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September 23, 2014

Debra Howland
 Executive Director & Secretary
 New Hampshire Public Utilities Commission
 21 S. Fruit Street, Suite 10
 Concord, New Hampshire 03301-7319

NHPUC SEP23'14 PM 4:10

RE: DE 11-250 PSNH Investigation of Scrubber Costs and Cost Recovery

Dear Ms. Howland,

On January 23, 2014, the Commission entered Order 25,662 granting a motion to have the Commission request a special commissioner pursuant to RSA 363:20. The Commission's analysis in the order provided as follows:

The risks of proceeding with two commissioners include a possible deadlock or an unforeseen event that disqualifies one commissioner, leaving a single commissioner on the docket. RSA 363:16 requires a quorum of two commissioners to issue an order. *Public Service Company of New Hampshire*, Order No. 25,305 (Dec. 20, 2011).

The issues in this docket are important and complex and the outcome will have significant effects on PSNH, its ratepayers and the citizens of New Hampshire. The risks always inherent in proceeding to a final hearing with two commissioners are heightened by the significance of the issues presented in this docket. Were we to proceed to a final hearing with only two commissioners and were something to happen to cause one to become unavailable for some reason, the hearing would have to be conducted again. We are mindful of PSNH's arguments that this motion was filed late in the docket, but the unique circumstances of this dispute suggest a panel of three commissioners may be appropriate.

RSA 63:20 authorizes the Commission to request a special commissioner to alleviate the risk of losing a quorum: If at any time a commissioner shall be disqualified or unable to perform the duties of his office, the governor, upon application of the commission, may, with the consent of the council, appoint a special commissioner to act in his place during the period of the commissioner's disqualification or inability to act. We find that the circumstances of this docket justifies a request for a third commissioner and thus we will ask the Governor to appoint a special commissioner.

Order 25,662 at 3.

Recently, Governor Hassan nominated Chairwoman Amy Ignatius to fill a vacancy on the New Hampshire Superior Court. In light of the Commission's ruling in Order 25,662, can the Commission advise the parties regarding whether Chairwoman Ignatius will preside over the hearing in this docket or whether the Commission will once again seek appointment of a special commissioner to assure that a three member panel decides this important matter?

Thank you for your attention to this request.

Very truly yours,



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