



**Public Service
of New Hampshire**

A Northeast Utilities Company

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June 11, 2013

Ms. Debra Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Request for Information Related to IR 13-020

Dear Secretary Howland:

Pursuant to RSA § 91-A and Rule Puc 104.01, Public Service Company of New Hampshire ("PSNH") requests copies of all documents, records, and communications in the possession of the Staff of the New Hampshire Public Utilities Commission ("the Staff") and its consultant Liberty Consulting Group ("Liberty Consulting") related to the *Report on Investigation into Market Conditions, Default Service Rate, Generation Ownership and Impacts on the Competitive Electricity Market* ("the Report") jointly prepared by the Staff and Liberty Consulting, issued on June 7, 2013, in Docket IR 13-020.

The Commission has set a deadline of June 28 for the submission of comments and recommendations in response to the Report's findings, which include analyses performed by Staff and Liberty Consulting as well as substantial input received from various other parties. In order to comment effectively, PSNH must be able to review all information, documents, records and communications in the possession of Staff and Liberty Consulting, other than that provided by PSNH, relevant to the preparation and conclusions of this Report. In addition, PSNH is requesting the identity of all third parties who provided input, comments, or information to the Staff and/or Liberty Consulting in the preparation of this Report and all associated documentation.

This request for documents and records related to the Report is intended to encompass all internal communications, communications with Liberty Consulting, and communications with third parties, and includes, but is not limited to, all minutes, notes, memoranda, draft documents, correspondence, electronic correspondence, electronic mail, reports, calculations, spreadsheets, abstracts, materials, records of telephone conversations and meetings, handwritten notes and observations, and any other information, documents, or records of any type in the possession, custody, or control of the Staff or Liberty Consulting. The timeframe of this request is limited to September 2012 to the date of receipt of this request.

RSA § 91-A “ensure[s] both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.” *38 Endicott St. N., LLC v. State Fire Marshall*, 44 A.3d 571, 574 (N.H. 2012) (quoting *Murray v. N.H. Div. of State Police*, 154 N.H. 579, 581 (2006)). The Right-to-Know Law and New Hampshire case law give PSNH the right to examine documents on the record, which “are available for policy-making consideration or have been already acted upon” *ATV Watch v. N.H. Dep’t. of Transp.*, 161 N.H. 746, 759 (2011) (internal citation omitted). Additionally, PSNH is entitled to examine the information upon which PUC Staff relied in making its determinations and recommendations in the Report, all of which directly impact the future course of PSNH. See *Society for the Protection of N.H. Forests v. Water Supply and Pollution Control Comm’n*, 115 N.H. 192 (1975). Certainly any balancing test would favor disclosure of records to PSNH which have the potential to so significantly affect its financial future. See *Union Leader Corp. v. City of Nashua*, 141 N.H. 473 (1996).

To the extent that Staff and/or Liberty Consulting seek to exclude any records or documents from the response, please provide a summary with the response describing each record withheld and stating the legal grounds for this withholding. Please bear in mind that government policies favor a presumption of openness, which is confirmed by opinions of the New Hampshire Supreme Court strongly favoring disclosure. (“Thus, while the statute does not provide for unrestricted access to public records, provisions favoring disclosure are broadly construed and exemptions are interpreted restrictively.” *Union Leader Corp. v. New Hampshire Hous. Fin. Auth.*, 142 N.H. 540 (1997)). We understand there may be copying fees associated with this request.

In light of the Commission’s June 28 deadline for the filing of comments regarding the Report, time is of the essence in this matter. Pursuant to RSA 91-A:4 and Rule Puc 104.01(f), please respond to this request within the statutory five-day timeframe.

We very much appreciate your cooperation in this effort and regret that it is necessary.

Yours truly,



Robert A. Bersak
Assistant Secretary and
Associate General Counsel