

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

Docket DE 11-250

Public Service Company of New Hampshire's
Response to Hearing Examiner's Deposition Report
and
Objection

Pursuant to N.H. Code Admin. Rules Puc § 203.07(e) and the Commission's Secretarial Letter of September 26, 2013, issued in this proceeding, Public Service Company of New Hampshire ("PSNH" or the "Company") hereby responds to the Hearing Examiner's Report concerning the deposition of Mr. Gary A. Long dated October 8, 2013 (the "Report").

1. PSNH has no comments regarding Sections I or II of the Report.
2. PSNH has two disagreements with Section III of the Report concerning the listing and characterization of Record Requests made during the course of the deposition.
 - a. The transcript shows that the questions set forth as Record Requests #6 and #7 in the Report should be just one question limited to production of copies of reports on fuel markets received by Mr. Long during the summer and fall of 2008 from PSNH or NU. The Transcript at page 97, lines 7 – 24, indicates that TransCanada limited the scope of its request to just fuel market reports: "I mean, we don't need sort of regular reports about generation. But fuel markets, I guess, is primarily

what we're interested in." PSNH requests that Record Request #7 of the Report be deleted as redundant and that Record Request #6 be revised per the Transcript to read "Requests for reports to Gary Long on fuel markets beginning in the summer of 2008 through the fall of 2008."

- b. Record Request #8 set forth in the Report does not accurately capture the actual Record Request denoted in the Transcript beginning at page 98, line 24 and continuing through page 99, line 3: "I guess I'd like to ask for copies of those reports and any other reports that you might have used in preparation for today's deposition." The reference to "*those reports and any other reports*" relates to the Transcript colloquy on page 97 regarding Mr. Long's earlier deposition responses concerning statements and forecasts made by TransCanada executives. Hence, Record Request #8 should read, "Request copies of all materials from or related to TransCanada used by Mr. Long in preparation for the deposition."
3. Pursuant to Rule Puc 203.07 and 203.09, PSNH hereby objects to Record Request #10 set forth in the Report. Record Request #10 reads, "Request for anything in writing describing specific goals regarding completion of the Scrubber related to Gary Long's or John MacDonald's compensation package." The scope of this proceeding is whether the costs of the Scrubber Project were prudently incurred consistent with the requirements of RSA 125-O:11, *et seq.* The Commission has ruled in this proceeding that the standard for discovery is "whether the information being sought is relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence." *See* Order Nos. 25,334; 25,361; 25,398; 25,445. Matters relating to Msrs. Long's and MacDonald's compensation will not lead to the discovery of admissible evidence. Earlier in this

proceeding, the Commission rejected TransCanada's motion to compel a response to questions asking how much PSNH spent on outside lobbyists who assisted PSNH during the 2006 legislative session. *See* Order No. 25,398 at 12. The Commission rejected that motion stating, "we find that the detail regarding PSNH's lobbying costs is not information that is relevant to this proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence in this proceeding and, therefore, we deny the Motion... ." The Commission similarly rejected TransCanada's motion to compel responses regarding PSNH's 2009 lobbying costs because "PSNH's lobbying costs will not produce any relevant information that could be admitted as evidence in this proceeding... ." *Id.* at 15. Inquiries regarding the compensation of Mssrs. Long and MacDonald should similarly be rejected.

4. Per the September 26 Secretarial Letter, the remaining procedural schedule for this docket has been suspended. On October 15, Commission Staff submitted a recommendation concurred with by TransCanada, Conservation Law Foundation, Sierra Club, and PSNH that the procedural schedule should remain suspended until the New Hampshire Supreme Court has acted on PSNH's appeal docketed as Case No. 2013-0624 regarding the proper scope of this proceeding. PSNH respectfully requests the ability to further object to some or all of the deposition Record Requests should the Court ultimately rule on the proper scope of this docket.

Respectfully submitted this 18th day of October, 2013.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

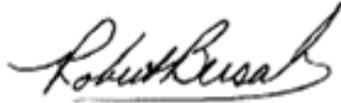
By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2013, I served an electronic copy of this filing with each person identified on the Commission's service list for this docket pursuant to Rule Puc 203.02(a).



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