

# Orr&Reno

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Malcolm McLane  
 (Retired)

December 7, 2007



Debra A. Howland  
 Executive Director & Secretary  
 New Hampshire Public Utilities Commission  
 21 South Fruit St., Suite 10  
 Concord, NH 03301

**Re: DE 06-125, PSNH Energy Service Rate Proceeding Proposal  
 Regarding Reporting Requirements for Competitive Energy  
 Suppliers**

Dear Executive Director Howland:

I am submitting this letter to the New Hampshire Public Utilities Commission ("Commission") on behalf of TransCanada Power Marketing Ltd. ("TransCanada"), a registered energy supplier in New Hampshire. TransCanada wishes to go on record as opposing the Joint Proposal for Supplying Competitive Market Data that has been filed with the New Hampshire Public Utilities Commission in the above-captioned docket. "Competitive Market Data" is aptly named and by its nature tends to be sensitive and, in some cases, proprietary. TransCanada is not a party to the above-captioned docket and was not aware of this proposal until just recently and unfortunately missed the recent hearing on this issue. TransCanada would respectfully request that its comments be taken into consideration by the Commission nonetheless.

TransCanada does not understand why competitive energy suppliers should be required to submit the information this proposal would require. The proposal says that the following information would have to be submitted: "Monthly combined peak load for all customers connected to the PSNH system and total megawatt hours expected to be sold each month to those customers for the coming six, twelve and twenty-four month periods." PSNH is fully aware of which accounts within its service territory it does not supply. It also has historic records and use patterns as well as current service requirements that provide substantial insight into the information now being requested of competitive

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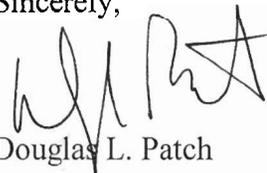
suppliers. TransCanada sees this as an unnecessary, time consuming and costly additional burden for competitive energy suppliers. TransCanada believes that the submission on a monthly basis of combined peak load for all customers connected to the Public Service Company of New Hampshire ("PSNH") system would unnecessarily duplicate information that is already available to PSNH and the Commission. In addition TransCanada does not understand what useful purpose would be served by such a requirement.

In so far as information about the total megawatt-hours expected to be sold each month to customers for the coming six, twelve and twenty-four months is concerned, TransCanada believes that this information is nearly impossible to forecast accurately with respect to ever-changing weather patterns, business and commercial requirements, efficiency and use improvements, etc. A forecast is at best a guess in this regard and is a substantial administrative exercise with little factual value.

Finally, if the Commission is to impose such a requirement it would seem to fall within the definition of a "rule" under RSA 541-A:1,XV in that it would have general applicability to competitive energy suppliers, persons outside the Commission, and it would be adopted to implement, interpret, or make specific a statute enforced or administered by such agency or to prescribe or interpret an agency policy. Assuming for the moment that the Commission has the authority to adopt this requirement as a rule, any such standard of general applicability must be fully vetted and adopted in accordance with the provision of RSA 541-A before it can be imposed as a requirement.

Thank you for considering TransCanada's comments. Please let us know if you have any questions.

Sincerely,



Douglas L. Patch

cc: Service List, DE 06-125

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