

THE STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Docket No. DE 10-121

PETITION TO INTERVENE
OF THE CONSERVATION LAW FOUNDATION

Pursuant to the Order of Notice issued on June 1, 2010, by the New Hampshire Public Utilities Commission ("Commission") in the above-captioned docket, the N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, the Conservation Law Foundation ("CLF") hereby petitions for leave to intervene in the above-captioned docket. In support of its petition, CLF states the following:

1. CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England's natural resources; including resources affected by the generation, transmission and distribution of electric power. CLF represents the interests of its members in ensuring that environmental impacts resulting from electric utility operation in New Hampshire and the region are minimized. CLF has over 3,300 members, including 370 members residing in New Hampshire and more than 100 members who reside in PSNH's service territory.

2. As set forth in the Order of Notice, this proceeding addresses, *inter alia*, "how PSNH met its energy and capacity requirements during calendar year 2009" (p. 1), related issues including "the prudence of PSNH's use of its generation resources during the period as well as the prudence of market purchases used to supplement those resources" and the "prudence and reasonableness of PSNH's incurred capital costs" (p. 2).

3. The generation of electricity to supply ratepayers results in environmental consequences. For example, different generating units have different emissions profiles with some being cleaner than others. The environmental impacts and costs to generate electricity depend, in large measure, on the technology and fuel used by the facility generating the power. Under the prevailing market conditions in 2009 and through the present, natural gas-fired electric generation tended to be lower cost than both coal and oil-fired generation. Likewise, electricity generated by lower cost natural gas also results in lower emissions and environmental impacts in comparison to coal and oil. The decisions made by PSNH in selecting the resources it used to supply energy service to its customers and the prudence thereof, dictate both the costs of PSNH's energy service and the resulting environmental impacts.

4. CLF and CLF's New Hampshire members have a direct and substantial interest in the outcome of this proceeding. Intervention will allow CLF to protect its members' substantial interests in the environmental and public health impacts resulting from PSNH's use of its generating resources and market purchases to supply its customers. The economic interests of CLF's New Hampshire members as ratepayers are also directly affected by this proceeding, including by the costs incurred by PSNH for its self-owned generating assets, which costs also implicate the environmental interests addressed above.

5. In this docket, the Commission must determine whether the decisions and resulting costs incurred by PSNH to supply energy service were prudently incurred. These issues raise important environmental concerns which, as set forth above, will affect the rights, duties and privileges of CLF and its members.

6. CLF's policy and program experience includes over twenty years of extensive collaborative work and participation in numerous utility commission dockets throughout New

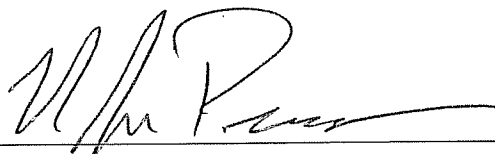
England, including DR 97-211, DE 01-057, DE 07-064, DE 08-145 and DE-09-033 in New Hampshire. CLF's institutional expertise in these matters will inform its participation and benefit the investigation. Allowing CLF to intervene will not impair the orderly and prompt conduct of the proceedings.

WHEREFORE, CLF respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By:



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Dated: June 23, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2010, a copy of the foregoing Petition to Intervene by the Conservation Law Foundation was sent electronically, and by First Class Mail, to Robert Bersak, Public Service Company of New Hampshire; Allen Desbiens, Public Service Company of New Hampshire; Stephen R. Eckberg, Office of Consumer Advocate; Meredith A. Hatfield, Office of Consumer Advocate; K. Nolin, Public Service Company of New Hampshire; OCA Litigation, and Ken E. Traum, Office of Consumer Advocate.

Dated in Concord, New Hampshire this 23rd day of June, 2010.



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