THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Docket No. DE 11-250

Public Service Company of New Hampshire

Investigation of Merrimack Station Scrubber Project and Cost Recovery

OBJECTION OF
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
TO
JOINT MOTION FOR BIFURCATION OF COMMISSION STAFF
AND ITS CONSULTANT

Public Service Company of New Hampshire (hereinafter "PSNH" or "the Company") hereby objects to the "Joint Motion for Bifurcation of Commission Staff and its Consultant" (the "Joint Motion") dated January 22, 2014, filed by the Office of Consumer Advocate ("OCA"), TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (together, "TransCanada"), the Conservation Law Foundation ("CLF") and the Sierra Club ("SC") (collectively, the "Moving Parties"). In the Joint Motion, the Moving Parties request that "Steven Mullen and Commission Staff involved in the development of Mr. Mullen's testimony in this docket and Jacobs Consultancy representatives who worked on their study of Merrimack Station" be designated as "staff advocates" pursuant to RSA 363:32. The Joint Motion should be denied, because it is untimely, fails to state adequate bases for the relief requested, and would interfere with the prompt and orderly conduct of the proceeding.

In support of this Objection and to provide the proper context, PSNH states:

BACKGROUND

1. On June 8, 2006, the Scrubber Law (2006 N.H. Laws 105, codified at RSA 125-O:11 - 18) took effect. By that law, the State mandated that "The owner [of the affected sources] shall install and have operational scrubber technology to control mercury emissions at Merrimack Units 1 and 2 no later than July 1, 2013." RSA 125-O:13, I. The State also found

that it was in the public interest to achieve significant reductions in mercury emissions at the coal-burning electric power plants in the state as soon as possible. RSA 125-O:11, I. Failure to comply with the Scrubber Law was punishable by felony criminal prosecution and/or imposition of administrative fines. RSA 125-O:7.

2. In light of the requirements and penalties set forth in the Scrubber Law, PSNH did what any prudent utility would do - - it complied. PSNH took reasonable efforts to achieve the mandated mercury reductions as soon as practicable, by installation of the mandated scrubber technology, at the mandated location. PSNH's efforts led to the placement into commercial operation of the Scrubber in September, 2011. The Scrubber is achieving emissions reductions for both mercury and sulfur oxides that exceed the statutory requirements.

3. After receiving bids from vendors for various work packages necessary for the engineering, design, procurement, and installation of the mandated scrubber technology, the estimate for the cost of the Scrubber Project was set at $457 million. As a result of that price estimate, two significant processes began: (1) this Commission opened its Docket No. DE 08-103 "to inquire into: the status of PSNH's efforts to install scrubber technology; the costs of such technology; and the effect installation would have on energy service rates (previously referred to as the default service charge) for PSNH customers." Secretarial Letter dated August 22, 2008; and (2) two bills were introduced in the 2009 Legislature that would have amended the Scrubber Law.

4. 2009 Senate Bill 152 was captioned an act "relative to an investigation by the PUC to determine whether the scrubber installation at the Merrimack station is in the public interest of retail çonsumers" and House Bill 496 was captioned an act "establishing a limit on the amount of cost recovery for emissions reduction equipment installed at Merrimack Station." With full knowledge of the $457 million Scrubber Project estimate, the Legislature deemed both bills "inexpedient to legislate." In its "Majority Committee Report" finding H.B. 496 "inexpedient to legislate," on March 19, 2009, the House Committee on Science, Technology and Energy provided its reasons for refusing to change the Scrubber Law:

> While this bill is well intentioned, the committee received many hours of testimony outlining the negative and unintended consequences associated with passing the bill. ***The committee heard lengthy testimony from both sides and the majority decided that since the legislature mandated in 2006***

> ***for PSNH to install the scrubber without placing a limit on the costs, to choose to place a limit on the cost nearly three years later would pose significant problems.*** While the committee recognizes that the increase in projected cost for the scrubber is significant, there is no evidence that PSNH has acted improperly in their costing or contracting process. The majority believed that placing a cap on cost recovery for a legislatively mandated project was not only arbitrary but could constitute a taking and be unconstitutional. ***The majority was also concerned that the passage of this bill would lead to a pause in or cancellation of the project. This would not only have significant environmental ramifications but also would lead to the loss of several hundred short term and long term jobs related to the construction and operation of the scrubber.***

(Emphases added). The Majority Report noted that it "heard lengthy testimony from both sides," but the Majority decided that the Scrubber Project should not be paused or cancelled. Thus, the Legislature's self-described "mandate[ ]…for PSNH to install the scrubber" was left intact.

5. As part of the Commission's oversight of the Scrubber Project, in 2010 it contracted with Jacobs Consultancy, Inc., a professional engineering company. Jacobs performed real-time monitoring and investigation into the prudence of PSNH's compliance with the requirements of the Scrubber Law.

6. Opponents of the Scrubber Project, unhappy with the Legislature's decision not to eliminate or change the mandate it placed on PSNH via the 2006 Scrubber Law, continued their challenges to the Project. One such challenge led to an appeal on December 11, 2008, of Order No. 24,898 dated September 19, 2008 and Order No. 24,914 dated November 12, 2008, both issued in the Scrubber Project monitoring docket, Docket No. DE 08-103. All of the Moving Parties to the instant Joint Motion (OCA, TransCanada, CLF, and Sierra Club) participated in that appeal before the New Hampshire Supreme Court. On August 5, 2009, the Supreme Court issued its decision in *Appeal of Stonyfield Farm, Inc.*, 159 N.H. 227, 228 (2009). The Court dismissed that appeal, upholding the Commission's orders. In its decision, the Court noted, ***"[T]he legislation specifically requires PSNH to install*** 'the best known commercially available technology . . . at Merrimack Station,' which the New Hampshire Department of Environmental Services (DES) has determined is ***scrubber technology***" (*Id*. at 228-229) and "***To comply with the Mercury Emissions Program, PSNH***

must install the scrubber technology and have it operational at Merrimack Station by July 1, 2013." (*Id.* at 229).

7. Opponents of the Scrubber Project (including two of the instant Moving Parties (TransCanada and CLF), not content with their then-pending Supreme Court appeal, opened up a new challenge to the Project by submission of a pleading captioned "Motion for Declaratory Ruling" to the Site Evaluation Committee ("SEC") on March 6, 2009. By that pleading, the opponents asked the SEC to determine whether the installation of the Scrubber was a "sizeable addition" that required the Committee's review. On August 10, 2009, the SEC decided "The Scrubber Project is not a sizable [sic] addition to the Merrimack Station facility." "Order Denying Motion for Declaratory Ruling," NH SEC Docket No. 2009-01, August 10, 2009, *slip op.* at 19. On rehearing, the SEC sustained its decision. "Order Denying Motions for Rehearing," NH SEC Docket No. 2009-01, January 15, 2010. The SEC's rejection of the Scrubber opponents' claims led to a second appeal to the New Hampshire Supreme Court. On July 21, 2011, the Supreme Court issued its decision in *Appeal of Campaign for Ratepayers' Rights*, 162 N.H. 245 (2011). The Court held that the Scrubber opponents had no standing to bring their original claim to the SEC; therefore the SEC had no jurisdiction to hear the matter and the Court vacated the Committee's order on the merits. In its decision, the Supreme Court again noted, "***The installation of such a [scrubber] system was mandated by the legislature*** in 2006." *Id*. at 247.

8. Following the placement of the Scrubber into commercial service, in late 2011 PSNH began efforts to recover the cost of the Scrubber Project. RSA 125-O:18 specifically mandates, "If the owner is a regulated utility, the owner shall be allowed to recover all prudent costs of complying with the requirements of this subdivision in a manner approved by the public utilities commission."

9. On January 20, 2012, copies of Jacobs Consultancy's reports as of that date (i.e., three quarterly reports and two copies of a "Due Diligence" report dated June 2011) were placed into the record in Docket No. DE 08-103. *See* Staff Letter to Executive Director, January 20, 2012.

10. On February 24, 2012, the direct pre-filed testimony of Mr. Mullen concerning temporary rates for the Scrubber Project was filed in Docket No. DE 11-250 on behalf of Staff.

11. On September 12, 2012, the final Jacobs Consultancy report regarding PSNH's installation of the Scrubber at Merrimack Station was filed in this docket by Staff. *See* Staff Letter to Executive Director, September 12, 2012.

12. On December 23, 2013, Mr. Mullen of Commission Staff and Mssrs. DiPalma and Dalton of Jacobs Consultancy Inc. and Jacobs Engineering Group Inc., respectively, submitted pre-filed direct testimony in this proceeding.

13. The Moving Parties filed their Joint Motion to "bifurcate" (designate) "Steven Mullen and Commission Staff involved in the development of Mr. Mullen's testimony in this docket and Jacobs Consultancy representatives who worked on their study of Merrimack Station" on January 22, 2014.

OBJECTION

14. The governing statutes regarding designation of staff are RSA 363:30 -36. The Moving Parties specifically rely upon RSA 363:32 to support their Joint Motion. Joint Motion at ¶1. In the Joint Motion, the Moving Parties jumble together various parts of RSA 363:32 without differentiating between situations that *mandate* designation of Staff and situations where such designation is *discretionary*. RSA 363:32, I and II. The reason for this confusion is likely revealed in ¶8 of the Joint Motion, where the Joint Parties rely upon RSA 363:32(I)(a)(2) and RSA 363:32(I)(a)(1) as support. In 2010, the Legislature repealed and reenacted RSA 363:32. 2010 N.H. Laws, 167:1. As part of that repeal/reenactment, both RSA 363:32(I)(a)(2) and RSA 363:32(I)(a)(1) no longer exist. Under the new law, there is only one situation where designation of Staff is mandated: "the commission ***shall*** designate one or more members of its staff as a staff advocate… when the commission determines that such members of its staff may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding." RSA 363:32, I (2010) (emphasis added). All other bases for potential designation of Staff are discretionary: "the commission ***may*** designate one

or more members of its staff as a staff advocate…for good reason, including that: the proceeding is particularly controversial and significant in consequence; the proceeding is so contentious as to create a reasonable concern about staff's role; or it appears reasonable that such designations may increase the likelihood of a stipulated agreement by the parties." RSA 363:32, II (2010) (emphasis added).

15. The Moving Parties have provided no factual or legal basis for finding that Messrs. DiPalma or Dalton "may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding." The only discussion of their testimony comes in ¶6: "On that same date [December 23, 2012 [sic]] Frank DiPalma and Larry Dalton from Jacobs Consultancy filed testimony on behalf of the Staff." Mssrs. DiPalma and Dalton, as Jacobs employees, were engaged by the Commission to specifically review the actions of PSNH in real-time as the Scrubber Project progressed and to provide a neutral, third-party evaluation of the prudence of PSNH's compliance with the requirements of the Scrubber Law to the Commission. Jacobs did exactly what it was engaged to do – no more, no less. As a result of its investigation and review of the Scrubber Project, Jacobs found no evidence of imprudence whatsoever. Such a finding by a neutral, third-party contractor does not mean that there is any bias or malevolence that would affect that contractor's ability to fairly and neutrally advise the Commission on all positions advanced in the proceeding.[1] The fact that Jacobs' intensive, independent review of the Scrubber Project does not accord with the Moving Parties' view does not provide a legitimate basis to require designation of Jacobs as Staff Advocates under RSA 363:32, I.

16. Similarly, the Moving Parties have provided no factual or legal basis for finding that Mr. Mullen "may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding." The only discussion of that testimony comes in ¶6: "On December 23, 2012 [sic] Commission Staff member Steven Mullen filed testimony in this docket, testimony which supports PSNH's position that it should receive full recovery from ratepayers of the money it invested in the scrubber project." Mr. Mullen did exactly what he is paid to do as Assistant Director of the Commission's Electric Division – he provided testimony based upon his knowledge and understanding of the law and the facts. Again, the

[1] *See* fn.2, *infra.*

fact that the Moving Parties are unhappy with Mr. Mullen's testimony does not provide a good-faith basis for requiring his designation, nor the designation of any other members of Staff, as Staff Advocates under RSA 363:32, I.

17. The Moving Parties have likewise failed to provide any factual or legal basis to support a need for the Commission to use its discretionary authority under RSA 363:32, II to designate Mr. Mullen, Commission Staff involved in the development of Mr. Mullen's testimony in this docket, or Jacobs Consultancy representatives who worked on their study of Merrimack Station. The only bases identified in RSA 363:32, II for such discretionary designation that might be applicable to this proceeding are that "the proceeding is particularly controversial and significant in consequence," or "the proceeding is so contentious as to create a reasonable concern about staff's role." Any controversy or significance of this proceeding results not from the plainly worded mandate created by the Legislature in 2006 when it enacted the Scrubber Law, or from the Legislature's decision in 2009 not to take any action that would change its previous mandate or cause a pause or cancellation of the Scrubber Project—but rather from the Moving Parties' own decisions to continue to challenge that statutory mandate and legislative authority. *See supra* ¶¶6, 7. The Moving Parties' continued challenge of the statutory mandate have created the very "controversy" or "contentiousness" they now point to as forming the foundation requiring Staff designation in this case. This is particularly true where they have continued that challenge despite the plain words and meaning in the Scrubber Law, the Legislature's decision not to change its mandate after hearing "lengthy testimony from both sides" *id.*, two decisions of the New Hampshire Supreme Court which both noted that the Scrubber Law required PSNH to install the scrubber (*Stonyfield, supra; CRR, supra*), and similar findings and results before the SEC (Docket 2009-01, *supra*), the Air Resources Council (Docket Nos. 09-10 ARC, *Appeal of Sierra Club*; 09-11 ARC, *Appeal of Conservation Law Foundation; and,* 11-10 ARC, *PSNH Appeal of Mercury Baseline Decision*), and the New Hampshire Department of Environmental Services ("Findings of Fact and Director's Decision: In the matter of the Issuance of a Temporary Permit To Public Service Company of New Hampshire, Merrimack Station Located in Bow, New Hampshire," March 9, 2009). In light of the mandate enacted into law by the Legislature and recognized in two Supreme Court decisions, the Commission's role in this proceeding should be a relatively simple one: were PSNH's costs of complying with the requirements of the Scrubber Law prudent such that RSA 125-O:18

mandates their recovery? This is *precisely* what the Commission itself held in its very first order addressing the Scrubber Project in 2008: "Accordingly, the Commission's authority is limited to determining at a later time the prudence of the costs of complying with the requirements of RSA 125-O:11-18 and the manner of recovery for prudent costs." Order No. 24,898, September 19, 2008, at 13. The Moving Parties' own actions, which form the bases of their Joint Motion, should not now be "remedied" by impairing this proceeding via granting their request to designate staff.

18. In *Re Public Service Company of New Hampshire*, 85 NH PUC 609 (2000), the Commission had an opportunity to discuss a similar request for designation of staff. (OCA was also a party to that Motion.) In that decision, the Commission noted:

> The bifurcation statute appears to have two overriding purposes: first, to ensure to the extent administratively workable that staff advising the Commission provide fair and neutral advice to the Commission on all positions advanced in the proceeding, and second, to ensure, particularly where the issue or matter is particularly contentious or controversial and significant in consequence, that participation by a staff person with a particular point of view not create "reasonable concern on the part of any party about the staff's role in commission decision making."

85 NH PUC at 611. Discussing facts that are strikingly similar to the instant case, the Commission went on to say:

> *The moving parties, without providing specific citations to statements in the evidence or the briefs, state that their concern has to do with the positions taken by the Settling Staff.* Here the staff members who filed testimony and submitted briefs committed to positions in the proceeding in support of the Settlement they had negotiated with the Company and to some degree and on some issues the positions were adverse to those of the Intervenors. Moreover, some of the written and verbal testimony specifically and vigorously opposed certain positions taken by various Intervenors, and the Settling Staff briefs strongly and pointedly argued in favor of the Settlement and in opposition to Intervenors' proposals.

Id. (emphasis added). Denying the motion to designate, the Commissioners stated:

> The moving parties, in expressing their confidence that the Commission could make the appropriate judgment as to their motion for designation, have indicated their understanding that in making our decision, we will carefully weigh the competing considerations embodied in RSA 363:30 *et seq.*, to ensure essential fairness while preserving our ability to conclude the proceedings before us in a timely manner. The Commissioners sat on the hearings in this case, and we have personally heard the evidence. We will

> personally consider all of the evidence and the briefs. As is our obligation and our practice, our decision in this case will be based on the record before us and it will not be subject to any undue influence by the Settling Staff. These assurances must, in this case, outweigh any concern raised here about the adversarial nature of Settling Staff positions in support of the proposed Settlement Agreement. For this reason, and the other reasons stated above, we deny the Motion.

Id. at 612. The Commission should follow its precedent in the instant case.

19. Moreover, granting the Joint Motion would create a bad precedent for future Commission proceedings. The Moving Parties assert generally that "Staff and its consultant have committed 'to a highly adversarial position in the proceeding' raising significant questions about whether Mr. Mullen and any other staff members involved in preparing the testimony would 'be able to fairly and neutrally advise the commission on all positions advanced in the proceeding,['] RSA 363:32(I)(a)(1) [sic]." That is, they assert solely because Staff filed testimony finding that PSNH had acted prudently, Staff's ability to fairly and neutrally advise the commission requires designation under RSA 363:32, I. *See PSNH,* 85 NH PUC 609, *supra.* In virtually every docket where Staff files testimony, it is highly likely that some party may be unhappy with that testimony. Hence, under the theory put forth in the Moving Parties' Joint Motion, in virtually every adjudicative proceeding designation of Staff pursuant to RSA 363:32, I would be mandatory. That would result in a marked sea-change in how the Commission must operate in the future.

20. In the 2000 *PSNH* case, the Commission also found that the Motion to Bifurcate's lack of factual or legal specificity was reason to deny it, citing to Rule Puc 203.03(d)(1) [now Rule Puc 203.07(d)(1)]. 85 NH PUC at 612, fn. 1. The instant Joint Motion suffers from the same lack of factual or legal specificity, as it fails to go beyond mere generalities to specify the factual bases why designation should be granted, or to cite to any relevant legal precedent that is on point, other than the outdated statute, why designation is warranted.[2] That lack of factual or legal specificity alone is sufficient reason to deny the Joint Motion.

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[2] In the Joint Motion's footnote 1, there is a listing of Docket Numbers (some with no citation to the governing authority resulting in an unnecessary hunt for the source) which the Moving Parties rely upon as precedent. Those references are inapposite to the instant case:

- The subject of Docket No. DE 11-184 was a petition to approve PPAs and a Settlement Agreement. In that case, Commission Staff members were involved in negotiations and settlement discussions that resulted in

21. As the chronology provided in the Background above demonstrates, the Joint Motion is extremely untimely; that is yet another reason why it should be rejected. The content of the Jacobs preliminary work was provided to the parties, including the Moving Parties, on January 20, 2012 – over two years ago. Jacobs' final report was provided to the parties, again including the Moving Parties, on September 12, 2012 – over sixteen months ago. Nothing in those reports has changed since their initial filing dates. In their testimony, Messrs. DiPalma and Dalton provide a foundation for the submission and consideration of the Jacobs reports by the Commission. The Moving Parties provide no explanation why they waited sixteen months to two years after the Jacobs reports were filed to seek Jacobs' designation as Staff Advocates under RSA 363:32.

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the very PPAs and Settlement Agreement that was at issue in the docket. In the August 25, 2011, Order of Notice for that docket, the Commission noted, "because Commission Staff members Thomas C. Frantz and F. Anne Ross have been directly and actively involved in negotiating the Wood PPAs on behalf of the state and are one of the Joint Petitioners, they are hereby designated as staff advocates pursuant to RSA 363:32." Neither Mr. Mullen, Jacobs Consultancy, nor any other Staff member were "directly and actively involved in" creation of the Scrubber Law. Hence, this case is not relevant to the instant situation.

- The subject of Docket No. DE 10-195 was a petition to approve a PPA for the proposed biomass generating project in Berlin. One of the parties sought designation of a Staff member because of the "strong position against virtually every aspect of the PPA as proposed… ." Motion to Designate Staff of the City of Berlin, January 20, 2011, at ¶4. The Commission found "that the standard for mandatory designation under RSA 363:32, I has not been met." Secretarial Letter, January 21, 2011. The Commission did designate the Staff member "as a matter of discretion." *Id.* Hence, a "strong position" taken by a Staff member is not a basis requiring mandatory designation.
- In Docket No. DG 07-072, the Commission opened a proceeding to consider a new method for calculating the carrying charge appropriate utilities. Prior to the prehearing conference in that proceeding, EnergyNorth and Northern Utilities jointly moved for designation of a Staff member because the docket involved a matter of policy on which they claimed the Staff member had previously taken a contentious position. In that case, the Commission again found that "we do not find a sufficient basis for concluding either that Mr. McCluskey could not fairly and neutrally advise us or that there is a reasonable concern about his role." Order No. 24,793, September 27, 2007 at 10. At the same time, the Commission designated Mr. McCluskey finding, "The facts of the case, however, do support a finding that the matter is particularly contentious and significant in consequence." That case has significant factual differences from the instant case. DG 07-072 was a policy-making proceeding where Staff's opinion on policy, not facts, would be the central issue; it was not a prudence review of facts associated with a statutorily mandated action by a utility. Moreover, the designation motion in that case occurred at the prehearing conference time period, not years into the proceeding.
- In Docket No. DW 07-105, (later DW 10-141) involved a rate case filed by Lakes Region Water Co. In the context of that rate case, Staff filed testimony recommending that the Company seek qualified buyer and sell its utility assets. "Motion to Designate Staff," Lakes Region Water Co., November 1, 2011. The Commission did not find mandatory designation to be appropriate. Instead, "As a result of the nature of the disputes described in the pleadings, the Commission has determined that a discretionary designation pursuant to RSA 363:32, II is reasonable." In the instant case, neither Mr. Mullen's nor the Jacobs' testimony rises to the level of a "sell the company" recommendation in the midst of a rate case. Instead, Mr. Mullen and the Jacobs' witnesses testimony was limited to the prudence review contemplated by RSA 125-O:18.

22. Similarly, Mr. Mullen first submitted testimony in this proceeding on February 24, 2012 – nearly two years ago. He submitted his most recent pre-filed direct testimony on December 23, 2012 – 30 days before the submission of the Joint Motion. The Moving Parties apparently had no issue with Mr. Mullen serving in his traditional Staff capacity until he filed the testimony which they dislike.

23. In the 2000 *PSNH* case, the Commission discussed the adverse impact that limited staff and the granting of the Motion to Bifurcate would have on the prompt and orderly conduct of the proceeding:

> If the staff members who are the subject of the Motion were not available to us to assist in reviewing exhibits and transcripts, evaluating issues and policy arguments, and preparing initial drafts of our order, we believe that this would cause an inordinate delay in the proceeding.

PSNH, 85 NH PUC at 611. *See also Re West Epping Water Company*, 86 NH PUC 906, 909 (2001) (" If the Staff attorney who is the subject of the Motion were not available to us to assist in appraising the record and preparing drafts of our order subject to our direction and final approval, we believe that this would cause an inordinate delay in the proceeding.")

24. Grating the instant Joint Motion would have the same adverse impact on the conduct of this proceeding that the Commission discussed in *PSNH* and *West Epping Water*. Mr. Mullen and Jacobs Consultancy have spent years reviewing the Scrubber Project on behalf of the Commission. It is unlikely that the Commission can readily replace the expertise and acquired knowledge that Mr. Mullen and the Jacobs personnel have to provide the guidance referred to in *PSNH* and *West Epping Water*. The Commission should not take an unnecessary action which creates an inordinate delay in the proceeding; especially in light of past complaints from OCA, one of the Moving Parties, that unrecovered costs of the Scrubber Project are ever-growing. *See* Order No. 25,592, November 1, 2013, at p. 7. Furthermore, the Commission should not take such an unnecessary action when the remaining Moving Parties have no legal standing in this docket, as the Commission has determined they "have not demonstrated affected rights, duties, or privileges that mandate their intervention" in this proceeding. Secretarial Letter, December 23, 2011. Under RSA 541-A:32, II, a condition of such discretionary grants of intervention is that they "would not impair the orderly and

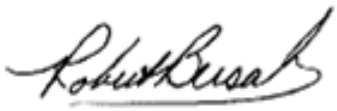
prompt conduct of the proceedings." The Moving Parties' Joint Motion is antithetical to this statutory requirement for continued intervention.

WHEREFORE, PSNH respectfully requests that the Commission DENY the Joint Motion.

Respectfully submitted,

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Dated: January 30, 2014

By: 

Robert A. Bersak, Bar No. 10480
Assistant Secretary and
Chief Regulatory Counsel
Linda Landis, Bar No. 10557
Senior Counsel
Public Service Company of New Hampshire
780 N. Commercial Street
Post Office Box 330
Manchester, New Hampshire 03105-0330
(603) 634-3355
robert.bersak@PSNH.com
linda.landis@PSNH.com

McLANE, GRAF, RAULERSON & MIDDLETON, PROFESSIONAL ASSOCIATION

Wilbur A. Glahn, III, Bar No. 937
Barry Needleman, Bar No. 9446
900 Elm Street, P.O. Box 326
Manchester, NH 03105
(603) 625-6464
bill.glahn@mclane.com
barry.needleman@mclane.com

CERTIFICATE OF SERVICE

I certify that on this date I caused this Objection to be served to parties on the Commission's service list for this docket.

January 30, 2014