, why not?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

27. Page 11: You discuss the information used to produce exhibit 4. You state the analysis includes the installation of an Activated Carbon Injection. Associated with this assumption, please provide the following:
- a. An itemization of the total \$7M capital cost associated with the installation on each unit.
  - b. The operating and maintenance costs associated with the installation of these technologies on each unit.
  - c. All support for the \$1.37M in operating costs per year.
  - d. What emission reductions are assumed associated with the O&M costs identified in above?
  - e. What compliance requirement was referenced to determine the emission reduction selected for the analysis and provided above?
  - f. Please provide all documentation supporting your responses.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

28. In exhibit 4, scenario 1, Reference Case, page 7 of 34, a list of 36 notes is provided. Specific to these notes, please provide the following.
- a. Note 2 states “Forecasted environmental retrofit- related O&M expenses from Sargent and Lundy”.
    - i. Identify the Sargent and Lundy information used in the analysis.
    - ii. Explain and provide all documentation supporting the analysis done to ensure these O&M costs are consistent with the other technology installations, compliance requirements and the resulting operations at Merrimack Station assumed in the analysis.

- b. Note 3 – Allowances Expense increases from \$7.635M in 2008 to \$139.833M for the reference case in 2009.
  - i. Provide support for each of these numbers.
  - ii. Explain why there is the significant step change in costs and whether this change seems reasonable given the analysis.
  - iii. If reasonable, please explain.
- c. Note 11 – General and Environmental Additions. Please provide the specific costs included and support for the technology and cost to be included.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 29. Page 12: You note that capacity prices are “assumed to grow linearly to \$7/kW-month in 2018 and remain at that level”. Explain the basis for this assumption.
- 30. Page 13: You describe a calculation for the net benefits of continuing to operate Merrimack.
  - a. Were costs to retire Merrimack factored into this calculation?
  - b. If so, how were these retirement costs estimated?
  - c. If not, why were these costs excluded from your analysis?

**[Note: this question is asked subject to PSNH’s pending Motions to Strike. If the Commission rules in PSNH’s favor on the relevant Motion, PSNH will withdraw this question].**

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 31. Page 13: Should an economic feasibility analysis conducted in 2009 have included only the going forward costs for the scrubber and excluded unavoidable costs? Explain your answer.
- 32. Pages 13-14: Regarding your discussion of the “five scenarios analyzed” that “represent a range of possible future assumptions regarding gas prices and environmental control requirements from the point of view of a prudent manager in March 2009:”
  - a. Provide a qualitative description of the “state of the world” that serves as a rational basis for the development of each of the five scenarios.
  - b. Is it your position that gas prices and environmental control requirements are independent parameters? Please explain.

- c. It is implicit in your suggestion that the scenarios reflect a “range of likely future net benefits from Merrimack Station in the event that the scrubber was constructed” that it has a perspective on the probabilities of occurrence of each scenario. Please provide a probability estimate for each of the five scenarios that is consistent with the analysis conducted in this testimony.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 33. Page 14: You state that these scenarios are “typical of how a utility should project future cashflow”.
  - a. Provide examples of where you have projected cashflow for a utility in this manner.
  - b. Provide any authoritative references supporting your assertion that this is typical of how a utility should project future cashflow.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 34. Page 15: You indicate that both high natural gas prices and low environmental control costs would be required for a positive net present value of net benefits to rate payers.
  - a. Did you conduct a scenario with low environmental control costs and reference case natural gas prices? If so, what were the results?
  - b. Did you conduct a scenario with high natural gas prices and reference case environmental control costs? If so, what were the results? If not, how were you able to determine that *both* conditions were required for a positive net present value?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 35. Page 15: You testify that the “assumptions represented in the Reference Case are what a prudent manager would have considered most likely in March 2009”. Explain why each of the specific cost components and assumptions behind the Exhibit 4 spreadsheet is “most likely”.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 36. Pages 15-16: Please provide the complete basis for your opinion that it would have been economically prudent for PSNH to consider retirement and/or

divestiture for Merrimack in early 2009. Please explain, in detail, what you think would have occurred if PSNH had chosen to pursue either or both of those strategies.

**[Note: this question is asked subject to PSNH's pending Motions to Strike. If the Commission rules in PSNH's favor on the relevant Motion, PSNH will withdraw this question].**

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

37. Page 16: Please provide the basis for the conclusion that only PSNH's sunk costs, as of March 2009, are recoverable as prudently incurred costs.
- a. Does this opinion include any consideration of the benefits that the continued ownership and operation of Merrimack has produced for PSNH customers since March 2009?
  - b. If it does, please provide all such analysis.
  - c. If it does not, please explain why you did not include any consideration of such benefits.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

38. Page 29: You show three energy price forecasts, including a "reference" forecast, a "high gas" forecast and a "low gas" forecast.
- a. Explain why your reference natural gas price forecast appears to have higher natural gas prices than your high natural gas price forecast for a number of years over the relevant time period.
  - b. Explain why your reference natural gas price forecast appears to have natural gas prices as low as your low natural gas price forecast over the relevant time period.
39. Page 37: You show "Total Project Costs" for various environmental controls.
- a. How were these costs estimated?
  - b. Are these costs in present value terms?
  - c. If so, what discount rate was used? If not, why not?
40. Page 37: For the "low" environmental controls scenario, you estimate "Wet Cooling Tower Capital Costs" of \$0.51 million for Unit 1 and \$1.35 million for Unit 2.
- a. Are these costs of wet cooling towers or of impingement controls, as indicated on page 30?
  - b. What is the basis for these cost estimates?

41. Appendix, Scenarios 1-5, Note 3 – You list “Historic values from FERC Form 1 and then based on AESC emission prices and emission rates from CAMD”. Describe in detail what specific information you used from these sources and how it was used (including relevant spreadsheets) to develop the values presented in the five scenario tables.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

42. Appendix, Scenarios 1-5, Note 7 – You list “Synapse assumption of 15 year book life.” Please describe the specific details of this assumption including any relevant spreadsheets used to develop the values presented in the five scenario tables.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

43. Appendix, Scenarios 1-5, Note 11 – You list that “Value of Plant Additions” is based on “General and Environmental Capital Addition.” Please clarify this source and the assumptions behind it, including any relevant spreadsheets used to develop the values presented in the five scenario tables.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

44. Appendix, Scenarios 1-5, Notes 14, 16-18 – You list “Unknown, zero used”. Please explain how assuming zero for these data points affects your analysis.

45. Appendix - You present environmental cost assumptions. Please explain your sources, assumptions, and spreadsheets used to develop the values in the table titled “Future Environmental Costs (2012\$)”. Please explain which sources correspond to which values.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

46. Appendix - You present your emissions assumptions. Please provide the spreadsheets in native form used to develop this table.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

47. Appendix - You present Average of Market Clearing Price for New Hampshire.
- a. Explain why you believe the AESC 2007 report was the best source for this forecast.
  - b. Describe the assumptions behind this price forecast.

- c. Provide all spreadsheets used in this analysis (in native form). Please describe how you used this forecast in you analysis.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 48. Appendix - You present expected capacity price forecast values based on “Synapse expert judgment”.
  - a. Describe the methodology of the analysis that generated this forecast.
  - b. Who provided the “expert judgment” for the values presented? Provide their CV.
  - c. Describe how you used these capacity price projections.
  - d. Provide any spreadsheets (in native form) used in the creation of this analysis.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 49. Appendix - You present energy market prices from the ISO. You exclude the monthly historical data used to create average prices from 2009-2013. Please provide the complete data set you used and spreadsheets in native form to create these tables.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 50. Appendix - You present assumptions in the “Financial Assumptions” appendix. Provide the source you used to determine the rate of inflation. Describe the methodology used to determine the rate of inflation.
- 51. Appendix - You present capital cost assumptions in the “Financial Assumptions” appendix. Please provide documentation for all sources listed as “Synapse Assumption” and describe the methodology used to arrive at each value including providing any spreadsheets in native form.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

- 52. Appendix - You provide financial assumptions on tax rates, discount rates, depreciation, etc. Provide sources for all values presented in the table that begins with “BOY RateBase = Prev EOY Ratebase”. Describe how this information was used in your analysis.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

53. Appendix - You provide you tax depreciation assumptions based on Brealey and Myers. Provide the full source for this information. Describe how this information was used in your analysis.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

54. Appendix - You present FERC Form 1 historical data. Provide all FERC Form 1 data used in this analysis in native form.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

55. In Exhibit 4, please explain why the units' capacity factors do not change under the different natural gas scenarios, i.e. low gas case, high gas case.
56. In Exhibit 4, please explain why there is no change in station output due to station usage associated with the assumed additional control equipment installations and operations.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

57. Exhibit 4, page 12, contains information from 2010, 2011, and 2012. Why is this information included?
58. In Exhibit 4, page 12, please explain why Merrimack Unit 1's FGD total O&M is 3 times the Merrimack Unit 2 total FGD costs.
59. In Exhibit 4, page 12, please provide all back up for the FGD O&M costs of \$3.91M (Merrimack Unit 1 equal to \$1.86M and Merrimack Unit 2 equal to \$2.05M).

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

60. Exhibit 4 and 6 provide the analysis's "Environmental Retrofit Assumptions". Please provide all documentation and back-up for the following:

- a. Capital costs, installation assumptions and associated O&M costs for “Baghouse”, including costs for each unit. Please explain its use in the analysis given that under all scenarios the assumption is none.
- b. Capital cost, installation assumptions and associated O&M costs for “ACI”, including detailed costs for each unit.
- c. Capital costs, installation assumptions and associated O&M costs for “Cooling”, including detailed costs for each unit. Specifically detail the low case amount of \$1.86M, the reference case of \$28.94M and the high case of \$39.14M.
- d. Capital costs, installation assumptions and associated O&M costs for “Coal Combustion Residuals”, including detailed costs for each unit.
- e. Capital costs, installation assumptions and associated O&M costs for “Effluent”, including detailed costs for each unit.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

61. Exhibit 4, Pages 7-11 of 34 - Given that the environmental retrofit scenario changes across the different scenarios, why is the amount contained in the line labeled “Capital Additions – Environmental” the same in each scenario? (i.e. Wouldn’t PSNH make different environmental investment decisions under differing levels of environmental regulation?)
62. Exhibit 4, page 16, please provide back-up for the line, Sox Emissions (lbs.).
  - a. Please provide the annual SO<sub>2</sub> emissions assumed each year.
  - b. Please provide the FGD’s assumed SO<sub>2</sub> emission control rate used in the analysis resulting in the total annual SO<sub>2</sub> emissions.
  - c. Your analysis shows an SO<sub>2</sub> compliance cost of \$14,844,000 each year. Provide documentation showing how the analysis included the impact of the reductions in SO<sub>2</sub> emissions associated with the installation of an FGD.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

63. Exhibit 4, page 16 - Explain how the analysis treats CO<sub>2</sub> compliance costs, including why the analysis did not use RGGI CO<sub>2</sub> emissions cost forecasts past 2012.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

64. Exhibit 4, page 16 - Explain the difference between the CO2 allowance prices on page 16 for years 2009 and 2012 versus the RGGI organization's estimates for CO2 allowance prices.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

### **General Questions for CLF**

65. Provide any and all documents related to positions CLF has taken, including the development of such positions, regarding any pollution control projects at the "affected sources" as defined in RSA 125-O:12, I (including the Scrubber), including, but not limited to:
- a. Board meeting minutes or notes (formal or informal);
  - b. Meeting minutes or notes of any Board subcommittees or special committees;
  - c. Notes or minutes from any committees within CLF,
  - d. Any internal notes or memoranda of any CLF employee, agent, officer or board member; and
  - e. Any electronic mail message, including attachments, or any other electronic communications.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

66. Is it CLF's position that if PSNH suspended and cancelled the scrubber project after prudently incurring costs, but before the scrubber actually provided service to consumers, PSNH would be able to recover the costs it had expended? If not, why not?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

67. Please provide copies of all economic analyses in the possession of CLF concerning the flue gas scrubber at Merrimack Station.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request

is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

68. Please provide copies of all economic analyses in the possession of CLF concerning the ability of PSNH to request a "variance" under RSA 125-O:17.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

69. Please provide all fuel price forecasts relating to the price of coal, oil and natural gas available to CLF from 2005 through 2012.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

70. Please provide a copy of any document provided to any elected or appointed government official in New Hampshire by CLF related to "An ACT relative to the reduction of mercury emissions" that took effect on June 8, 2006.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

71. Please identify any individual employed by or otherwise compensated by CLF to work on its behalf concerning "An ACT relative to the reduction of mercury emissions" that took effect on June 8, 2006.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

72. Please provide a copy of any document provided to any elected or appointed government official in New Hampshire by CLF related to Senate Bill 152 and House Bill 496 in 2009.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request

is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

73. Please identify any individual employed by or otherwise compensated by CLF to work on its behalf concerning Senate Bill 152 and House Bill 496 in 2009.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

74. Please provide all documents exchanged between CLF and the U.S. Environmental Protection Agency from 2006 to the present related to the "affected sources" as defined in RSA 125-O:12, I.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

75. Please provide copies of any and all correspondence that CLF had with NHDES that pertains to the "affected sources" as defined in RSA 125-O:12, I.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

76. Please provide copies of any and all documents that CLF provided to DES, any legislator or any state official concerning the "affected sources" as defined in RSA 125-O:12, I.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

77. Please provide copies of any and all documentation that CLF has regarding estimates of newly proposed coal and natural gas combined cycle generating stations in the 2008-2009 time frame.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

78. Please provide copies of any and all documentation in CLF's possession regarding the forward market for natural gas delivered to New England in the 2008 through 2011 time frame.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

79. Please provide any and all documentation in CLF's possession related to the bus bar costs of power for a new coal or natural gas combined cycle plant in New England during the 2008 to 2012 time period.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

80. Who if anyone attended hearings or testified before the Legislature on behalf of CLF relating to the consideration of House Bill 1673 during the 2006 legislative session? Provide copies of all documents provided to the legislature by CLF.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

81. Who if anyone testified before the Legislature on behalf of CLF relating to the consideration of House Bill 496 and/or Senate Bill 152 during the 2009 legislative session? Provide copies of all documents provided to the legislature by CLF.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

82. Is it your opinion that a person of requisite skill and experience would deem compliance with applicable law to be a reasonable goal? If not, please explain why not.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

83. Is it your opinion that a highly trained specialist would deem compliance with applicable law to be a reasonable goal? If not, please explain why not.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

84. Does CLF have any requirement, such as but not limited to a corporate compliance program, that mandates compliance with applicable laws? If so, please provide copies of all documents describing such programs.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

85. Does CLF contend that the Scrubber Law, RSA 125-O:11 - 18 does not mandate the installation and operation of scrubber technology at Merrimack Station?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

86. Does CLF contend that installation and operation of scrubber technology at Merrimack Station resulted from a discretionary decision made by PSNH management?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

87. Does CLF agree that if a decision had been made to divest Merrimack Station during the 2008 to 2010 time period, the new owner would have been subject to the requirements of the Scrubber Law? If not, explain your answer in full.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

88. Does CLF contend that if a decision had been made to divest Merrimack Station during the 2008 to 2010 time period, a willing buyer would have been available?

If so, please detail the price that CLF believes a reasonable buyer would have offered, an explanation of the foundation for that price, and a statement of any and all conditions to purchase such buyer would reasonably have required.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

89. Does CLF agree that if PSNH had the legal ability to retire Merrimack Station and did so, it would still be the owner of that facility, absent a divestiture? If CLF does not agree, please provide the reasoning for such disagreement. [Note: this question is asked subject to PSNH's pending Motions to Strike. If the Commission rules in PSNH's favor on the relevant Motion, PSNH will withdraw this question].

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

90. Is it CLF's position that the Scrubber Law included a not to exceed price of \$250 Million?
- a. If so, please identify with specificity where that not to exceed price is located in the Scrubber Law.
  - b. Does CLF agree with the contention that in 2006 the legislature mandated for PSNH to install the scrubber without placing a limit on the costs?
  - c. Is it CLF's position that the words of the law itself do not control?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion and work product analysis.

91. The purpose clause of the Scrubber Law, RSA 125-O:11 finds installation of the scrubber to be in the public interest of the citizens of New Hampshire and the customers of the affected sources; it also refers to the careful and thoughtful balancing of the cost and benefits. CLF discusses some of the costs, but not the potential benefits.
- a. Please provide a listing of all possible "benefits" that the Legislature may have included in the referenced "balancing."

- b. Do you agree that maintenance of a tax base for state and property taxes is such a potential "benefit"? If your response to this question is no, please explain.
- c. Do you agree continued viability of the rail line from Nashua to Concord is such a potential "benefit"? If your response to this question is no, please explain.
- d. Do you agree fuel diversity in electric generation in the region is a potential "benefit"? If your response to this question is no, please explain.
- e. Do you agree reliability of the electric grid in the region is a potential "benefit"? If your response to this question is no, please explain.
- f. Do you agree the lessening of the state's dependence upon other sources of electrical power which may, from time to time, be uncertain is such a potential "benefit"? If your response to this question is no, please explain.
- g. Do you agree the retention in-state of energy expenditures is a potential "benefit"? If your response to this question is no, please explain.
- h. Do you agree the creation of jobs is such a potential "benefit"? If your response to this question is no, please explain.
- i. Do you agree the retention of jobs is such a potential "benefit"? If your response to this question is no, please explain.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion.

- 92. Is CLF intending to challenge in any manner the final reports produced by Jacobs Consultancy Inc. which was retained by the NHPUC to monitor and report on PSNH's Clean Air Project at Merrimack Station? If so, please explain and identify in detail all areas of the Jacobs' reports you are challenging.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for work product which is privileged from disclosure.

- 93. Does CLF agree that the price of natural gas has historically demonstrated high volatility?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

- 94. Does CLF agree that economic analyses of the scrubber project performed in the 2008 to 2009 time period would have required educated guesses about what the

energy market might be going forward over the subsequent five to ten years?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

95. Does CLF agree that during the 2008-2010 period, the United States was experiencing a severe economic recession? If so, does CLF agree that during that recession, the creation and preservation of jobs was a very significant public policy goal for the state of New Hampshire?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request calls for a legal conclusion.

96. Provide copies of any requests for documents under the Freedom of Information Act related to Merrimack Station or the Scrubber Project during the period 2005 to present that CLF made to any federal agency and all responses received pursuant to those requests.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

97. Did CLF make any requests for documents under RSA 91-A related to Merrimack Station or the Scrubber Project during the period 2005 to present with any agency, instrumentality or municipality of the State of New Hampshire? If so, please provide copies of all such requests and all responses received pursuant to those requests.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

98. Did CLF have any discussions with and state or federal agencies related to Merrimack Station or the Scrubber during the period 2005 to present? If so please provide details of such conversations, including but not limited to
- a. The identity of the agency;
  - b. The identity of agency officials who participated in or were present at the discussions;
  - c. The dates of those discussions;

- d. The subject matter of those discussions;
- e. The location of those discussions;
- f. The reason for those discussions; and
- g. Copies of all documents produced by CLF at those discussions or received from the agency.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

99. What is CLF's position regarding fracking?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

100. What actions has CLF taken to advocate for its position regarding fracking?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

101. Does CLF have a reasonable expectation that it will materially impact the production of natural gas by fracking?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

102. If there is such a material impact on the production of natural gas, what impact would that have on natural gas prices?

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

103. Has CLF taken any position regarding the development of the Footprint natural gas fueled generating station in Salem, Massachusetts? If so, please explain CLF's position

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF. In addition this data request impermissibly requests work product.

104. Please provide copies of all CLF's media releases, web site postings, blogs, twitter posting and the like concerning any of the "affected sources" as defined in RSA 125-O:12, I (including the Scrubber) from 2005 to present.

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this data request is not responsive to the pre-filed testimony but is asserted merely to harass and burden CLF.

Dated: January 27, 2014

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

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



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