

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

**Docket No. DE 10-121**

**Public Service Company of New Hampshire**

**2009 Energy Service Charge and Stranded Cost Recovery Charge Reconciliation**

**MOTION TO SUSPEND SCHEDULE**

NOW COME TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (collectively "TransCanada"), an intervenor in the above-captioned matter, and pursuant to N.H. Admin. Rules Puc 202.04 and 203.07, and respectfully requests that this honorable Commission suspend the schedule in this docket until the Commission has issued a decision on PSNH's Motion for Protective Order re Supplemental Power Supply Contracts. In support of this motion, TransCanada states as follows:

1. The procedural schedule for this docket calls for: Staff and Intervenor testimony to be filed on or before October 21, 2010, nine days from the date of this motion; data requests on this testimony to be submitted by November 5, 2010; responses to those data requests to be returned by November 19, 2010; a technical session on November 23, 2010; rebuttal testimony to be submitted by November 30, 2010; and a hearing to be held on December 7, 2010.

2. On August 26, 2010, Public Service Company of New Hampshire ("PSNH") filed a Motion for Protective Order re Supplemental Power Supply Contracts (the "PSNH Motion") asking the Commission to issue an order preventing the public disclosure of the attachments to the responses to NSTF-02 Q-STAFF-015, and the Office of Consumer Advocate, NOCA-02 Q-OCA-13, which PSNH indicated contained "details of the supplemental power purchase contracts entered into by PSNH for calendar

year 2009.” TransCanada filed an Objection to the PSNH Motion on September 3, 2010, PSNH filed an Answer to the Objection on September 16, 2010, and on September 22, 2010 TransCanada filed a Response to the PSNH Answer. The Commission has yet to rule on the PSNH Motion.

3. As the Commission noted in the Order of Notice, this docket concerns “the prudence of market purchases.” RSA 369-B:3, IV(b)(1)(A) requires that the price of default service “shall be PSNH’s actual, prudent, and reasonable costs of providing such power, as approved by the commission.” One of the primary purposes of a reconciliation docket is the review of the prudence of the purchases that were made to serve default service customers.

4. TransCanada’s ability to meaningfully participate in this docket hinges on the Commission’s decision on the PSNH Motion. If the PSNH Motion is denied, or if it is granted but some other accommodations are made so that TransCanada can meaningfully review the information, TransCanada will require a reasonable opportunity to review and analyze the information. The inability to thoroughly review, analyze and submit testimony on this critical information would significantly inhibit TransCanada’s intervention and its ability to protect its “rights, duties, privileges, immunities or other substantial interests” that may be affected by this proceeding. See RSA 541-A:32; Admin. Rule Puc 203.17. See also RSA 541-A:31, IV (“Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.”); and RSA 541-A:33, IV (“A party may conduct cross-examinations required for a full and true disclosure of the facts.”).

5. There is no compelling reason to force the parties to follow the existing schedule to the detriment of developing meaningful intervenor testimony in order to assist the Commission in making its determination.

6. While the Commission's rules do not include a standard for requests to suspend a schedule, they do include standards for the review of requests to extend time and to postpone a hearing. *See* Admin. Rules Puc 202.04 and Puc 203.13. Specifically, Puc 202.04 (c) states, "[t]he commission shall grant a request for an extension if: (1) the party making the request has demonstrated that circumstances would cause undue hardship or inconvenience unless the request were granted; and (2) the extension would not unduly delay the proceeding or adversely affect the rights of any party." TransCanada submits that both of these circumstances exist in this case. In addition, Admin. Rule Puc 203.13(c) states, "[t]he commission shall grant a request for postponement of a hearing if it finds that to do so would promote the orderly and efficient conduct of the proceeding." TransCanada submits that suspending the schedule until the confidentiality issue has been addressed would make this proceeding more efficient and orderly because it would allow Staff and intervenors such as TransCanada a reasonable opportunity to review, analyze and submit testimony related to information resulting from the PSNH Motion and therefore allow them to participate meaningfully in this docket.

7. TransCanada requests that the Commission suspend the schedule for the docket until a decision has been made on the PSNH Motion. Once that decision is issued, a new schedule for the remainder of the proceeding can be established via a conference call with the parties.

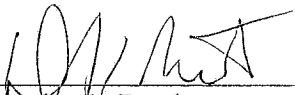
8. TransCanada made a good faith effort to obtain the concurrence with the relief sought in this motion from the parties to the docket. The parties have responded as follows: the Office of Consumer Advocate, the Conservation Law Foundation and the Sierra Club support the motion; Staff takes no position; PSNH does not object to the motion.

WHEREFORE, TransCanada respectfully requests that this honorable Commission:

- A. Suspend the schedule until the Commission issues a decision on PSNH's Motion for Protective Order re Supplemental Power Supply Contracts; and
- B. Grant such further relief as it deems appropriate.

Respectfully submitted,

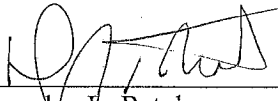
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Douglas L. Patch

October 12, 2010

Certificate of Service

I hereby certify that on this 12<sup>th</sup> day of October, 2010 a copy of the foregoing motion was sent by electronic mail or first class mail, postage prepaid to the Service List in DE 10-121.

  
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Douglas L. Patch

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