

LAW OFFICES
ARTHUR B. CUNNINGHAM
79 Checkerberry Lane, Hopkinton, NH 03229



May 25, 2010

Debra A. Howland
Executive Director and Secretary
Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

Re: Public Service Company of New Hampshire, Docket No.10-261

Dear Secretary Howland:

On February 23, 2011, New Hampshire Sierra Club filed Data Requests, consistent with RSA 378:38, regarding pollution control programs under the New Hampshire Clean Power Act and the federal Clean Air Act. The Data Requests asked for information regarding planning for the capital and operating costs for such controls for the Public Service Company of New Hampshire fossil fleet. The Data Requests are attached hereto as Exhibit A. The Data Requests ask for information that is within the scope of the November 3, 2010, Order of Notice.

Public Service Company of New Hampshire objected to the first three Data Requests and provided evasive answers to the remaining nine Data Requests.

On May 4, 2011, the Public Utilities Commission denied the New Hampshire Sierra Club Motion to Compel responses to the three Data Requests stating: "The three data requests call for information that are beyond the scope of this docket."

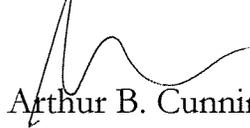
Each of the programs will have substantial costs for the Public Service Company of New Hampshire fossil fleet that only Public Service Company of New Hampshire can answer. The programs and the costs of those programs are directly relevant to the New Hampshire Energy Policy set forth in RSA 378:37.

New Hampshire Sierra Club respectfully requests that the Public Utilities Commission ask the New Hampshire Department of Environmental Services, Air Resources Division, to submit written testimony regarding the programs addressed in the New Hampshire Sierra Club Data Requests.¹

The Air Resources Division has highly qualified engineers and scientists expert in the pollution control programs that will impact the cost of operating the fossil generating fleet. New Hampshire Sierra Club requests that the testimony be submitted on or before July 1, 2011, in accordance with the docket procedural schedule.

The testimony is expected to assist Commission evaluation of the plans as required by RSA 378:39.

Very truly yours,



Arthur B. Cunningham

cc: Thomas S. Burack, Commissioner, NHDES; Robert R. Scott, Director, Air Resources Division; Service List; Catherine M. Corkery, Chapter Director, New Hampshire Sierra Club

¹ RSA 378:39 states: "...The Commission is encouraged to consult with appropriate state and federal agencies..." RSA 378:39 requires that the Commission consider "...potential environmental, economic and health related impacts of each proposed option..."