

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DE 14-238, Public Service Company of New Hampshire  
Determination Regarding PSNH's Generation Assets

**REPLY BY NEPGA AND RESA TO PSNH'S OBJECTION TO MOTION OF THE NEW  
ENGLAND POWER GENERATORS ASSOCIATION, INC. AND THE RETAIL ENERGY  
SUPPLY ASSOCIATION TO ALLOW ADDITIONAL DISCOVERY AND FOR LEAVE  
TO FILE SUPPLEMENTAL OR AMENDED TESTIMONY**

On October 1, 2015, the New England Power Generators Associations, Inc. ("NEPGA") and the Retail Energy Supply Association ("RESA") jointly moved the New Hampshire Public Utilities Commission ("Commission") for leave to conduct additional discovery on all settling parties in Docket 14-238 and for leave to supplement or amend its pre-filed testimony if necessary until November 5, 2015. On October 7, 2015, PSNH filed an Objection to that Motion. NEPGA and RESA hereby file this Reply to PSNH'S Objection.

In support of this Reply, NEPGA and RESA state the following:

1. While discussions did occur between the parties regarding the PPA as described in PSNH's Objection, they occurred in the context of confidential settlement discussions. Accordingly, they were not only outside of the record in this docket, but could not be discussed openly in any hearing or proceeding.
2. While the arguments set forth in PSNH's Objection now put the company's position on the record in this case, that position is valid only as of the date of the

Objection. As distinguished from the position asserted in its Objection, under NH Puc Rule 203.9(k), a party is obligated to update its response to a data request as new information becomes available. While the recently-announced PPA may still be under negotiation and its terms still undefined, at some point it will be final. If NEPGA and RESA are permitted to conduct limited discovery on this issue, PSNH will be obligated to comply with the continuing discovery requirement set forth in the Commission's rules. Absent that continuing obligation, the parties risk never learning the terms of that PPA and importantly, will be unable to evaluate its appropriateness within the context of the previously agreed-upon settlement language.

3. PSNH incorrectly assumes that it is the only party from whom discovery will be sought. NEPGA/RESA may seek discovery from the other settling parties to clarify their understanding regarding the settlement provisions on stranded costs, the process by which future PPAs would be procured as well as issues related to the good faith settlement negotiations of the parties on these issues.

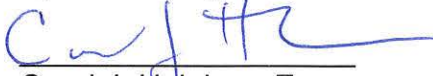
4. PSNH is mistaken to assume that the PPA issue is irrelevant to the wholesale resolution of issues related to the divestiture of its generation assets. At the technical conference in this docket on September 1, 2015, many parties to the docket, including but not limited to NEPGA and RESA, expressed their concern regarding the announcement of the PPA and whether it contravened the express terms of the settlement agreement.

Accordingly, for the reasons set forth above and those set forth in their previously-filed Motion, NEPGA and RESA respectfully request that the Commission grant its Motion.

Respectfully submitted,

**NEW ENGLAND POWER GENERATORS  
ASSOCIATION, INC.**

By its attorney,



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Dated: October 14, 2015

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2015, an original and 6 copies of the above-entitled Motion were hand-delivered to the Public Utilities Commission and served an electronic copy of this filing with each person identified on the Commission's service lists for Docket No. DE 14-238 pursuant to Rule Puc 203.02(a).



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Carol J. Holahan