

**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**

**Conservation Law Foundation Objections and Responses to Data Requests served by PUC  
Staff**

Date of Request: January 16, 2014

Date of Response: February 7, 2014

Q-STAFF-1. Reference page 6. Among the determinations you state that a utility manager should make is whether “canceling or redesigning the project would be more beneficial to ratepayers.” In what way(s) could the Scrubber project have been redesigned to comply with the law? Please identify the statutory provisions that would allow for cancellation or redesign of the Scrubber project.

Witness: Dr. Elizabeth Stanton

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

Response: The quotation (above) from my testimony is taken from a response to the question “As an economist, please describe your understanding of what ‘prudent costs’ means?” I was giving examples of the types of considerations a prudent manager might evaluate, and was not suggesting that there either was or was not a feasible way to redesign the Merrimack Scrubber project.

Staff’s second question—“Please identify the statutory provisions that would allow for cancellation or redesign of the Scrubber project.”—was objected to on the basis that it calls for a legal conclusion. Without waiving the objection, I am an economist, not an attorney.

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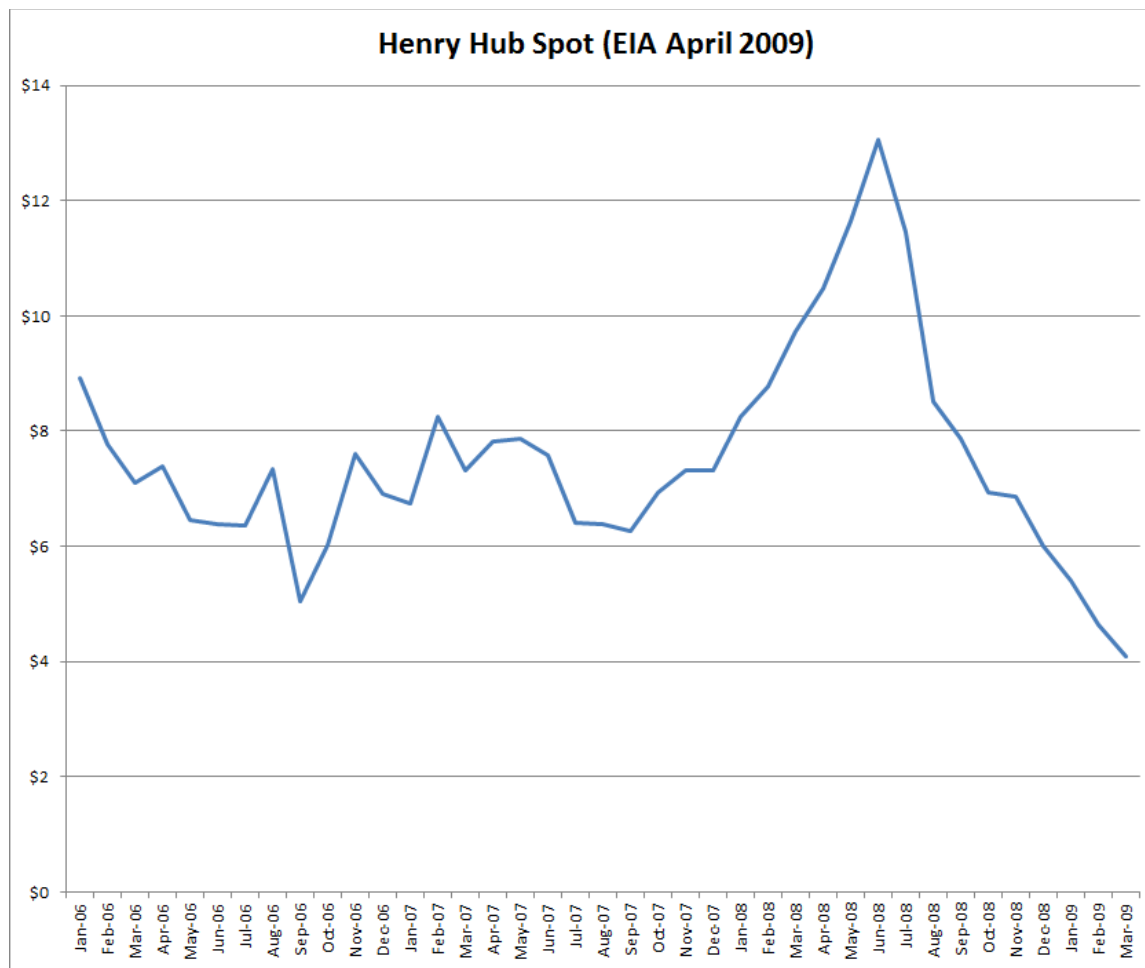
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Q-STAFF-2. Reference page 7. You state that natural gas prices and wholesale energy prices were “in flux” during the period from 2006 through March 2009. How did you determine when the period of flux began and ended? When in the midst of a period of flux, how would one know when that period of flux might end?

Witness: Dr. Elizabeth Stanton

Response: I examined historical Henry Hub spot prices released by the Energy Information Administration in their *Short-Term Energy Outlook* in April 2009. The table below shows the Henry Hub spot price for natural gas, in nominal dollars, from January 2006 through March 2009. The price of natural gas was in flux during this period.



Staff’s second question—“When in the midst of a period of flux, how would one know when that period of flux might end?”—may be thought of as, Under what circumstances would a prudent

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utility manager make the assumption that natural gas prices would remain fixed at their current levels going forward? I am not aware of any such circumstances. Given that natural gas prices had been in flux in the recent historical period, prudence would require utility managers to conduct their cost-benefit analyses using a range of different trends in future natural gas prices in order to test the sensitivity of net benefits to this important price projection, and to make an effort to predict the most likely fuel price projections at any given time.

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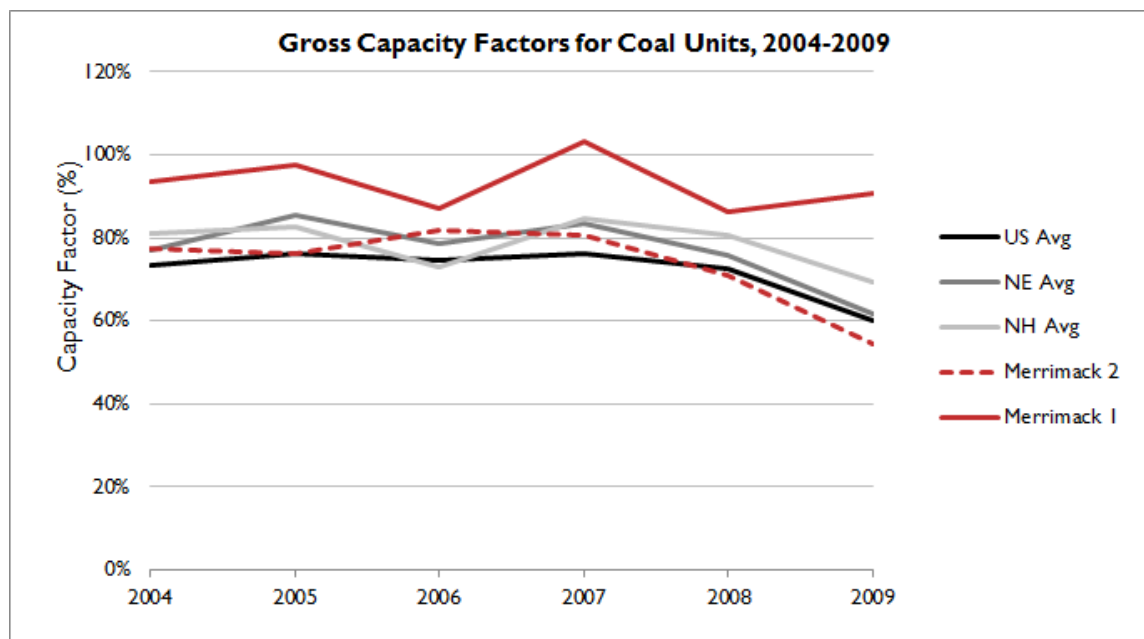
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Q-STAFF-3. Reference page 8. You state that during 2008 and early 2009 expected capacity factors changed. Are you referring only to Merrimack Station or also to other of PSNH's generating units? Please provide the "expected capacity factors" you refer to and provide any related source documents.

Witness: Dr. Elizabeth Stanton

Response: A change in the capacity factors of Merrimack, of other PSNH coal units, and of other coal units in the region and nation, either alone or together with a change in the relationship between coal and natural gas prices, would have caused the prudent utility manager to reevaluate his or her expectations regarding future coal capacity factors. I refer, in this quote, not to any particular forecast of future capacity factors at Merrimack Station, but rather to a prudent utility manager's knowledge of current and near historic coal operations together with near-term forecasts of relative fuel prices, and the impact that these factors should have had on utility managers' expectation of future economic dispatch for Merrimack.

The figure below displays gross capacity factors (gross generation as a share of the maximum generation expected given the nameplate capacity) from EPA AMP and EIA Form 860 data for 2004-2009 for coal units only. (Note that EPA AMP generation does not exclude energy consumed at the plant itself and, for this reason, may exceed the maximum generation expected given the name plate capacity.) On average New Hampshire, New England, and U.S. coal unit capacity factors were all decreasing from 2007 to 2009.



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Q-STAFF-4. Reference page 8. Please provide your understanding of the levels of PSNH customer migration (both in terms of percentage of load and number of customers) during the period January 1, 2008 through March 31, 2009. Please also provide any information in your possession regarding the expected customer migration from that time forward.

Witness: Dr. Elizabeth Stanton

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

Response: Without waiving the objection, migration of PSNH customers was growing in the 2008 to 2009 period; that is, as a share of MWh sales, more customers in the PSNH-served region were buying energy competitively or self-serving at the end of this period than were at the beginning of this period. The table below shows EIA Form 861 data for 2005 through 2012 for “delivery” customers who did not purchase energy from PSNH and for “bundled” customers who did purchase energy from PSNH.

PSNH sales (MWh)	delivery	bundled	total	share migrated
2005	1,299	8,139,053	8,140,352	0.0%
2006	571,521	7,462,688	8,034,209	7.1%
2007	545,948	7,585,627	8,131,575	6.7%
2008	330,597	7,595,272	7,925,869	4.2%
2009	1,284,442	6,465,435	7,749,877	16.6%
2010	2,427,016	5,419,726	7,846,742	30.9%
2011	2,723,518	5,091,943	7,815,461	34.8%
2012	3,219,841	4,600,990	7,820,831	41.2%

I am not aware of any published predictions of future PSNH migration rates. In my testimony, I merely suggest that when the level of “migrated” customers quadruples from one year to the next, the prudent utility manager would consider the possibility of additional future migrations in any assessment of ratepayer impacts.

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**Responses 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 far exceeds the total number of questions generally permitted during discovery, is unduly burdensome, and is not reasonably calculated to lead to admissible evidence. Also, many of the questions ask for information readily available in the public domain via the internet. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including cover page, exhibits and attached CV), PSNH has served 176 data requests.

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 rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Finally the requests ignore the dual role of CLF as party and counsel in this matter.

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

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Date of Request: January 16, 2014

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

Witness: Dr. Elizabeth Stanton

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.

Response: Without having the objection, Dr. Stanton has produced detailed pre-filed testimony and supporting exhibits, together with her CV.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

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

Response: Without waiving the objection, Dr. Stanton has not testified in another prudence case.



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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This question is vague in that the term “support” is ambiguous and uncertain and Dr. Stanton is therefore uncertain how to answer this question.

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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. In this case, PSNH bears the burden of proving that it was reasonable and prudent in its decision to install the scrubber in 2009; this request will not aid the Commission in its determination of that issue. Moreover a copy of the requested comments is freely available to PSNH in the public domain, via the internet.

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Q-PSNH-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

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Dr. Stanton is a senior economist at Synapse, which engages in numerous cost-benefit analyses for clients, some of which may contain proprietary confidential business information which Synapse cannot or should not release and others of which will lead to no admissible evidence regarding the issue of whether PSNH was reasonable and prudent in its decision to install the scrubber at all relative times. Moreover, most of what Dr. Stanton has written that is not confidential is freely available in the public domain, via the internet.

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

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this report is readily available to PSNH via the internet, at [www.synapse-energy.com](http://www.synapse-energy.com).

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

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

Response: Without waiving the objection, Dr. Stanton has not worked directly at coal-fired facilities.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

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 or is impermissibly designed to shift the focus from the burden of proof on PSNH to CLF.

Response: Without waiving the objection, the non-privileged expert reports that Synapse has provided to CLF are available to PSNH via the internet; see response to No. 6.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request seeks a legal conclusion and to the extent that it mischaracterizes Dr. Stanton's testimony. The Commission has issued rulings that PSNH had a duty to its ratepayers to consider the appropriate response to changing economic circumstances, including consideration of no longer owning and operating Merrimack Station. *See e.g.* Order No. 25,565. The Commission has addressed this legal issue: PSNH made an independent decision to own and operate Merrimack Station and was not required by statute to continue to own and operate the plant. *Id.*

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request seeks a legal conclusion, is argumentative, and goes beyond the scope of this docket as defined in this Commission's prior orders (see response to data request 9) and this Commission's desire to exclude review of legislative intent. *See e.g.* Order 25,592 (irrelevant to analysis whether legislature considered amendments to statute and issue is what PSNH's management decisions were under existing law).



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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

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

Response: Without waiving the objection, Dr. Stanton does not work in the construction industry.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: Sunk costs are expenses that have already been spent or have been committed to in a way that cannot be reversed.

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Q-PSNH-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].**

Witness: Dr. Elizabeth Stanton

Response: Dr. Stanton will provide a response if PSNH does not withdraw the question.

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Q-PSNH-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).

Witness: Dr. Elizabeth Stanton

Response: A comparison of year-by-year costs and benefits can be useful in reviewing expected cash flow over time and in comparing costs to benefits within a specific year. Net present value calculations combine discounted costs and benefits from future years within the study period in order to make a determination of cost effectiveness from the point of view of the current year (or, less commonly, from the point of view of a particular designated year).

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Q-PSNH-15. Page 7: You state that “prudency 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 prudency standard, is prudence defined by whether or not a particular action results in ratepayer benefits?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request seeks a legal conclusion for determination by the Commission.

Response: Without waiving the objection, No. Prudency is defined by whether or not a particular action results in ratepayer net benefits.

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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: Please see Dr. Stanton's responses to staff data requests.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this question calls for a hypothetical analysis, as the penalties would be calculated in accord with the terms of the contracts at the time of cancellation.

Response: Without waiving the objection, Dr. Stanton did not include penalties.

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Q-PSNH-18. Page 8: Provide all gas price forecasts in the 2008/2009 timeframe you relied upon.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that these forecasts are in the public domain and are equally available to PSNH.

Response: Without waiving the objection, to the extent that Dr. Stanton has not already identified the forecasts in her testimony, please see her responses to staff data requests.



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Q-PSNH-19. Page 8: Provide New England emissions price forecasts in the 2008/2009 timeframe you relied upon.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that these forecasts are in the public domain and are equally available to PSNH.

Response: Without waiving the objection, Dr. Stanton relied upon data from PSNH and Synapse.

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Q-PSNH-20. Page 8: Provide New England capacity price forecasts in the 2008/2009 timeframe you relied upon.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that these forecasts are in the public domain and are equally available to PSNH. Moreover, Dr. Stanton has already identified the FCM forecasts in her testimony.

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Q-PSNH-21. Page 8: Provide any analysis you have performed or relied upon concerning the expected change in capacity factor at Merrimack Station.

Witness: Dr. Elizabeth Stanton

Response: Please refer to my response to NH PUC Staff's Question 3.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests. Finally CLF objects to the extent that this question asks a hypothetical in that the costs associated with terminating the contracts would vary depending on when in time they were cancelled.

Response: Without waiving the objection, Dr. Stanton did not perform such calculations.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection, Dr. Stanton relied upon the data provided by PSNH in response to discovery in this docket.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: See Stanton Exh. 4.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests. Moreover PSNH’s parent company was a stakeholder in this process and is therefore very familiar with the details of the development of the AESC 2007 report.

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Q-PSNH-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?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection, many of PSNH's questions can be answered by examining the EXCEL spread sheet prepared by Dr. Stanton.



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Q-PSNH-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:

An itemization of the total \$7M capital cost associated with the installation on each unit.  
The operating and maintenance costs associated with the installation of these technologies on each unit.

All support for the \$1.37M in operating costs per year.

What emission reductions are assumed associated with the O&M costs identified in above?

What compliance requirement was referenced to determine the emission reduction selected for the analysis and provided above?

Please provide all documentation supporting your responses.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests. Finally, the corrected Exh. 4 does not contain page numbers.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: Dr. Stanton based this assumption on the collective expert opinion of staff at Synapse involved in the capacity market.

NH PUC Docket No. DE 11-250  
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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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].**

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests. Finally CLF objects to the extent that this question asks a hypothetical.

Response: Without waiving the objection, Dr. Stanton did not analyze the costs to retire Merrimack.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: An economic feasibility analysis conducted in 2009 should have compared the net benefits of multiple possible futures. Some costs and benefits would be identical (unavoidable) in many or all of these futures. These costs and benefits could either be included in multiple future scenarios or (if deemed identical in all futures to be studied) excluded from all future scenarios. Either treatment would be acceptable.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection, the form of analysis used in my testimony does not take a “perspective on the probabilities of occurrence of each scenario” but rather is designed to explore the range of possible outcomes. Knowledge regarding the relative probability of future scenarios is difficult to obtain and fraught with uncertainties. The unpredictability of future events is not an excuse for failing to explore the scale of worse case outcomes and to present whatever is known about uncertain outcomes to decision makers and other stakeholders.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection, Synapse is routinely called upon to assess the work that utilities have done.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection, Synapse modeled and/or tested five scenarios which are contained in Dr. Stanton's testimony.



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Date of Request: January 16, 2014

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Q-PSNH-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”.

Witness: Dr. Elizabeth Stanton

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

Response: Without waiving the objection, the answer to much of this question is contained in Dr. Stanton’s pre-filed testimony.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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].**

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this question asks Dr. Stanton to speculate and mischaracterizes her testimony which is that PSNH had a duty to investigate these two scenarios at that point in time and to model them then.

Response: Without waiving the objection and to the extent that a response is required, Dr. Stanton's opinion that PSNH should have considered retirement is set forth in her pre-filed testimony.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

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Q-PSNH-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.

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?

If it does, please provide all such analysis.

If it does not, please explain why you did not include any consideration of such benefits.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36.

Response: Without waiving the objection, please see Dr. Stanton's pre-filed testimony.

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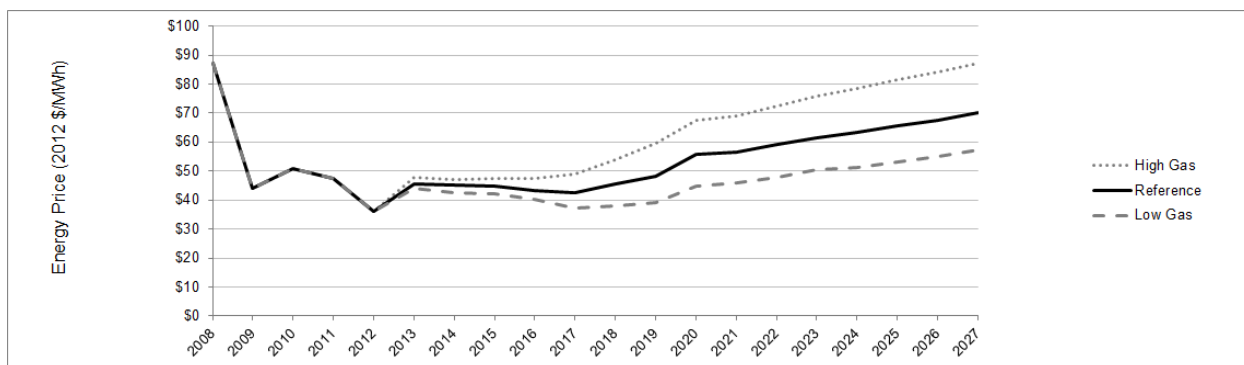
Q-PSNH-38. Page 29: You show three energy price forecasts, including a “reference” forecast, a “high gas” forecast and a “low gas” forecast.

- 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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36.

Response: Without waiving the objection and to the extent that this request does not ask for information already contained in Dr. Stanton’s pre-filed testimony, the figure below (reproduced from Stanton Exhibit 4) shows the high, reference, and low gas prices used to produce my testimony. The high gas prices appear to be higher than the reference gas prices and the low gas prices appear to be lower than the reference gas prices throughout the study period.



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Q-PSNH-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?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36.

Response: Without waiving the objection, please refer to Stanton Exh. 4, the EXCEL spreadsheet.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36.

Response: Without waiving the objection, please refer to Stanton Exh. 4, the EXCEL spreadsheet.

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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.



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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

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Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

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

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. Moreover we are unclear what appendix you are referring to in this request.

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Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.



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Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

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

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover we are unclear what appendix you are referring to in this request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: I used the simplifying assumption that capacity factors would remain constant over time. A more complicated treatment would take into account not only the effect of expected gas prices on capacity factors, but also the effect of coal prices, PSNH migration rates, and PSNH "self-scheduling" of its coal units at times when they are not deemed by ISO-NE to be economic.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Response: I did not model parasitic load (station usage associated with the assumed additional control equipment installations and operations) because of its likely very small impact on net benefits and because of the form of my analysis: a simple, deterministic spreadsheet. Had I modeled parasitic load from the scrubber, the net benefits of the scrubber project would have been still more unfavorable.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-57. Exhibit 4, page 12, contains information from 2010, 2011, and 2012. Why is this information included?

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is confusing and unclear. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, I can't answer this without knowing the cell range that you are referring to in your request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, both units are assumed to need the same size of FGD as any other unit with a smaller than 500-MW capacity. Both units' total FGD fixed O&M costs are identical. The unit with the smaller capacity (Merrimack 1) has the higher per MW cost. The unit with the larger capacity (Merrimack 2) has the lower per MW cost.



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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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).

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, as cited in Stanton Exhibit 4, the sources for these data assumptions are EIA 860 2012, EIA 923 2012, EPA IPM v4.1 Appendix 5-1a (Sargent & Lundy), EPA IPM v4.1 Appendix 5-2a (Sargent & Lundy), EPA IPM v4.1 Appendix 5-5 (Sargent & Lundy), EPA IPM v4.1 Appendix 5-3 (Sargent & Lundy), EPA Technical Development Document for 316(b), 2010 EPRI Cost Assessment of Coal Combustion Residuals, 2011 EEI Potential Impacts of Environmental Regulation, 2010 EPRI Cost Assessment of Coal Combustion Residuals, 2011 EEI Potential Impacts of Environmental Regulation, and EPA Effluent Limitations Guidelines 2013.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. Also, the corrected Exh. 4 is an EXCEL spreadsheet without numbers.

Response: Without waiving the objection, as cited in Stanton Exhibit 4, the sources for these data assumptions are EIA 860 2012, EIA 923 2012, EPA IPM v4.1 Appendix 5-1a (Sargent & Lundy), EPA IPM v4.1 Appendix 5-2a (Sargent & Lundy), EPA IPM v4.1 Appendix 5-5 (Sargent & Lundy), EPA IPM v4.1 Appendix 5-3 (Sargent & Lundy), EPA Technical Development Document for 316(b), 2010 EPRI Cost Assessment of Coal Combustion Residuals, 2011 EEI Potential Impacts of Environmental Regulation, 2010 EPRI Cost Assessment of Coal Combustion Residuals, 2011 EEI Potential Impacts of Environmental Regulation, and EPA Effluent Limitations Guidelines 2013.

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Date of Response: February 13, 2014

Q-PSNH-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?)

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is argumentative and speculative and asks Dr. Stanton to assume or speculate about unknown factors. CLF also objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, I am unclear what this question is asking. If this question is referring to the Capital Additions – Environmental of the five scenarios, this time series is different in the scenarios that differ by environmental retrofit case and the question seems to be in error.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. This data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. CLF also objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, as cited in Stanton Exhibit 4, the source for these data is EPA AMPD 2010-2012, <http://ampd.epa.gov/ampd/>. These are actual data collected on Merrimack's emissions and are not estimated based on projected FGD control rates. The value of \$14,884,000 in cost of SO<sub>2</sub> compliance is for 2008, predating the installation of Merrimack's FGD.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-63. Exhibit 4, page 16 - Explain how the analysis treats CO2 compliance costs, including why the analysis did not use RGGI CO2 emissions cost forecasts past 2012.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is argumentative and speculative and asks Dr. Stanton to assume or speculate about unknown factors. CLF also objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, I used PSNH's assumption of a federal carbon price starting in 2012 as reported in TC01-01-SP01.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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.

Witness: Dr. Elizabeth Stanton

Objection: CLF objects to the extent that this request is argumentative and speculative and asks Dr. Stanton to assume or speculate about unknown factors. CLF also objects to the extent that this request is confusing and unclear or is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. The corrected Exh. 4 is an EXCEL spreadsheet without page numbers.

Response: Without waiving the objection, I used PSNH's assumption of a federal carbon price starting in 2012 as reported in TC01-01-SP01.

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Date of Request: January 16, 2014

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**General Questions for CLF**

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

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Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its legal reasoning. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.



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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection, to the extent that this request does seek a valid disclosure of data, CLF has already submitted the economic analysis of Dr. Stanton concerning the flue gas scrubber at Merrimack Station.

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Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Moreover this request seeks a legal conclusion, and the Commission has already determined or will determine the ability of PSNH to seek a variance under RSA 125-O:17.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, CLF has already identified the fuel price forecasts that Dr. Stanton relied upon in formulating her opinions.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Finally the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Finally the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. Finally the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Finally the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Finally, in addition to all of the above objections, to the extent that CLF communicated with any governmental agency, PSNH can obtain that information through a FOIA request.



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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Finally, in addition to all of the above objections, to the extent that CLF communicated with any governmental agency, PSNH can obtain that information through a FOIA request.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Also the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Finally, in addition to all of the above objections, to the extent that CLF communicated with any governmental agency, PSNH can obtain that information through a FOIA request.

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Conservation Law Foundation Responses to  
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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection, CLF is not in the business of building newly proposed coal and natural gas combined cycles. For an overview of our advocacy, please see <http://www.clf.org/?s=2009+coal+power+plants>.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, CLF has already identified the forward market pricing that Dr. Stanton relied upon in formulating her opinions.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, CLF has already identified the information that Dr. Stanton relied upon in formulating her opinions.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Also the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Also the Commission has made clear that the scope of this docket will not include lobbying efforts before the legislature. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and is an ultimate question for the Commission not for counsel from CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.



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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and is an ultimate question for the Commission not for counsel from CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Conservation Law Foundation Responses to  
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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF and its internal decision-making processes and "compliance with applicable laws." For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and seeks an opinion on an issue to which the clear rulings from this Commission hold that the law mandates that the owner of Merrimack Station install the scrubber but does not mandate that PSNH remain the owner of the Station. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and seeks an opinion on an issue to which the clear rulings from this Commission hold that the law mandates that the owner of Merrimack Station install the scrubber but does not mandate that PSNH remain the owner of the Station, and that PSNH retained the discretion to sell or divest itself of the Station. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Conservation Law Foundation Responses to  
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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and seeks an opinion on an issue to which the clear rulings from this Commission does hold that the law mandates that the owner of Merrimack Station install the scrubber but does not mandate that PSNH remain the owner of the Station. The law speaks for itself, and the rulings of this Commission dictate the scope of the prudence inquiry in this case. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product, impermissibly shift the burden of proof, or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. The rulings of this Commission make clear the PSNH had the ability under existing law to explore selling the Station. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

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Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. This request is argumentative and seeks an opinion on an issue to which the clear rulings from this Commission hold that the law mandates that the owner of Merrimack Station install the scrubber but does not mandate that PSNH remain the owner of the Station, and that PSNH retained the discretion to sell, divest or even to retire the Station. This data request is tantamount to a request for admission which is beyond the scope of the intent of the requests and further does nothing to aid the Commission in its ultimate decision; is PSNH seeking to argue that if it retired the unit and there were zero emissions from it, PSNH would still install a scrubber on the retired unit and seek to recover costs? For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Moreover this request is argumentative. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Also this data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, the position of CLF is set forth in the pre-filed testimony of Dr. Stanton.



NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. Moreover this request is argumentative and seeks information irrelevant to the Commission's determination, i.e. CLF's beliefs are not at issue and many of the requests seek responses to questions that do not elicit information relevant to PSNH's decision-making conduct. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Also this data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests. Finally this data request is more similar to a request for admission and not a request for data, and is therefore outside the scope of discovery permitted in the November 15, 2013 order.

NH PUC Docket No. DE 11-250  
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PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, the position of CLF required to be disclosed to date is set forth in the pre-filed testimony of Dr. Stanton.

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Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

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

Objection: CLF objects to this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

Response: Without waiving the objection and to the extent that this request does seek a valid disclosure of data, the position of CLF required to be disclosed to date is set forth in the pre-filed testimony of Dr. Stanton.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to either discover work product or to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making. PSNH bears that burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber which does not encompass the years 2005 to the present. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. Also this data request is duplicative of many of the other data requests directed to CLF, and to which CLF has objected. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber which does not encompass the years 2005 to the present. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. Also this data request is duplicative of many of the other data requests directed to CLF, and to which CLF has objected. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber which does not encompass the years 2005 to the present. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. Also this data request is duplicative of many of the other data requests directed to CLF, and to which CLF has objected. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Also this data request is comprised of multiple questions. The NH Rules of Civil Procedure, for example, limit the total number of interrogatories to 50, with each question counted separately whether subsidiary, incidental to or dependent on another question. NH R. Civ. P. 36. In response to fifteen pages of testimony by Dr. Stanton (not including exhibits and attached CV), PSNH has served 176 data requests.



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Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-99. What is CLF's position regarding fracking?

Objection: CLF objects to this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

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

Objection: CLF objects to this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

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

Objection: CLF objects to this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

NH PUC Docket No. DE 11-250  
Conservation Law Foundation Responses to  
PSNH Data Requests, Set 1

Date of Request: January 16, 2014

Date of Response: February 13, 2014

Q-PSNH-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 this data request because it is directed to CLF rather than directed to Dr. Stanton's pre-filed testimony; the procedural order dated November 15, 2013 clearly states that data requests are to be on pre-filed testimony and CLF will not testify at hearing. CLF further objects to the extent that this request is designed to impermissibly harass and burden CLF rather than to discover information related to whether PSNH was prudent in its decision-making during the installation of the scrubber. PSNH bears the burden of proof, and the focus of the inquiry should not be on CLF. For these reasons, this request is overbroad, unduly burdensome and not reasonably calculated to lead to admissible evidence.

**Dorene Hartford**

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**From:** Glahn, Bill [BILL.GLAHN@MCLANE.com]  
**Sent:** Monday, February 24, 2014 11:13 AM  
**To:** Ivy Frignoca  
**Subject:** Re: CLF Objections and responses [MCLANE--FID1327719]  
**Attachments:** image001.jpg

Ivy,  
I'm out sick today. Perhaps we can speak tomorrow.  
Bill

Sent from my iPhone

On Feb 24, 2014, at 11:06 AM, "Ivy Frignoca" <IFrignoca@clf.org<mailto:IFrignoca@clf.org>> wrote:

Given the tenor of our discussions and CLF's continued efforts to communicate with you to resolve disputes regarding PSNH's data requests, I was surprised by the aggressive tenor of your Motion to Compel and Motion to Revoke CLF's Intervenor Status. Given that tenor which is completely contrary to our discussions, it appears that further constructive dialogue may not be beneficial. I will continue to extend my invitation below, i.e. if you can reword the questions identified below so that we can properly understand them we can look at answering them, but other than that will focus on responding to your motion. Ivy

**From:** Ivy Frignoca  
**Sent:** Friday, February 21, 2014 2:23 PM  
**To:** 'Glahn, Bill'  
**Cc:** NJonathan Peress  
**Subject:** RE: CLF Objections and responses [MCLANE--FID1327719]

Please call me early next week. In the interim, if you want to send me redrafted questions for those requests identified below, please do. Thanks, Ivy

**From:** Glahn, Bill [mailto:BILL.GLAHN@MCLANE.com]  
**Sent:** Friday, February 21, 2014 12:41 PM  
**To:** Ivy Frignoca  
**Cc:** NJonathan Peress  
**Subject:** RE: CLF Objections and responses [MCLANE--FID1327719]

Ivy,  
I think you miss our point on CLF's objections to questions addressed to CLF. Our point is that your "general objections" to any question addressed to CLF are deficient as a matter of law and contrary to the Commission's January 31st order. So it isn't so much asking you to waive objections but rather, assuming that there is a valid objection, making one that has some remote relationship to the question itself or answering the question. We also don't believe it sufficient to say that CLF doesn't have to answer questions. Given the timing, we'll go ahead and file. We're happy to work with you on the questions you have identified. We were able to quickly identify exactly where in the reference was in the appendix to Stanton's testimony. Let's see if we can work those issues out early next week and before your response to our motion is due, which I believe will be March 3rd. Let's discuss the specific requests you have identified early next week.  
Bill

**From:** Ivy Frignoca [mailto:IFrignoca@clf.org]  
**Sent:** Friday, February 21, 2014 12:25 PM

To: Glahn, Bill  
Cc: NJonathan Peress  
Subject: RE: CLF Objections and responses [MCLANE--.FID1327719]

I reviewed the below; in essence you are accepting none of our answers unless we waive all objections. We cannot agree to do that. We can consider providing further responses to requests 3, 28, 41-54 and 57, if you will cure the defects in the wording of the requests. Neither we nor our witness were entirely certain what you were asking in those requests, and do not want to provide responses to questions under those circumstances. In our objections to those requests, we told you what we needed clarified. For example, there is no appendix. So if you want to identify the documents that you are referring to in all requests that refer to an appendix, we can then consider which of those requests can be answered without objection. Please let me know if you are willing to do that. All of our other objections stand.

If you wish to discuss this further, please do not hesitate to contact me.

Ivy L. Frignoca  
Ivy L. Frignoca, Staff Attorney  
Conservation Law Foundation  
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ifrignoca@clf.org<mailto:ifrignoca@clf.org>

From: Glahn, Bill [mailto:BILL.GLAHN@MCLANE.com]  
Sent: Wednesday, February 19, 2014 12:37 PM  
To: Ivy Frignoca  
Cc: NJonathan Peress  
Subject: CLF Objections and responses [MCLANE--.FID1327719]

Ivy,

As a follow up to our call this morning, we have broken your objections into two parts: (1) objections to any questions addressed to CLF as opposed to Stanton-these address PSNH's requests 65-104; and (2) questions addressed to Stanton. With respect to the first category, we request that you withdraw your objections relative questions 65-104 since the Commission rules allow data requests to be made to any party and as I said; we believe your objections are inadequate and contrary to the Commission's 1/31/14 order.

For questions 1-64, we will accept your responses to questions 6, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 30, 31, 32, 55, 56, 58, 59, 60, 63 provided that you will represent that are not withholding information or documents based on your continued general objections. You have repeated your general objections for requests 3, 4, 5, 9, 10, 25, 28, 41-54 and 57 and therefore we would like to know whether you will withdraw those objections and answer the questions. For example, for questions 41-54, 57 CLF represents that Dr. Stanton does not know what appendix or documents the questions refer to. We think it is self-explanatory, but if not, we'd be happy to refer you to appropriate appendix to her testimony. As for the remaining questions, 1, 7, 8, 13, 19, 20, 23, 26, 27, 33, 35-40 and 64 we believe the answers are inadequate or non-responsive. We are willing to go over why we think that. Let me know if you are interested in doing so.

Given the timing here, we need to file our motion to compel by Friday. If that presents a problem given your schedule, we can always have the discussion after our motion is filed.



Bill

Wilbur A. Glahn, III

<image001.jpg>

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