

New Hampshire PUC Docket DE 11-250

Witness: Ranajit Sahu

Request from: Public Service Company of New Hampshire

## Question 13:

13. Pages 5-9: You list a series of “air and water quality requirements that would impact coal plants” (p 5) and you assert that you saw “no evidence that PSNH properly considered any of the potential (and now real) regulatory impacts” of those requirements. For each requirement, answer the following:
- Was the regulation or rule actually adopted? If so, when?
  - Was it adopted in a manner that made it applicable to Merrimack Station? If so, provide a specific explanation for the basis of your assertion and all documents you rely upon in support of your assertion.
  - What costs, if any, did that rule or regulation add to the Scrubber project? Explain the basis for your answer and provide any documents you rely upon that support your position.
  - If costs were added, what is the specific impact of that cost? Explain the basis for your answer and provide any documents you rely upon that support your position.

## Response to Question 13:

Sierra Club objects to Question 13 on the grounds that it impermissibly calls for legal conclusions, and calls for publicly available information that is just as readily available to PSNH as it is to anybody else.

Subject to and without waiving the objections above, as to subpart (a): among others, the National Ambient Air Quality Standards (“NAAQS”) for particulate matter (“PM”), ozone, and 1-hour sulfur dioxide (“SO<sub>2</sub>”) have been adopted, in 2008, 2012, and 2010, respectively. The Mercury and Air Toxics Standards (“MATS”) rule was adopted in 2011. As to subpart (b), the question impermissibly calls for a legal conclusion. As to subparts (c) and (d), the question seeks information not reasonably calculated to lead to the discovery of evidence relevant to any cause or claim in this docket; moreover, whether or not they impose costs for the Scrubber project, they add costs and risks to PSNH. MATS compliance, for example, necessitates addressing both mercury reduction at Merrimack and at Schiller Station, PSNH’s other coal-fired power plant in New Hampshire. As discussed in the testimony, the rules and regulations cited add compliance risks and costs that PSNH must consider, whether or not the exact dollar figure can be predicted precisely. Indeed, PSNH’s own experience in which its original projection of a \$250 million not-to-exceed cost for the Scrubber Project was revised dramatically upward as time passed demonstrates that PSNH’s cost for compliance with other control requirements may end up being higher than it initially projects.