

**THE STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

**Public Service Company of New Hampshire**  
**Least Cost Integrated Resource Plan**

**Docket DE 10-261**

**Public Service Company of New Hampshire's Motion to Strike Testimony of**  
**Douglas Hurley**

Public Service Company of New Hampshire ("PSNH" or the "Company"), in accordance with Puc 203.07, hereby moves to strike the prefiled testimony of Douglas Hurley submitted by the Conservation Law Foundation ("CLF"). The stated purpose of Mr. Hurley's testimony is to provide CLF's analysis of units 4 and 6 at Schiller Station, neither of which were noticed as part of this proceeding and thus are outside the scope of this docket. In support of this motion, PSNH states as follows:

1. On November 3, 2010, the Commission issued an order of notice opening this docket. In its Order, the Commission described the contents of PSNH's Least Cost Integrated Resource Plan ("LCIRP") as follows:

In its filing consistent with RSA 378:38, PSNH describes the following items: 1) the methodology and assumptions used to develop PSNH's delivered energy and peak demand forecasts, and illustrated forecast scenarios; 2) PSNH's participation in the State's CORE energy-efficiency programs, and other PSNH demand-side management programs, and their interrelation to PSNH's resource planning; 3) assessment of PSNH's supply options; 4) the energy market currently administered by the Independent System Operator-New England (ISONE) and how ISO-NE coordinates and plans transmission in New England, including PSNH's transmission system; 5) PSNH's provision for diversity in power supply sources; 6) assessment of PSNH's planning compliance with the Clean Air Act Amendments of 1990 and the National Energy Policy Act of 1992; 7) assessment of the LCIRP's long-and short-term environmental, economic, and energy price and supply impact on the state; 8) PSNH's compliance with the New Hampshire Renewable Portfolio Standard; and 9) a continuing unit operation study for PSNH's Newington Station, pursuant to Commission Order No. 25,061.

Order of Notice at 1.

2. The Order of Notice also identified the issues that would be considered in this docket: “The filing raises, inter alia, issues related to whether PSNH's planning process is adequate as defined by the requirements set forth in RSA 378:38 and 39 and Order No. 24,945 and whether it is consistent with RSA Chap. 374-F and RSA 369-B:3a.” Id. at 2.

3. On July 27, 2011, CLF filed Mr. Hurley’s testimony in this docket. The stated purpose of Mr. Hurley’s testimony is “to provide the results of analysis I conducted with my colleagues addressing units 4 and 6 at the Schiller Station and to suggest that a continuing operation study (CUO) should be and should have been prepared for these units as part of PSNH’s 2010 Least Cost Integrated Resource Plan.” Testimony of Douglas Hurley at p. 3, lines 28-32.

4. Mr. Hurley’s testimony goes on at length regarding CLF’s view of the economics associated with Schiller Units 4 and 6 and whether the Company should continue to operate those units. However, whether the Company should continue to use Schiller Units 4 and 6 to provide service to its customers is not an issue within the scope of this docket. Mr. Hurley’s analysis does not relate to any of the requirements of RSA 378:38 or 378:39, or the dictates of Order 24,945, which created requirements for the content of this LCIRP.<sup>1</sup> Order 24,945 only requires that the Company include in future LCIRP’s “an economic analysis of retirement for any unit in which the alternative is the

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<sup>1</sup> Order 24,945 required that the Company’s next LCIRP address the following: (1) the manner in which PSNH should conduct an analysis of demand-side potential; (2) an analysis of demand response programs; (3) a sensitivity analysis of the Total Resource Cost Test; (4) a supply-side analysis of biomass and wind units; (5) a supply-side analysis of solar photovoltaic; (6) a ranking of supply-side resource options; (7) an economic analysis of retirement for units where significant sums must be invested to meet new emissions standards; (8) certain parameters for an operational analysis of Newington; (9) a basis for performing wholesale price forecasts; and (10) consideration of the potential for plug-in electric vehicle market penetration.

investment of significant sums to meet new emissions standards and/or enhance or maintain plant performance.” Order 24,945 at 16. The Company did not include an economic analysis of the retirement of Schiller Units 4 and 6 in its LCIRP because the facts surrounding those Units do not meet the threshold requirement of Order 24,945. At the time the Company prepared the LCIRP, there were neither any requirements that the Company invest significant sums to meet new emissions standards for Schiller Units 4 and 6 nor any significant investments necessary to enhance or maintain the plant’s performance. CLF’s testimony is nothing more than an effort to expand the scope of this docket, which the Commission should not allow. The Commission has the authority to and shall exclude material offered which is irrelevant. RSA 541-A:33, II; N. H. Code Admin Rule Puc 203.23(d), which it should do here.

5. For these reasons, the Company moves the Commission to strike Mr. Hurley’s testimony in its entirety.

WHEREFORE, PSNH respectfully requests that the Commission:

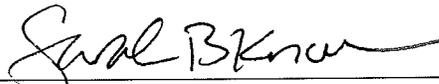
- A. Strike the pre-filed direct testimony of Douglas Hurley; and
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

By Its Attorneys

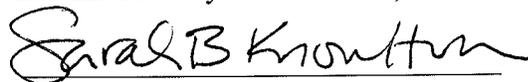
Dated: December 16, 2011

By: 

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Certificate of Service

I hereby certify that a copy of this Motion to Strike has been served electronically on the persons on the Commission's service list this 16<sup>th</sup> day of December, 2011.



Sarah B. Knowlton