

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Petition for Approval and Long Term and Short Term Debt

Docket No. DE 10-122

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO
NEW HAMPSHIRE SIERRA CLUB'S MOTION FOR RECONSIDERATION

Pursuant to Rule Puc §203.07(f), Public Service Company of New Hampshire (hereinafter "PSNH" or "the Company") hereby objects to the undated Motion for Reconsideration ("Motion") filed by the Sierra Club's New Hampshire Chapter ("NHSC"). By that Motion, NHSC "demands" that it be permitted full intervention in this docket. NHSC's Motion does not allege sufficient good reason for rehearing or reconsideration; therefore it should be denied. RSA 541:3; Rule Puc §203.33.

In support of this Objection, PSNH says the following:

1. This docket involves PSNH's request for authority to issue certain long-term debt. The Commission found in Order No. 25,131, dated July 20, 2010, (the "Order"), that NHSC had "not stated a right, duty, privilege, immunity or other substantial interest that would be affected by the outcome of this proceeding." Order, *slip op.* at 5. The Commission also found that it "cannot find that the interests of justice are served by allowing NHSC to intervene in PSNH's financing proceeding to re-litigate PSNH's compliance with air emissions requirements." *Id.* at 6. Finally, the Commission further found that NHSC's participation as an intervenor in this docket "would impair the prompt and orderly conduct of this proceeding." *Id.* The Commission's legal analysis leading to these conclusions was detailed and comprehensive. All of the grounds for rehearing contained in the Motion were previously carefully reviewed and considered by the Commission when it denied NHSC's petition to intervene in Order No. 25,131.

2. Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when the motion states good reason for such relief. Good reason may be shown by identifying specific matters that were either “overlooked or mistakenly conceived” by the deciding tribunal. *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion does not merely reassert prior arguments and request a different outcome. See *Campaign for Ratepayers Rights*, 145 N.H. 671, 674 (2001); *Connecticut Valley Electric Co.*, 88 NH PUC 355, 356 (2003); *Public Service Company of New Hampshire*, Docket No. 07-108, Order No. 24,966, *slip op.* at 5 (May 1, 2009).

3. A careful review of the Motion reveals that the grounds set forth for reconsideration have been previously raised by NHSC and addressed in the Order, or are mere reformulations of previous arguments.¹ NHSC merely reiterates, *inter alia*, its claims that: the Commission must consider compliance with environmental laws as part of this financing proceeding; that PSNH has failed to comply with RSA 125-O and the Clean Air Act; that PSNH failed to obtain permits required for the replacement of the Merrimack Unit 2 HP/IP turbine; that the N.H. Department of Environmental Services’ issuance of a Title V Operating Permit was done in error; that PSNH has, or will, engage in generation upgrade, de-bottlenecking and life extension projects that exceed the legislative “public interest” determination of RSA 125-O:11-18; etc. NHSC’s Motion is the classic reassertion of prior arguments with a request for a different outcome and therefore fails to meet the RSA 541:3 rehearing requirement that “good reason for the rehearing be stated in the motion.”

4. The interests of the State in promoting environmental protection and in achieving reductions in the environmental and health impacts of electricity generation have already been addressed by the New Hampshire Legislature in RSA 125-O:11, I, which specifically found that the installation of scrubber technology at Merrimack Station is in the public interest, and by the New Hampshire Public Utilities Commission

¹ In the Motion’s discussion of environmental matters, NHSC has alleged certain factual matters that are not relevant to this Objection to that Motion. PSNH has not addressed those allegations herein due to their irrelevance. Such decision not to address those allegations should not be viewed as a waiver of the right to contest those matters nor as an admission.

("NHPUC") in Docket No. DE 08-103, *Investigation of PSNH's Installation of Scrubber Technology at Merrimack Station*, albeit not to NHSC's satisfaction. NHSC has also raised its environmental issues in a variety of other forums. NHSC's lack of satisfaction with the results achieved to date in such other forums does not create standing before this Commission to re-hear matters outside of the scope of this proceeding and outside of the Commission's jurisdiction..

5. Furthermore, NHSC's participation in this docket, with attempts to expand the scope of the proceeding to bring environmental concerns into the case, its non-relevant discovery, its demand that the Commission vacate the procedural schedule adopted on July 20, 2010, and other scheduling constraints will clearly impair the orderly and prompt conduct of the proceedings. *See*, RSA 541-A:32, I, c. For example, at the June 29, 2010 technical session, NHSC suggested that testimony, technical session and hearing dates tentatively scheduled in August and September be delayed until unspecified dates in the October to November time frame, and potentially indefinitely, to allow for the completion of various environmental proceedings and anticipated actions of environmental regulators. The Commission has adopted a reasonable schedule to maximize the Company's flexibility vis-à-vis the markets and ensure cost effective financing.

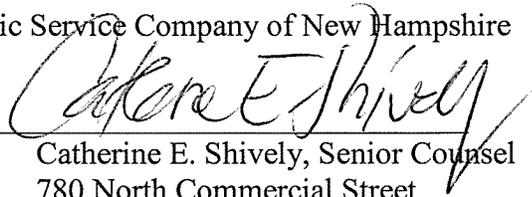
WHEREFORE PSNH respectfully requests that, for the reasons set forth in its original decision in Order No. 25,131 and above, the Commission deny NHSC's Motion for Reconsideration.

Respectfully submitted,

Public Service Company of New Hampshire

August 25, 2010

By:



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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached “PSNH’s Objection to New Hampshire Sierra Club Motion for Reconsideration” dated August 25, 2010 in NHPUC Docket No. DE 10-122 to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

August 25, 2010



Catherine E. Shively