

THE STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

Docket No. DE 10-160

PETITION TO INTERVENE
OF THE CONSERVATION LAW FOUNDATION

Pursuant to the Order of Notice issued on June 11, 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 PSNH's assertion that due to customer migration, "a portion of the energy service costs should be removed from energy service rates and recovered through a non-bypassable rate charge to all customers" (p. 1). Among other issues, this proceeding will investigate "issues related to PSNH customer migration and PSNH's practices for procuring power not supplied by its own generation" and "whether alternative procurement strategies should be implemented" (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. Electricity generated by use of renewable resources and/or 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, the resulting environmental impacts and the incentives for PSNH customers to migrate to alternative suppliers.

4. PSNH customers can migrate and choose power suppliers other than PSNH for a multitude of reasons including, without limitation, to purchase power from cleaner generating sources and decrease the environmental impacts of their respective energy consumption. Including a portion of PSNH's energy service costs in a non-bypassable rate charged to all customers will add additional costs to customers choosing to migrate, will tend to discourage customer migration and will constrain the market available to competitive suppliers, including potential suppliers of cleaner energy. Should this occur, cleaner electric generation resources will have a smaller potential customer base and decreased prospects for being deployed.

5. 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, and to assure that

opportunities for customers to purchase electricity with a cleaner environmental footprint are not constrained. The economic interests of CLF's New Hampshire members as ratepayers are also directly affected by this proceeding. These issues raise important environmental concerns which, as set forth above, will affect the rights, duties and privileges of CLF and its members.

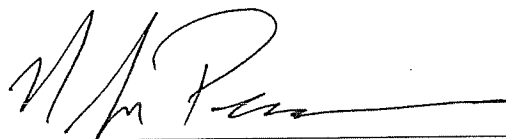
6. CLF's policy and program experience includes over twenty years of extensive collaborative work and participation in numerous utility commission dockets throughout New England, including DR 97-211, DE 01-057, DE 07-064, DE 08-145 and DE-09-033 in New Hampshire. CLF's institutional expertise in these 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 Allen Desbiens, Public Service Company of New Hampshire; Gerald M. Eaton, Public Service Company of New Hampshire; Meredith A. Hatfield, Office of Consumer Advocate; OCA Litigation; and Ken E. Traum, Office of Consumer Advocate.

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

A handwritten signature in black ink, appearing to read 'N. Jonathan Peress', written over a horizontal line.

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