

DR 96-150

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Interim Stranded Cost Charges

Order Setting Procedural Schedule

O R D E R N O. 23,217

May 17, 1999

This order sets a procedural schedule for further hearings on the determination of interim stranded cost (ISC) charges for Public Service Company of New Hampshire ("PSNH"). It reestablishes the hearings ordered by the New Hampshire Public Utilities Commission ("Commission") in its Order No. 23,137, issued on February 4, 1999.

I. BACKGROUND

On February 4, 1999, the Commission issued Order No. 23,137. This order set a procedural schedule for further hearings on the motion by Public Service Company of New Hampshire (PSNH) for rehearing of Order Nos. 22,512 and 22,514, which set PSNH's interim stranded cost (ISC) charges. Order No. 23,137 expressly vacated the portions of those earlier orders with respect to determination of an ISC charge for PSNH and the findings and conclusions on pages 58-82 of the Final Plan's Legal Analysis pertaining to the Rate Agreement, and reaffirmed the Commission's decision to change the manner in which the ISC charge is to be set for PSNH. (Order No. 23, 137 at 23-25.) In addition, Order No. 23,137 also denied PSNH's motion to stay the

rehearing proceedings.

On February 10, 1999, PSNH filed its "Emergency Motion to Enforce Injunction and for Expedited Briefing and Hearing" in federal district court. By stipulation and order of the Court, dated February 18, 1999, the Commission agreed to suspend the rehearing proceeding pending a hearing and further order of the Court. On February 19, 1999,¹ the Commission vacated the procedural schedule established in Order No. 23,137. PSNH's Motion was argued in federal court on April 7, 1999, at which time the Court ruled that the Commission may proceed with its contemplated rehearing procedure to establish an ISC for PSNH. A written order was entered on May 5, 1999. As a result of this ruling, the Commission has determined that the rehearing ordered in Order No. 23, 137 shall proceed according to the schedule set forth below.

II. SCOPE OF THE REHEARING

As stated above, the Commission's previous determination of an ISC charge for PSNH has been vacated. The purpose of this rehearing is to establish an ISC charge for PSNH, pursuant to the requirements of RSA 374-F:3, XII and 374-F:4, V and VI, as these provisions have been interpreted by the New Hampshire Supreme Court in *In re New Hampshire Public Utilities*

¹ See Secretarial Letter of February 19, 1999, ratified by the Commission at its meeting of March 8, 1999.

Commission Statewide Electric Utility Restructuring Plan, No. 98-114, 722 A.2d 483(NH 1998).

The Commission reaffirms its determination in Order No. 23,137 that:

We intend to evaluate PSNH's rehearing request and set its ISC charges from a fresh perspective, based on all the evidence, testimony and argument in the record. Thus, there is no need for parties to resubmit testimony and exhibits or reargue positions in briefs previously tendered. We recognize the efforts all parties have made thus far, and will give due consideration to all of this material. At this juncture, however, we have determined that it is appropriate to allow parties an opportunity to update and supplement their prior testimony, submit additional evidence and have an opportunity for cross-examination on such new material before we deliberate these matters. . . . The Commission is quite aware of the state of the record, and do not ask - and will not allow - parties to burden this proceeding or each other by simply resubmitting what has previously been provided. (Order No. 23,137 at 25.)

III. PROCEDURAL SCHEDULE

The procedural schedule in this case is as follows:

Data requests - May 28, 1999

Responses to data requests - June 11, 1999

Supplemental testimony by all parties - June 21, 1999

Data Requests on supplemental testimony - June 30, 1999

Responses to data requests - July 9, 1999

Rebuttal to supplemental testimony - July 23, 1999

Hearings - August 9, 1999 at 1:30 P.M. and

August 10, 11, 12, and 13, 1999 at
9:00 A.M. (as necessary)

Based upon the foregoing, it is hereby

ORDERED, that the procedural schedule and scope of the rehearing for this matter shall be as set forth above.

By order of the Public Utilities Commission of New Hampshire this seventeenth day of May, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary