

THE STATE OF NEW HAMPSHIRE

Before the

PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Auction of Election Generation Facilities

Docket No. DE 16-817

CITY OF CONCORD'S PETITION TO INTERVENE

The City of Concord ("Concord"), by and through its attorneys, the Office of the City Solicitor, hereby requests to intervene in this matter pursuant to RSA 541-A:32 and Puc §§203.02 and 203.17. In support of its Petition, Concord states as follows:

1. On September 7, 2016, the Public Utilities Commission ("PUC") issued an order of notice opening a docket to oversee the process of auctioning the generation facilities owned by Public Service Company of New Hampshire d/b/a/Eversource Energy ("Eversource"), which includes Eversource's property in Concord. This Docket is based upon the July 1, 2016 Commission Order No. 25,920 in the Docket No. 14-238.

2. Concord was an intervener in the Docket No. 14-238. In that Docket, the PUC identified one of the issues as "the status of the 1999 restructuring settlement agreement with PSNH in Docket No. DE 99-099, and its application to issues in this docket." That 1999 Settlement Agreement contains, among other things, the statement that the "City of Concord shall be able to provide input in the development of the auction criteria for the Garvins Falls Road." The Garvin's Falls Road encompasses more than 600 acres of land that is of vital importance to Concord.

3. As a part of the 14-238 Docket, on December 4, 2015, William H. Smagula, Vice President – Generation for Eversource Energy stated in a letter to the City of Concord City Manager Thomas Aspell that the Garvin’s Falls Road property would “not be sold by Eversource as part of the divestiture process.” Ex 1. On December 9, 2015, this letter was filed in the 14-238 Docket.

4. With respect to the 1999 Settlement Agreement, the PUC Order No. 25,920 in the 14-238 Docket provides in part “insofar as any language of the 2015 Settlement Agreement or the 2016 Litigation Settlement appears to supersede, or overlook, operative language of the 1999 Settlement Agreement governing ongoing program and/or compliance responsibilities of Eversource, we hereby rule that such ongoing program and/or compliance requirements shall be governed by the terms of the most recent Commission Orders implementing such requirements.”

5. The 2015 Settlement Agreement, the 2016 Litigation Settlement and the Commission Orders are silent on the Garvin’s Falls property. Eversource’s December 4, 2015 letter filed in the Docket is the only document which addresses the Garvin’s Falls property.

6. Concord has a direct interest in the auction process to secure its interests in the Garvin’s Falls Road property, and the future development of Garvin’s Falls as it relates to Concord’s tax base. Concord’s interests may be affected by the PUC’s decisions and its intervention in this matter is necessary.

7. Concord meets the statutory requirements for intervention and should be an intervener in this proceeding in the interests of justice. Further, the orderly and prompt conduct of the proceedings will not be impaired by allowing Concord as an intervener.

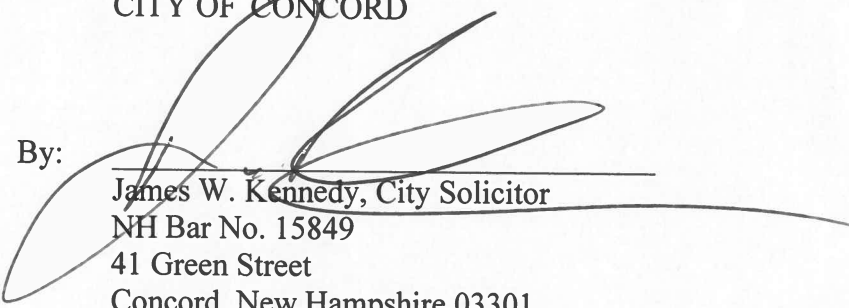
WHEREFORE, the City of Concord requests that its Petition to Intervene is granted.

Respectfully submitted,

CITY OF CONCORD

September 14, 2016

By:



James W. Kennedy, City Solicitor
NH Bar No. 15849
41 Green Street
Concord, New Hampshire 03301
Telephone: (603) 225-8505
Email: jkennedy@concordnh.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail to the Office of Consumer Advocate and to those parties listed on the Service List of this docket, pursuant to N.H. Code Admin Rule Puc 203.11.

September 14, 2016

By:



James W. Kennedy