

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Delivery Service Rate Request

Docket No. DE 09-035

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
MOTION TO LIMIT INTERVENTION BY CONSERVATION LAW FOUNDATION

Pursuant to the Commission's Order No. 24,944 in this proceeding, R.S.A. 541-A:32 and N.H. Code Admin. Rules Puc § 203.17, Public Service Company of New Hampshire ("PSNH") hereby moves that the intervention of the Conservation Law Foundation of New Hampshire ("CLF") be limited to relevant environmental issues properly included in a distribution rate case and issues of rate design that are transferred herein from Docket No. DE 07-064, Re: Energy Efficient Rate Mechanisms. PSNH further requests that all other issues, including but not limited to operational issues, generation issues and conservation and load management (C&LM) programs be excluded from CLF's participation in this proceeding as these issues are more properly raised in Default Energy Service, Least Cost Planning or CORE Energy Efficiency Programs dockets.

In support of its Motion for Protective Order, PSNH says the following:

1. This proceeding is a rate case brought under RSA Chapter 378. In this proceeding the Commission will determine the reasonableness of test year expenses as proformed by known and measurable changes, the appropriate amount of rate base used and useful in the public service, a reasonable capital structure and an appropriate rate of return. PSNH has also proposed modification of its Reliability

Enhancement Program (REP), rate design changes and a mechanism to offset attrition of its return. See, Order Suspending Tariffs and Scheduling Prehearing Conference, Order No. 24,994 (July 30, 2009).

2. The need to limit CLF's intervention from the very beginning is crucial to the prompt and orderly conduct of this proceeding. This legitimate concern is prompted by the statements made in CLF's Petition to Intervene.

"CLF is a private, non-profit environmental organization . . . [and] represents the interests of its member in ensuring that environmental impacts resulting from electric utility operation in New Hampshire and the region are minimized." CLF Petition to Intervene at ¶ 1. (Emphasis added.) "Intervention will allow CLF to protect its members' substantial interests in promoting energy efficiency and thereby reducing the environmental and health impacts of electric generation." CLF Petition to Intervene at ¶ 2. (Emphasis added.) "Given the environmental implications of a rate increase and changes in rate design, this proceeding presents an important opportunity for CLF to provide input regarding these matters and how they affect the interests of CLF and its members." Petition to Intervene at ¶ 3. (Emphasis added.)

3. This proceeding is not about "electric utility operation" or "electric generation". This proceeding is about PSNH's revenue requirements to support its distribution segment through just and reasonable rates. PSNH cannot now perceive what are the "environmental implications of a [distribution] rate increase"; however, it is for CLF to demonstrate clearly what those implications are in order to justify its participation in discovery, testimony, direct and cross examination and argument on those issues.

4. The Commission has the authority to limit an "intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition." RSA 541-A:32, III (a). It is appropriate and required that the Commission enunciate clearly where CLF may inquire, testify and argue and where it may not. A

clear limitation on the intervention to the issues properly raised in CLF's petition, i.e. rate design and the environmental implications of a distribution rate increase, if any, may prevent future disputes regarding objections to discovery, motions to strike portions of CLF testimony and objections to questions on direct or cross examination. Inquiry regarding generation issues, operations and conservation and load management programs are properly excluded from this proceeding as PSNH is regularly before this Commission in CORE Energy Efficiency Programs and Default Energy Service proceedings. If the CLF will not agree to these reasonable limitations, then their Petition to Intervene should be denied.

WHEREFORE PSNH respectfully requests the Commission rule from the bench at the Prehearing Conference or issue an order limiting the participation of the Conservation Law Foundation to the issues enumerated above and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

August 11, 2009
Date

By: Gerald M. Eaton
Gerald M. Eaton
Senior Counsel
780 North Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Motion to Limit Intervention of Conservation Law Foundation to be served pursuant to N.H. Code Admin. Rules Puc § 203.02 and Puc §203.11

August 11 2009
Date

Gerald M. Eaton
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