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Professional Association

August 14, 2012

HAND DELIVERED AND VIA EMAIL
Debra A. Howland, Executive Director & Secretary
New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: DE 11-250, Public Service Company of New Hampshire Investigation of
Merrimack Station Scrubber Project and Cost Recovery – Commission Order No. 25,398 –
TransCanada's Supplemental Filing

Dear Ms. Howland:

In the Commission's order on the Motion to Compel in this docket, Order No. 25,398 issued on August 7, 2012 ("the Order"), the Commission provided TransCanada the opportunity to make a supplemental filing to support its arguments in favor of discovery with regard to TC 2-4, 2-5 and 2-6. I am writing on behalf of TransCanada to ask the Commission to stay that portion of the order until we see how PSNH responds to some of the other data requests which the Commission has directed PSNH to answer.
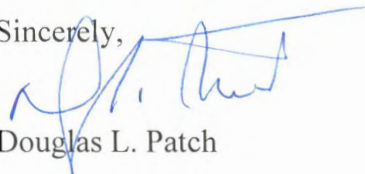
In the Order the Commission required PSNH to respond to TC 2-3, which asked for all documentation PSNH provided to state officials on the issue of the costs of the scrubber being fully mitigated by the savings in SO2 emission allowances. In doing so the Commission said that the answer to that request may result in relevant information that could be admitted as evidence in this proceeding. The Order also said: "We require PSNH to provide as a response all presentations, data or other documents, that it shared regarding how the costs of the Scrubber would be affected by the avoided SO2 allowance purchases." The Commission also required PSNH to respond to TC 1-9, which asked for all documentation provided to state officials with regard to the 2009 scrubber legislation. Based on what the Commission has ordered PSNH to provide we believe that what was asked for in TC 2-6 (documentation and correspondence with state officials regarding the fact that the costs of the scrubber project would not be fully mitigated by the savings in SO2 allowances) should be encompassed by the responses to TC 2-3 and TC 1-9. With regard to TC 2-4, which asked whether it is true today that the costs of the scrubber project will be fully mitigated by the savings in SO2 allowances, PSNH did provide a response, though not a detailed response; PSNH said it is "impossible to predict what the value of SO2 allowances will be in the future." Again, what PSNH provides in response to TC 2-3 and

TC 1-9 may provide further information relevant to this request. In addition TransCanada still has time in the discovery schedule (until August 31) to ask more detailed follow-up requests that may elicit more specific and worthwhile information, assuming PSNH provides the responses to TC 1-9 and TC 2-3 in a timely manner. In terms of what was asked for in TC 2-5 (when did PSNH become aware that the scrubber cost would not be fully mitigated by the savings in SO2 allowances?) TransCanada believes that the responses to TC 1-9 and TC 2-3 as directed by the Commission should also assist in shedding light on this issue, and if not, TransCanada would like to retain the ability to ask the Commission to direct PSNH to respond to this request.

Given what the Commission has ordered PSNH to provide and given that there are still over two weeks for supplemental data requests to be submitted, TransCanada believes the most efficient use of the Commission's and the parties' time would be to await the responses to the data requests cited above in the hope that these responses will eliminate the need to pursue further responses to one or more of the three data requests at issue. TransCanada therefore asks the Commission to stay this portion of the Order and allow TransCanada to supplement its Motion to Compel if need be after PSNH has responded to the other requests.

TransCanada appreciates the Commission's prompt and thorough addressing of these issues. Please let me know if you have any questions.

Sincerely,

Douglas L. Patch

cc. Service List in DE 11-250
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