

<b>ORIGINAL</b>	
N.H.P.U.C. Case No.	DE 11-250
Exhibit No.	#5
Witness	Panel 1
<b>DO NOT REMOVE FROM FILE</b>	

**NJonathan Peress**

**From:** knowlsb@nu.com  
**Sent:** Thursday, February 02, 2012 3:37 PM  
**To:** NJonathan Peress  
**Cc:** amanda.noonan@puc.nh.gov; christina.martin@oca.nh.gov; Dorene Hartford; discovery@puc.nh.gov; donna.l.mcfarland@oca.nh.gov; dpatch@orr-reno.com; edward.damon@puc.nh.gov; eatongm@nu.com; daviekl@nu.com; lrosado@orr-reno.com; priceml@nu.com; meredith.a.hatfield@oca.nh.gov; msmith@orr-reno.com; bersara@nu.com; rorie.e.p.hollenberg@oca.nh.gov; shennequin@nepga.org; hallsr@nu.com; stephen.r.eckberg@oca.nh.gov; steve.mullen@puc.nh.gov; suzanne.amidon@puc.nh.gov; tom.frantz@puc.nh.gov; zachary.fabish@sierraclub.org  
**Subject:** RE: DE 11-250 PSNH Data Responses to TS-01

Jonathan,

The statement of the request in Tech 1-8 is based on my notes from the technical session. Thus, the question as stated is how I understood the request.

On January 25, I received an email from Meredith Hatfield who stated:

"As we discussed at the technical session on Monday, we believe that included in the response should be a) information related to the pending NPDES permit for the scrubber wastewater, and b) any information related to permits, approvals or contracts that the Company has received or entered into for the purpose of disposing of scrubber wastewater."

As a result, we included information in the response regarding the current NPDES permit and a link to information about that permit's renewal. We continue to disagree that we have not fully answered OCA 1-2 to the extent it requested "all necessary approvals and permits" as those terms are used in RSA 125-O:13,I. Further, as we explained in the response to Staff 1-2, PSNH has "all permits necessary to place the Clean Air Project in service and reduce emissions as mandated by the mercury reduction law." However, in an effort to be responsive, we provided documents from Hooksett and Concord. We do not believe that the underlying documents regarding wastewater disposal are relevant to temporary rates and have stated as much in our objections to CLF Q-PROD 1-20 and CLF Q-INT 1-11. Your request below is nothing more than a restatement of CLF Q-INT 1-11 which seeks detailed information about wastewater shipments, among other things.

Sarah

Sarah B. Knowlton  
 Senior Counsel  
 Public Service Company of New Hampshire  
 780 No. Commercial Street  
 Manchester, NH 03101  
 (603) 634-2326 - telephone  
 (603) 634-2438 - facsimile

From: NJonathan Peress <NJPeress@clf.org>  
 To: Sarah B. Knowlton/NUS@NU  
 Cc: Kristi Davie/NUS@NU, "discovery@puc.nh.gov" <discovery@puc.nh.gov>, "amanda.noonan@puc.nh.gov" <amanda.noonan@puc.nh.gov>, Robert A. Bersak/NUS@NU, "christina.martin@oca.nh.gov" <christina.martin@oca.nh.gov>, Dorene Hartford <dhartford@clf.org>, "donna.l.mcfarland@oca.nh.gov" <donna.l.mcfarland@oca.nh.gov>, "dpatch@orr-reno.com" <dpatch@orr-reno.com>, Gerald M. Eaton/NUS@NU, "edward.damon@puc.nh.gov" <edward.damon@puc.nh.gov>, Stephen R. Hall/NUS@NU, "lrosado@orr-reno.com" <lrosado@orr-reno.com>, "meredith.a.hatfield@oca.nh.gov" <meredith.a.hatfield@oca.nh.gov>, "msmith@orr-reno.com" <msmith@orr-reno.com>, "rorie.e.p.hollenberg@oca.nh.gov" <rorie.e.p.hollenberg@oca.nh.gov>, "shennequin@nepga.org" <shennequin@nepga.org>, "stephen.r.eckberg@oca.nh.gov" <stephen.r.eckberg@oca.nh.gov>, "steve.mullen@puc.nh.gov" <steve.mullen@puc.nh.gov>, "suzanne.amidon@puc.nh.gov" <suzanne.amidon@puc.nh.gov>, "tom.frantz@puc.nh.gov" <tom.frantz@puc.nh.gov>, Melissa L. Price/NUS@NU, "zachary.fabish@sierraclub.org" <zachary.fabish@sierraclub.org>  
 Date: 02/01/2012 05:41 PM  
 Subject: RE: DE 11-250 PSNH Data Responses to TS-01

Dear Sarah,

We received PSNH's response to Q-Tech 008, which was a tech session data request (DR) by CLF. It appears that PSNH either misunderstood the request, or elected to re-characterize the request with the result that PSNH's response was inaccurate and / or incomplete. Accordingly, we are clarifying the DR and information requested thereby to afford PSNH with an opportunity to provide a complete and accurate response prior to determining whether to file a motion to compel. We are providing this email in the spirit of Puc 203.09(i)(4), in an effort to informally resolve any differences as between PSNH and CLF/Sierra Club.

The tech session DR was made during discussion of OCA 1-01, Q-OCA-2, which requested that PSNH "identify and provide the status of 'all necessary permits and approvals'" for operation of the scrubber. During the tech session, CLF and others raised the fact that PSNH's response did not include any permits or approvals necessary for disposal of the scrubber wastewater. During the ensuing discussion, PSNH representatives explained its position that the response was accurate and complete and that arrangements to dispose of scrubber wastewater did not entail "permits" or "approvals", rather such disposal was being undertaken pursuant to "agreements." PSNH went on to explain that it had various agreements with and was disposing of scrubber wastewater at municipal, public and private facilities. To clarify the issue, CLF issued a tech session DR seeking all permits and agreements which PSNH has obtained to dispose of scrubber wastewater and the documents / records for disposal of scrubber wastewater under such permits and/or agreements.

CLF's tech session DR cannot properly be characterized as a variation of CLF /SC 01, Q-Prod-02 as stated in PSNH's response. The tech session DR was premised and founded on the detailed and extensive discussion we had about scrubber wastewater disposal during the tech session, including, without limitation, PSNH's insistence that no "permits or approvals" (as the terms were used in Q-OCA-2) were necessary for such disposal.

CLF's tech session DR was made to provide the parties with a full understanding of the means by which PSNH has disposed of, is disposing of and plans to dispose of scrubber wastewater, the quantity of wastewater disposed, and the costs incurred and to be incurred by PSNH for such disposal. We note that PSNH is including such wastewater disposal costs in its Motion for Establishment of Temporary Rates. Thus a complete and accurate response must include, without limitation, all permits, approvals, agreements, transit arrangements, bills of lading, manifests, invoices, and receipts with respect to all publicly or privately owned wastewater treatment / disposal facilities and/or shippers with whom PSNH has arranged to dispose of scrubber wastewater including records of disposal to date. Without limitation, a the response must be sufficiently detailed for the parties to ascertain from the foregoing information: 1) the total amount of wastewater PSNH has disposed of; 2) the amounts sent to each disposal facility; 3) the costs incurred for each such shipment; and, 4) when each such wastewater transfer / disposal occurred.

Please advise us by Friday, February 3 whether PSNH will provide a complete and accurate response as set forth above and feel free to call me to discuss this matter on my mobile phone at 603 443-2719. Thank you.

**N. Jonathan Peress**  
Vice President  
Director, Clean Energy and Climate Change Program  
Conservation Law Foundation

27 North Main Street  
Concord, NH 03301

P: 603-225-3060

C: 603-443-2719  
E: [njperess@clf.org](mailto:njperess@clf.org)

For a thriving New England



**From:** [daviekl@nu.com](mailto:daviekl@nu.com) [<mailto:daviekl@nu.com>]

**Sent:** Friday, January 27, 2012 3:20 PM

**To:** [discovery@puc.nh.gov](mailto:discovery@puc.nh.gov); [amanda.noonan@puc.nh.gov](mailto:amanda.noonan@puc.nh.gov); [bersara@psnh.com](mailto:bersara@psnh.com); [christina.martin@oca.nh.gov](mailto:christina.martin@oca.nh.gov); [daviekl@nu.com](mailto:daviekl@nu.com); Dorene Hartford; [donna.l.mcfarland@oca.nh.gov](mailto:donna.l.mcfarland@oca.nh.gov); [dpatch@orr-reno.com](mailto:dpatch@orr-reno.com); [eatongm@nu.com](mailto:eatongm@nu.com); [edward.damon@puc.nh.gov](mailto:edward.damon@puc.nh.gov); [hallsr@nu.com](mailto:hallsr@nu.com); [knowlsb@nu.com](mailto:knowlsb@nu.com); [lrosado@orr-reno.com](mailto:lrosado@orr-reno.com); [meredith.a.hatfield@oca.nh.gov](mailto:meredith.a.hatfield@oca.nh.gov); [msmith@orr-reno.com](mailto:msmith@orr-reno.com); NJonathan Peress; [rorie.e.p.hollenberg@oca.nh.gov](mailto:rorie.e.p.hollenberg@oca.nh.gov); [shennequin@nepga.org](mailto:shennequin@nepga.org); [stephen.r.eckberg@oca.nh.gov](mailto:stephen.r.eckberg@oca.nh.gov); [steve.mullen@puc.nh.gov](mailto:steve.mullen@puc.nh.gov); [suzanne.amidon@puc.nh.gov](mailto:suzanne.amidon@puc.nh.gov); [tom.frantz@puc.nh.gov](mailto:tom.frantz@puc.nh.gov); [zachary.fabish@sierraclub.org](mailto:zachary.fabish@sierraclub.org)

**Cc:** [priceml@nu.com](mailto:priceml@nu.com)

**Subject:** DE 11-250 PSNH Data Responses to TS-01

Attached please find Public Service Company of New Hampshire's Responses to TS-01 Q-001, Q-002, Q-003, Q-005 and Q007.

Hard copies will not follow unless requested.

Thanks,

Kristi L. Davie  
Rate & Regulatory  
PSNH - Energy Park  
(603) 634-3303/(603) 634-2449 fax  
[daviekl@nu.com](mailto:daviekl@nu.com)



\*\*\*\*\*

This e-mail, including any files or attachments transmitted with it, is confidential and/or proprietary and is intended for a specific purpose and for use only by the individual or entity to whom it is addressed. Any disclosure, copying or distribution of this e-mail or the taking of any action based on its contents, other than for its intended purpose, is strictly prohibited. If you have received this e-mail in error, please notify the sender

immediately and delete it from your system. Any views or opinions expressed in this e-mail are not necessarily those of Northeast Utilities, its subsidiaries and affiliates (NU). E-mail transmission cannot be guaranteed to be error-free or secure or free from viruses, and NU disclaims all liability for any resulting damage, errors, or omissions. \*\*\*\*\*

\*\*\*\*\*

This e-mail, including any files or attachments transmitted with it, is confidential and/or proprietary and is intended for a specific purpose and for use only by the individual or entity to whom it is addressed. Any disclosure, copying or distribution of this e-mail or the taking of any action based on its contents, other than for its intended purpose, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete it from your system. Any views or opinions expressed in this e-mail are not necessarily those of Northeast Utilities, its subsidiaries and affiliates (NU). E-mail transmission cannot be guaranteed to be error-free or secure or free from viruses, and NU disclaims all liability for any resulting damage, errors, or omissions. \*\*\*\*\*