



For a thriving New England

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VIA HAND DELIVERY AND EMAIL

January 5, 2015

Debra Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301-7319

NHPUC JAN05'15 PM 4:03

**Re: Dockets DE 11-250, 14-238
Response to PSNH Motion to Stay Proceedings**

Dear Ms. Howland:

Please accept this letter as the Response of the Conservation Law Foundation ("CLF"), an intervener in the above-referenced dockets, to the Motion to Stay Proceedings ("Motion") filed by Public Service Company of New Hampshire ("PSNH"). CLF neither supports nor opposes the Motion.

PSNH's Motion fails to present adequate information regarding the scope, structure, or intent of the proposed settlement process, making it difficult to assess the merits of initiating such a process at this time. With respect to PSNH's request to a stay of DE 11-250, CLF notes that the docket is ripe for Commission decision following over three years of extensive and contentious litigation, a protracted hearing on the merits, and a substantial expenditure of time and resources by the Commission and the numerous parties involved. In fact, a settlement in that docket would be late under the settlement filing requirements of this Commission rules. See PUC Rule 203.20(e) & (f). With respect to DE 14-238, a stay may be inconsistent with the statutory command that the proceeding be "expedite[d]." RSA 369-B:3-a. Finally CLF notes that despite the Motion's stated objective of collaboration, PSNH failed to engage in advance outreach to all parties to discuss, and seek assent to, its Motion. CLF asks that the Commission consider the above factors in ruling upon the Motion.

Despite the above reservations, CLF anticipated the opportunity for good faith settlement discussions within the context of the divestiture docket and will engage in good faith in any settlement negotiations that this Commission deems just and proper. CLF is not, in other words, opposed to good faith settlement discussions to resolve the interrelated matters at issue in DE 11-250 and DE 14-238 in a manner that results in significant economic and environmental benefits and avoids costly litigation by the parties. Should the Commission grant the Motion, in whole or in part (for example by issuing a ruling in the scrubber docket and granting the stay in the divestiture docket), the order should specify measures to ensure meaningful participation by all interested parties in the dockets and appropriate Commission oversight during any stay, such as an expedited schedule for settlement meetings, regular status reports by the parties, and designation of a single convener of the discussions, such as a Commission staff attorney. To have the best chance of success, a Commission-structured settlement process should prioritize settlement among the parties to the dockets before the initiation of legislative discussions to craft implementing legislation.



Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Irwin".

Tom Irwin
VP and Director, CLF New Hampshire
tirwin@clf.org

A handwritten signature in blue ink, appearing to read "Ivy Frignoca".

Ivy Frignoca
Senior Attorney
ifrignoca@clf.org