

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 14-238**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**

**Order Denying Terry Cronin's Motion for Reconsideration**

**ORDER NO. 25,847**

**December 3, 2015**

In this Order, the Commission denies Mr. Cronin's motion to reconsider Order No. 25,837 (November 3, 2015), which denied motions to compel filed by Mr. Cronin on August 20 and September 18, 2015. The Commission makes this ruling because Mr. Cronin did not offer good reason for the Commission to reconsider the Order as required by RSA 541:3 and 541:4.

**I. PROCEDURAL BACKGROUND**

On June 10, 2015, Public Service Company of New Hampshire, d/b/a Eversource Energy (Eversource) filed with the Commission a "Restructuring and Rate Stabilization Agreement" (2015 Settlement Agreement) and a motion seeking its expedited approval. Eversource and the other parties to the Settlement Agreement (collectively, the Settling Parties) assert that the 2015 Settlement Agreement resolves the issues in this docket and in Docket No. DE 11-250. The Commission issued a Supplemental Order of Notice and granted several petitions to intervene, including that of Terry Cronin, a default energy service customer of Eversource since 1994. For the complete docket, see <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-238.html>.

As an intervenor, Mr. Cronin participated in discovery in this docket, and Eversource objected to certain of his requests. On August 20, 2015, Mr. Cronin filed a motion to compel

Eversource to respond to the disputed questions. In connection with a separate set of discovery requests, Mr. Cronin filed a second motion to compel on September 18, 2015.

The Commission denied both motions to compel in Order No. 25,837 (November 3, 2015). On November 6, 2015, Mr. Cronin filed a motion for rehearing of Order No. 25,837. Eversource and the Office of Energy and Planning (OEP) filed timely objections to Mr. Cronin's motions, and Mr. Cronin replied to those objections.

## **II. POSITIONS OF THE PARTIES**

### **A. Terry Cronin**

Mr. Cronin's position is that he needs discovery in this docket because of limitations placed on his participation in Docket DE 11-250, a/k/a the Scrubber docket. Mr. Cronin claims that during the installation of the Scrubber, Eversource improperly increased the capacity at Merrimack Station. Mr. Cronin argues that the existing record before the Commission in the Scrubber docket is deficient because "the only evidence before the Commission regarding the scrubber project and cost overruns is secret." Motion for Rehearing at 3. Referring to the report of Jacobs Consultancy, which is part of the Scrubber docket record, Mr. Cronin claims that the report "does not address the specifics of the cost overruns [and] there is no item by item analysis of the actual work done that caused the overruns." *Id.*

Mr. Cronin alleges that Eversource "has engaged in a multi-year effort to conceal the facts of the scrubber project from public scrutiny," referencing the replacement of a turbine at Merrimack Station in 2008. Reply at 2. To illustrate his point, Mr. Cronin recites a 6 year-history of proceedings before the Air Resource Council (ARC) at the New Hampshire Department of Environmental Services and the Commission, all of which are closed, except for the instant docket. *Id.* at 2-6.

## **B. Eversource**

Referring to guiding decisions by the New Hampshire Supreme Court regarding standards for a successful motion for rehearing, Eversource says that a good reason for rehearing could be the existence of new evidence that could not have been presented in the underlying proceeding, or the identification of specific matters that were overlooked or mistakenly conceived by the deciding tribunal. Objection at 5. Eversource argues that Mr. Cronin's motion fails to demonstrate any good reason to reconsider Order No. 25,837, and urges the Commission to deny the motion. *Id.* at 7.

## **C. Office of Energy and Planning<sup>1</sup>**

The OEP argues that Mr. Cronin failed to offer good reason for the Commission to reconsider Order No. 25,837, as required by RSA 541:3. Because Mr. Cronin's motion does not meet the statutory standard for rehearing, the OEP asked the Commission to deny the motion for reconsideration.

## **III. COMMISSION ANALYSIS**

The Commission may grant rehearing or reconsideration for "good reason" if the moving party shows that an order is unlawful or unreasonable. RSA 541:3; RSA 541:4; *Rural Telephone Companies*, Order No. 25,291 (Nov. 21, 2011). A successful motion must establish "good reason" by showing that there are matters the Commission "overlooked or mistakenly conceived in the original decision," *Dumais v. State*, 118 N.H. 309,311 (1978) (quotation and citations omitted), or by presenting new evidence that was "unavailable prior to the issuance of the underlying decision," *Hollis Telephone Inc.*, Order no. 25,088 at 14 (April 2, 2010). A successful motion for rehearing must do more than merely restate prior arguments and ask for a

---

<sup>1</sup> The OEP represents that the designated Settling Staff, a party to the 2015 Settlement Agreement, joins in its objection.

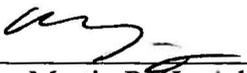
different outcome. *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also Freedom Energy Logistics*, Order No. 25,810 at 4 (Sept.8, 2015).

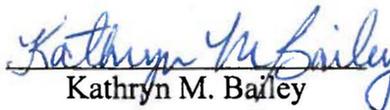
Mr. Cronin's motion for rehearing and reply do not present new information nor do they suggest that the Commission overlooked or misunderstood issues in connection with the disputed discovery. Therefore, we deny Mr. Cronin's request for rehearing.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the petition by Terry Cronin for reconsideration of Order No. 25,837 is hereby DENIED.

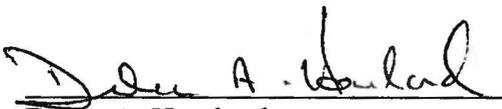
By order of the Public Utilities Commission of New Hampshire this third day of December, 2015.

  
\_\_\_\_\_  
Martin P. Honigberg  
Chairman

  
\_\_\_\_\_  
Kathryn M. Bailey  
Commissioner

  
\_\_\_\_\_  
Michael J. Iacopino  
Special Commissioner

Attested by:

  
\_\_\_\_\_  
Debra A. Howland  
Executive Director