

THE STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire  
2010 Energy Service Charge

Docket No. DE 09-180

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO  
FREEDOM/HALIFAX'S FIRST MOTION TO COMPEL

Public Service Company of New Hampshire ("PSNH") hereby objects to the First Motion to Compel filed by Freedom Logistics, LLC. and Halifax-American Energy Company, LLC. ("Freedom/Halifax") on November 12, 2009. In support of its Objection, PSNH says the following:

1. PSNH's Objection. PSNH objected to Freedom/Halifax's Requests Numbers 2 and 3 which are set out as follows:

**Question 2:**

Provide a copy of any study or analysis available to or in the possession of PSNH which forecasts or estimates market prices over the next five years.

**Question 3:**

Provide a copy of any study or analysis available to PSNH which forecasts or estimates ES Default rate prices over the next five years.

PSNH's Objection stated the following:

Nothing in the Commission's Order of Notice or in PSNH's filing addresses any period beyond December 31, 2010. The above Requests are not related to whether PSNH's estimated rate for calendar year 2010 is just and reasonable as required by RSA 378:5 and 8, or whether the requested rate reflects a good faith estimate of PSNH's actual, prudent and reasonable estimated costs of providing such service consistent with RSA 369- B:3 V(b)(I)(A). Requests 2 and 3 will not lead to the discovery of information admissible in this Default Energy Service rate proceeding.

2. Freedom Halifax cites one question and answer in Mr. Robert Baumann's testimony as proof that PSNH has raised the issue of future market and energy

service prices. In the response, Mr. Baumann avers that there is no answer to the question “Will the upward pressure on ES rates continue in the future? Prepared Testimony of Robert A. Baumann at 6 of 8. In response Mr. Baumann states, “How long this price differential will last is not known.” *Id.* Contrary to Freedom/Halifax’s Motion to Compel, the testimony does not say that the answer to the question of future price differentials is essential to the question of dealing with migration in 2010. Mr. Baumann says that the question posed in the testimony cannot be answered because the future price differentials are unknown.

3. Freedom Logistics, LLC. and Halifax-American Energy Co., LLC. have access to the same fuel price projections, such as NYMEX, as PSNH has. Since the market price is a direct product of the fuel price, Freedom/Halifax can develop their own market price predictions and present them in direct testimony so that the projections will be subject to discovery and cross examination.<sup>1</sup>

4. PSNH incorporates herein its arguments in its Response to Freedom/Halifax Letter and Memorandum re: Intervention filed contemporaneously with this Objection.

WHEREFORE PSNH respectfully requests the Commission to deny the First Motion to Compel filed by Freedom Logistics, LLC. and Halifax-American Energy Company, LLC., and to order such further relief as may be just and equitable.

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<sup>1</sup> PSNH is reminded that counsel for Freedom/Halifax may be using this proceeding to glean future ES rate and market price information for another client in another proceeding. *See*, Clean Power Development, LLC Complaint at ¶8. Docket No. DC 09-067 in which counsel used cross examination conducted in the Lempster Wind docket, DE 08-077.

Respectfully submitted,

Public Service Company of New Hampshire

November 17, 2009  
Date

By: Gerald M. Eaton

Gerald M. Eaton

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### CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Objection to Freedom/Halifax's First Motion to Compel to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

November 17, 2009  
Date

Gerald M. Eaton  
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