

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 10-261

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

2010 Least Cost Integrated Resource Plan

Order Denying Motion to Compel

O R D E R N O. 25,220

May 4, 2011

On September 30, 2010, Public Service Company of New Hampshire (PSNH or Company) filed its 2010 Least Cost Integrated Resource Plan (LCIRP) pursuant to RSA 378:37, RSA 378:38, and Commission Order Nos. 24,945 (February 27, 2009) (PSNH's prior LCIRP filing), and 25,061 (December 31, 2009) (PSNH's Default Energy Service Rate Docket). New Hampshire Sierra Club (NHSC) was granted discretionary intervention, pursuant to RSA 541-A:32, II. In granting the intervention requests of NHSC and others, the Commission set forth the scope of the docket, and held that it would not entertain attempts to use this planning docket to collaterally litigate environmental enforcement proceedings pending before other State agencies. *See* Transcript of DE 10-261 Prehearing Conference, November 18, 2010, statement of Commissioner Ignatius, at 21-22; *see also* Staff Report re: Prehearing Conference, December 2, 2010.

On February 23, 2011, in accordance with the procedural schedule, NHSC served on PSNH 12 Data Requests. PSNH, on March 4, 2011, objected wholly to three of them, specifically, Data Requests 1, 2, and 3. In response, on March 11, 2011, NHSC filed a motion to compel and on March 21, 2011, PSNH objected to the motion.

Data request 1 asked for PSNH's additional explanation of a purported power cost differential referenced by the Company in a PSNH submission to the New Hampshire Department of Environmental Service-Air Resources Division (NHDES-ARD), dated July 9, 2010. This submission to NHDES-ARD was made by PSNH as part of NHDES-ARD's ongoing efforts to develop a Regional Haze State Implementation Plan (Regional Haze Plan), which, according to NHSC, could give rise to additional compliance costs related to nitrogen-oxides (NO_x) control at the Company's Merrimack Station. PSNH objected to this request in full as beyond the scope of this docket, and pointed out that the NHDES-ARD had yet to finalize its Regional Haze Plan at the time of the LCIRP's submission, thereby precluding definitive LCIRP-related planning related to this issue. PSNH also stated that the Regional Haze Plan process is ongoing with the proposed rule still only in draft form (as of March 21, 2011), and that NHDES-ARD would be the proper agency for the consideration of the Company's submissions related to its potential compliance costs arising from the Regional Haze Plan. NHSC asserted that "PSNH should not be permitted to avoid an examination of the integrity of its own cost data in this least cost planning docket."

Data request 2 asks for PSNH to explain why certain NO_x-reduction-related cost projections for Merrimack Station, submitted to NHDES-ARD as part of the Regional Haze Plan process between July 2010 and December 2010, were purportedly inconsistent. PSNH objected to this request in full, stating that the request was beyond the scope of the docket, that NHDES-ARD would be the proper forum for examining this matter related to the Regional Haze Plan process, and that NHDES-ARD had asked the Company to prepare the various projections using various assumptions, which produced different projected results. NHSC asserted that "the three

PSNH submissions to NHDES-ARD have inconsistent cost calculations that PSNH must explain,” and that the data request asks for “information regarding the integrity of the cost data submitted by PSNH to NHDES-ARD to comply with the Regional Haze . . . emission limit.”

Data request 3 asks for 17 categories (in Subparts a.-q.) of operational data for Merrimack Station, mostly relating to fuel composition, NOx-emission control equipment, and detailed plant performance data. PSNH objected to the request in full, on the basis that the request was beyond the scope of the docket. PSNH also stated that the information sought is irrelevant to the LCIRP docket, is not reasonably limited in scope, is largely proprietary technical information, and would be excessively burdensome to produce. NHSC asserted that the information requested “is necessary to determine the cost effectiveness of the NOx reduction methodology and to verify the cost data that PSNH submitted to NHDES-ARD in support of the Regional Haze [Plan process]” for Merrimack Station.

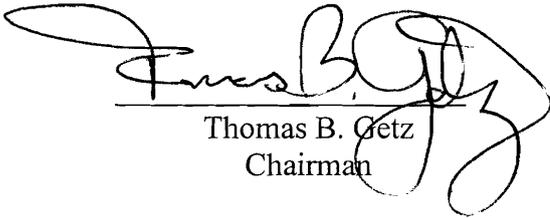
The three data requests at issue call for matters that are beyond the scope of this docket. The three requests relate to data produced by PSNH concerning its operation of Merrimack Station as part of the ongoing Regional Haze Plan process at NHDES-ARD. Under the New Hampshire Administrative Procedure Act, RSA 541-A:33, II, we may exclude irrelevant or immaterial evidence from the record of this docket. The information sought in these three requests is not relevant to the Company’s 2010 integrated least cost resource plan under review in this docket, as it would not provide the Commission with meaningful information to evaluate the adequacy of PSNH’s forward-looking planning process pursuant to RSA 378:39.

Accordingly, we will deny NHSC’s motion to compel.

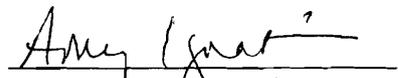
Based upon the foregoing, it is hereby

ORDERED, that the New Hampshire Sierra Club's motion to compel responses to Data Requests 1, 2, and 3 is DENIED.

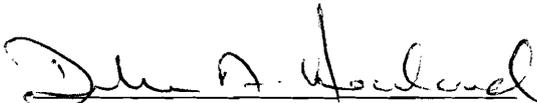
By order of the Public Utilities Commission of New Hampshire this fourth day of May, 2011.


Thomas B. Getz
Chairman


Clifton C. Below
Commissioner


Amy L. Ignatius
Commissioner

Attested by:


Debra A. Howland
Executive Director