

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 09-180**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
2010 PROPOSED DEFAULT ENERGY SERVICE RATE**

**Motion to Take Administrative or Official Notice  
of the Record in DE 07-108**

NOW COMES TransCanada Power Marketing Ltd. (“TransCanada”) and, pursuant to Admin. Rule Puc 203.27(a) and RSA 541-A:33,V(b), respectfully moves this honorable Commission to take administrative or official notice of the record in DE 07-108, Public Service Company of New Hampshire’s (“PSNH”) most recent least cost planning docket. In support of this motion, TransCanada states as follows:

1. Docket DE 07-108 is the docket opened by the Commission in 2007 to address PSNH’s most recent least cost plan. PSNH’s least cost plan as filed in that docket included a number of representations about the process it follows in procuring power and evaluating or utilizing possible hedging. TransCanada raised issues related to PSNH’s procurement methods and hedging strategy through the prefiled testimony of Michael E. Hachey filed in this docket on December 2, 2009.

2. RSA 378:41 provides:

Any proceeding before the commission initiated by a utility shall include, within the context of the hearing and decision, reference to conformity of the decision with the least cost integrated resource plan most recently filed and found adequate by the commission.

3. RSA 541-A:33,V(b) provides that “[o]fficial notice may be taken of... the record of other proceedings before the agency.” Admin. Rule Puc 203.27(a) provides

that the Commission “shall take administrative notice when a party presents...[t]he relevant portion of the record of other proceedings before the commission.”

4. Because of the requirements of RSA 378:41 noted above, this proceeding, which involves the establishment of the default energy service rate for effect on January 1, 2010, initiated by PSNH, must include reference to the conformity of the decision to the most recently approved least cost plan. In DE 07-108 the Commission approved PSNH’s least cost plan in Order No. 24,945, *Order Accepting Integrated Resource Plan*, issued on February 27, 2009, and Order No. 24,966, *Order Denying Motions for Rehearing*, issued on May 1, 2009.

5. TransCanada submits that because the record in DE 07-108, for the reasons outlined above, is relevant to this proceeding the Commission should take administrative or official notice of that record, including the exhibits, testimony, transcripts and Commission orders in that docket.

6. TransCanada has made a good faith effort to obtain the concurrence of the other parties to this docket. The positions of those parties, including Staff and the Consumer Advocate, are as follows: Staff takes no position; OCA concurs; Freedom Logistics, LLC concurs; PSNH does not oppose the motion.

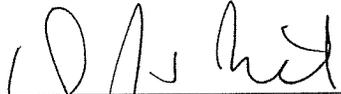
WHEREFORE, TransCanada respectfully requests that this honorable Commission:

A. Take official notice of the record in DE 07-108 pursuant to RSA 541-A:33, V(b), including the exhibits, testimony, transcripts and Commission orders in that docket; and

B. Grant such further relief as it deems appropriate.

Respectfully submitted,

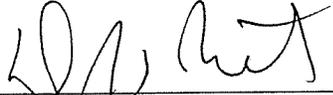
TransCanada Power Marketing Ltd.  
By Its Attorneys  
ORR & RENO, P.A.  
One Eagle Square  
Concord, NH 03302-3550  
Telephone: (603) 223-9161  
e-mail: dpatch@orr-reno.com

  
\_\_\_\_\_  
Douglas L. Patch

December 7, 2009

Certificate of Service

I hereby certify that on this 7th day of December, 2009 a copy of the foregoing motion was sent by electronic mail or first class mail, postage prepaid to the Service List.

  
\_\_\_\_\_  
Douglas L. Patch

615692\_1.DOC