

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 10-121**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Reconciliation of 2009 Energy Service and Stranded Cost Recovery Charges**

**Motions for Protective Treatment**

**Order Granting in Part and Denying in Part**

**ORDER NO. 25,167**

**November 9, 2010**

**I. PROCEDURAL HISTORY**

On April 30, 2010, Public Service Company of New Hampshire (PSNH or Company) filed a proposed reconciliation of its 2009 energy service and stranded cost recovery charges. The Commission granted intervention to New Hampshire Sierra Club (NHSC), Conservation Law Foundation (CLF), TransCanada Power Marketing Ltd. and TransCanada Hydro Northeast Inc. (TransCanada). A prehearing conference was held on June 28, 2010, and Staff submitted a proposed procedural schedule to the Commission on July 30, 2010. Discovery ensued pursuant to the proposed procedural schedule, which was approved by the Commission in Order No. 25,132 (July 20, 2010).<sup>1</sup> The procedural schedule was suspended by a Secretarial Letter issued on October 19, 2010.

On July 2, 2010, PSNH filed Motions for Protective Order regarding the responses to data request STAFF Set No. 1 Q-007 (STAFF 1-007) regarding Newington Station costs and

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<sup>1</sup> See Order No. 25,132 (July 20, 2010) for detail on the procedural background in this docket.

revenues and data request STAFF Set No. 1 Q-005 (STAFF 1-005) regarding Renewable Energy

Credit (REC) sales prices. No party objected. The subject data requests are as follows:

STAFF 1-007: Please provide a schedule identifying the total 2009 costs and revenues associated with Newington Station similar to the response to [STAFF1-009] in DE 09-091. Please list individually the items included in the cost and revenue categories.

STAFF 1-005: Reference Baumann testimony, Attachment RAB-4, page 11. Please provide documentation and calculations for the 2009 REC sales supporting the calculation of the average sales price of \$39.22/MWh.

On October 6, 2010, PSNH asked that two additional data responses be covered by the July 2, 2010 confidentiality request, specifically OCA Set no. 2 Q-005 (OCA 2-005) addressing REC sales and OCA Set No. 2 Q-006 (OCA 2-006) addressing Newington Station; no party objected. The questions are stated below.

OCA 2-005: The response to [Staff 1-005] "lists several dates when <<BEGIN CONFIDENTIAL>> END CONFIDENTIAL was booked to the [general ledger]. On those individual dates that amount per REC that PSNH received <<BEGIN CONFIDENTIAL>> END CONFIDENTIAL. Please explain why that was the case.

OCA 2-006: Referring the response to [Staff 1-007], please provide the monthly rate base for Newington Station.

On August 26, 2010, PSNH sought protective treatment for the response to STAFF Set No. 2 Q- 001 (STAFF 2-001) addressing Regional Greenhouse Gas Initiative (RGGI)

allowances, to which there was no objection. The question reads as follows:

STAFF 2-001: Reference response to STAFF 1-1. Please provide supporting calculations for the \$3.173 average purchase price for RGGI allowances.

Also on August 26, 2010, PSNH sought protection over the response to TransCanada's Set No. 1, Q-002 (TC 1-002) addressing energy purchases to supply PSNH's default service customers in 2009, which reads as follows:

TC 1-002: With reference to page 5, lines 10-22 of Mr. Baumann's prefiled testimony in this docket, please provide specific information about the energy purchases that were made to supply PSNH's default service customers during 2009, including the dates the contracts were executed, the duration of the contracts, the contracting party, the quantity purchased and the purchase prices.

On September 3, 2010, TransCanada objected to the Motion for protective treatment regarding the response to TC 1-002; PSNH filed an Answer on September 16, 2010, to which TransCanada responded on September 21, 2010. We address each of the Motions below.

## **II. LEGAL STANDARD**

The Right-to-Know Law provides each citizen with the right to inspect public information in the possession of the Commission. RSA 91-A:4, I. RSA 91-A:5, IV exempts from public disclosure records that constitute confidential, commercial, or financial information. As set forth in *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008), building on *Lamy v. New Hampshire Public Utilities Commission*, 152 N.H. 106 (2005), we apply a three-step analysis to determine whether information should be protected from public disclosure pursuant to the Right-to-Know law. See, e.g., *Unitil Corporation and Northern Utilities, Inc.*, Order No. 25,014 (September 22, 2009) and *Public Service Co. of New Hampshire*, Order No. 25,037 (October 30, 2009).

The first step is to determine if there is a privacy interest at stake that would be invaded by the disclosure. If no such interest is at stake, the analysis is complete and the Right-to-Know law requires disclosure. If a privacy interest is at stake, the second step is to determine if there is a public interest in disclosure. Disclosure that informs the public of the conduct and activities of its government is in the public interest; otherwise disclosure is not warranted. If there is a public

interest in disclosure, the third step requires a balancing between the public interest in disclosure and the privacy interest.

In furtherance of the Right-to-Know law, the Commission's administrative rule Puc 203.08 is designed to facilitate the balancing test required by the relevant case law. The rule requires petitioners to: (1) provide the material for which confidential treatment is sought or a detailed description of the types of information for which confidentiality is sought; (2) reference specific statutory or common law authority favoring confidentiality; and (3) provide a detailed statement of the harm that would result from disclosure to be weighed against the benefits of disclosure to the public. Puc 203.08 (b).

### **III. RESPONSES REGARDING NEWINGTON STATION COSTS AND REVENUES**

PSNH requested protective treatment over the 2008 Newington Station cost and revenues produced in response to STAFF 1-007 and OCA 2-006. PSNH stated that the position of Newington Station in PSNH's resource mix is pivotal and that it must balance the market price of Newington's fuels – #6 residual fuel oil or natural gas – with the market price of purchased power when planning ahead or deciding on a day-to-day basis whether to operate Newington. According to PSNH, the revenue requirements of Newington are not publicly available elsewhere, including ISO-New England (ISO-NE). If the information were made public, PSNH stated it would be disadvantaged with respect to suppliers of its supplemental power because the data responses demonstrate how PSNH decides whether to run Newington or to purchase supplemental power. If suppliers knew the actual cost to operate Newington Station, PSNH argues it may lose the ability to arrange supplies of supplemental power on terms that maximize savings to customers.

Further, PSNH pointed out that it vies with competitive suppliers and wholesale generators for purchases of power and would be particularly disadvantaged if the analysis used to dispatch Newington provided to TransCanada, a competitor of PSNH who may bid on power supply contracts or supply individual PSNH customers. Finally, PSNH noted that the Commission previously afforded protective treatment to the operational information and revenue requirements of Newington Station in Docket No. DE 09-091, Order No. 25,060 (December 31, 2009) and DE 08-066, Order No. 24,931 (January 16, 2009), both of which dealt with PSNH's annual reconciliation of energy service and stranded cost charges.

In applying the first step of the analysis, we have reviewed *in camera* the response to STAFF 1-007 regarding the operational and revenue requirements for Newington Station. We agree with PSNH that the information constitutes confidential financial information of the type set forth in RSA 91-A:5, IV and that PSNH has a privacy interest in the information, as it is exclusively used by PSNH for purposes of making decisions regarding the dispatch of Newington Station. Similarly, the rate base value requested by OCA 2-006 reveals information held only by PSNH. Having found a privacy interest in the information requested in both data requests, we move to the second step to assess the degree to which disclosure sheds light on the operations of the Commission. We find that disclosure would provide some limited information regarding the Commission's conduct of its duties in this case, that is, did we accurately scrutinize the appropriateness of the costs and revenues associated with PSNH's delivery of Energy Service in 2009. Applying the third step of balancing the PSNH's privacy right with the public's interest in disclosure, we find that the harm to PSNH's ratepayers that could result from public disclosure of the operational costs of Newington Station outweighs the public's interest in assessing the

Commission's conduct. We will, therefore, grant PSNH's Motion for protective treatment of the responses to STAFF 1-007 and OCA 2-006.

We note that intervenor TransCanada is a competitor and that PSNH has described the harm to ratepayers if the information on Newington were disclosed to a competitor. We do not, however, find a reasonable basis in PSNH's Motion to deny NHSC, CLF or OCA access to the confidential responses. PSNH, therefore, is directed to provide un-redacted copies of the responses to NHSC, CLF, and OCA provided that they agree to hold the information as confidential and to refrain from public disclosure of the information, including public disclosure in any other forum.

#### **IV. SALES PRICE OF RECs**

We next consider the motion for confidential treatment of the responses to STAFF 1-005 and OCA 2-005, both of which disclose the monetary value of RECs sold by PSNH in connection with energy production at Schiller Unit #5, also sometimes referred to as the Northern Wood Power Project. In support of its Motion, PSNH said that the proceeds of REC sales are credited to PSNH energy service customers unless retained under the sharing arrangements approved by the Commission in Docket No. DE 03-166, approving the conversion of Schiller Unit #5 to burn wood chips.<sup>2</sup> In its Motion, PSNH explained that RECs are traded in an open market and both buyers and sellers take steps to have the price, quantity, and other sales terms remain confidential. Consistent with this practice, sales agreements for RECs typically contain provisions for protecting confidential pricing terms from disclosure. PSNH said that disclosure of the purchase price for RECs could affect the Company's ability to negotiate future

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<sup>2</sup> See Docket No. DE 03-166, *Public Service Co. of New Hampshire*, 89 NH PUC 70, Order No. 24,276 (February 6, 2004) and 89 NH PUC 294, Order No. 24,327 (May 14, 2004).

sales of surplus RECs at the highest possible price, to the detriment of its default service customers who benefit from such sales. PSNH noted that the Commission has afforded protective treatment to REC price information in the past, referring to Order No. 25,061 (December 31, 2009) in Docket No. DE 09-180, the Company's proceeding to establish an energy service rate for 2010.

PSNH pointed out that NHSC, CLF and TransCanada did not mention an interest in RECs and REC prices in their respective motions to intervene. In addition, PSNH observed that because TransCanada may be required to acquire and retire RECs to cover renewable portfolio obligations in New Hampshire and other states, disclosure of the confidential REC price information to TransCanada should not be allowed. PSNH concluded by asking that the Commission restrict NHSC, CLF and TransCanada from access to the confidential REC sales information.

In applying the first step in the analysis, we have reviewed the response *in camera* and agree that PSNH has a privacy interest in the price and amount of RECs sold that are related to Schiller Unit #5 and that the information is of the type of confidential financial information set forth in RSA 91-A:5, IV. Having found a privacy interest, we next evaluate whether disclosure would shed light on the operations of the Commission. Because this docket involves reconciliation of generation expenditures that are passed on to ratepayers, and sales of RECs that are credited back to ratepayers, disclosure of PSNH's REC sales prices provides some insight, albeit limited, into the conduct of the Commission. In balancing the harm to PSNH and its ratepayers of disclosure against the benefit to the public of disclosure, we find that the harm of disclosure to PSNH's ratepayers outweighs the minor benefit to the public of publishing these

particular REC sales prices. Disclosure of this information to TransCanada, a competitor of PSNH, however, would be particularly detrimental to PSNH in its negotiation of the highest price for its surplus RECs and, thus, TransCanada will not be provided the unredacted version of STAFF 1-005 and OCA 2-005. PSNH shall provide unredacted copies of the responses to all other parties, provided they agree to hold the information confidential and to refrain from public disclosure of the information, in this proceeding or in any other forum.

#### **V. PURCHASE PRICE OF RGGI ALLOWANCES**

STAFF 2-001 asks for supporting calculations for the \$3.173 average purchase price in the calculation of \$4.4 million of avoided in RGGI costs pertaining to the Northern Wood Power Project for 2009. In its motion for protective treatment of the responses to STAFF 2-001, PSNH said that the limited benefits of disclosing the information outweigh the harm of disclosure. According to PSNH, the operator of the RGGI allowance auction conducts the auction process in a strictly confidential manner in that no information is publicly disclosed as to what parties participated or did not participate, how many allowances were purchased at the auction or at what price allowances were purchased. PSNH said that all details of the transactions for RGGI allowances in the secondary market are kept strictly confidential by the operator in order to protect against market manipulation. PSNH asserted that disclosure of the information could lead to such manipulation and could increase the cost of RGGI allowances PSNH must acquire which, in turn, would harm its customers.

PSNH incorrectly asserts that the price for allowances purchased in each auction is held confidentially by the operator of the RGGI allowance auctions. In fact, the price paid for allowances in each auction has been disclosed in press releases and market monitor reports



issued by RGGI, Inc. immediately following the approval of the auction results by the participating state. These prices, along with the total number of allowances sold in each auction, by vintage, are posted on the [www.rggi.org](http://www.rggi.org) website and are summarized on the Commission's website in the 2010 RGGI Annual Report to the legislature, dated October 12, 2010 and prepared by the Commission and the NH Department of Environmental Services pursuant to RSA 125-O:21. In addition, since the second auction, the names of all entities qualified to bid in the auction, including PSNH, have been disclosed in the public market monitor's report, along with certain other information such as the maximum, minimum, mean and median bids and a list of the number of allowances awarded to each distinct bidder, although the identity of such winning bidders is kept anonymous.

The RGGI market monitor also provides regular reports on the secondary market for RGGI allowances that are publicly available. Among other things, these reports show graphically the price paid for physical trades of allowances in RGGI's CO<sup>2</sup> Allowance Tracking System ("COATS") and two markets for future delivery contracts over the course of each month with a lag of several months. The identity of the buyer and seller and the volume of allowances traded in each secondary market transaction have not been publicly disclosed to our knowledge.

The only elements of information in PSNH's response to STAFF 2-001 that have been maintained confidentially are the number of allowances purchased in each auction that PSNH used to calculate 2009 avoided RGGI costs for the Northern Wood Power Project and which auctions those were. Given that this information has not been disclosed to the public and is maintained confidentially by PSNH and the RGGI auction operator, we find that part of the response to STAFF 2-001 is confidential commercial information pursuant to RSA 91-A:5, IV

and that PSNH arguably has a privacy interest in non-disclosure to the extent that PSNH has a compliance obligation to acquire, hold, and eventually retire RGGI emission allowances and the extent to which it may have a shortage or surplus of such allowances is not publicly known.

We now consider whether public disclosure of the information would inform the public about the performance of its government and the Commission in particular. In this instance the information relates to PSNH's calculation of the ratepayer share of avoided CO<sup>2</sup> emission costs from the development of the Northern Wood Power Project, which was the conversion of a coal fired electric generation unit to renewable wood or biomass firing that was given credit for early reduction of emissions of CO<sup>2</sup> pursuant to the then effective version of RSA 125-O. A joint recommendation was approved as part of the review of that project pursuant to RSA 369-B:3-a in Docket No. DE 03-166 that provided for sharing of certain costs, benefits, and risks between ratepayers and shareholders. Disclosure of the information in question would help inform the public as to the Commission's review of PSNH's calculation of avoided CO<sup>2</sup> emissions costs, shared between ratepayers and stockholders, as well as how the Commission's decision in DE 03-166 is playing out.

Finding both a privacy interest in the information and public interest in disclosure we must weigh these competing interests. Having reviewed PSNH's response to STAFF 02-001 *in camera* it is difficult to see what, if any, harm might result from disclosure of this particular information to PSNH, its ratepayers, or the integrity of the RGGI allowance market or auction process in which the state itself has an interest. Although disclosure will reveal the number of allowances bought by PSNH in a small number of early RGGI auctions from well over a year ago; they are only a fraction of the number of allowances that PSNH will need to have procured

during the first three year compliance period of RGGI, as may be readily discerned from looking at the report of affected emissions by PSNH electric generation in the public 2010 RGGI Annual Report (p. 9). The information does not disclose whether PSNH is currently long or short in meeting its compliance obligation, that is, whether or to what extent it needs to purchase more allowances; nor does it say anything about its bidding strategy at the time other than that PSNH must have bid at least as much as the auction clearing price for the number of allowances it actually purchased in each auction. “The purpose of the Right-to-Know Law is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people . . . we resolve questions regarding the Right-to-Know Law with a view to providing the utmost information.” *Lambert v. Belknap County Convention*, 157 N.H. at 378-79 (internal citations omitted). Thus we find that the benefits of public disclosure in this instance outweigh any harm to PSNH and its ratepayers that might be discerned. We deny, therefore, PSNH’s motion for protective order and direct it to provide unredacted responses to STAFF 2-001 to the intervenors in this proceeding.

## **VI. SUPPLEMENTAL POWER SUPPLY CONTRACTS**

PSNH’s final request for confidential treatment involves TC 1-002, which asks for details concerning PSNH’s bilateral power supply arrangements for supplemental power under contract in 2009. According to PSNH, the limited benefits of disclosing the information outweigh the harm done by disclosing the information and the potential harm to the power suppliers from disclosure of their prices. PSNH Motion at 2-3. PSNH said that disclosure of the information would put PSNH at a disadvantage with respect to negotiations in the future with suppliers of supplemental power. PSNH noted that the Commission has granted confidential treatment to

sensitive commercial information such as power supply contracts and has restricted dissemination to interveners who are competitive suppliers. *Id.* at 3. PSNH concluded by saying that it is reasonable to deny competitive and alternative suppliers access to details of the bilateral power supply agreements in this proceeding.

In its objection, TransCanada observed that the primary purpose of the reconciliation docket is the review of the prudence of the purchases that were made by PSNH to serve default service customers. TransCanada noted that PSNH did not claim in its Motion that it had contractual arrangements with power suppliers that required that the contract details be held confidential and that no such suppliers have proposed to intervene in this docket.

TransCanada also asserted that wholesale suppliers are required by the Federal Energy Regulatory Commission (FERC) to disclose “party, volume and price of power that they have supplied within 30 days of the end of the quarter within which it was provided,” referring to a motion for confidential treatment made by Unitil Energy Service, Inc. (UES) in Docket No. DE 10-028.<sup>3</sup> According to TransCanada, the information reported to FERC is not aggregated and is publicly available. TransCanada Objection at 4. TransCanada believes the information PSNH seeks to protect is publicly available through FERC and that the “only legitimate concern of a supplier is that if the prices were revealed too soon they could be used as leverage in other contemporaneous negotiations.” *Id.* TransCanada said that its inability to review the response to TC1-002 “inhibits the meaningfulness of TransCanada’s intervention and its ability to protect its ‘rights, duties, privileges, immunities and other substantial interests’ that may be affected by this proceeding.” *Id.* at 5. According to TransCanada, the information should be made available to

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<sup>3</sup> Docket No. DE 10-028 evaluates UES’ quarterly solicitation of power for its default service customers.

TransCanada and the public. TransCanada said that because the information is now dated, PSNH would not be harmed by the release of the information and the benefits of disclosure would outweigh any harm that PSNH may experience as a result of the information's release.

In its answer to TransCanada's objection, PSNH stated that it uses the Edison Electric Institute (EEI) Master Agreement for each supplemental power purchase, and that the EEI agreement includes a confidentiality provision which limits disclosure of information, with certain exceptions. PSNH Answer at 2. PSNH included the text of the confidentiality agreement with its Answer. PSNH asserted that it would not make sense to require suppliers to intervene in this proceeding to assure the confidentiality of wholesale prices when PSNH could assert its rights to protect that information from disclosure. *Id.*

PSNH differed with TransCanada's view that the information was available from wholesale power suppliers' quarterly reports to FERC. PSNH stated that it attempted but was unable to acquire the information through FERC's website. To the extent that it is publicly available, however, PSNH stated that it "is not required to respond to data requests when the information is already available publicly and can be accessed by the party requesting the information." *Id.* at 3.

Finally, PSNH stated that the assertion that TransCanada needed the information to fully protect its rights, duties, privileges, immunities and other substantial interests in the proceeding incorrectly assumed that TransCanada was entitled to the information in the first place. PSNH said that Commission Staff and the OCA are the only parties who need access to the information for purposes of protecting the interest of PSNH customers. *Id.* at 4. Finally, PSNH said that the disclosure of wholesale power supply costs would harm PSNH customers by creating a chilling

effect on future negotiations and terms with PSNH's suppliers, and that this harm outweighed any benefit of disclosure. *Id.*

TransCanada filed a response on September 21, 2010, noting that the EEI Master Agreement nondisclosure provision referred to by PSNH allows exceptions to non-disclosure for purposes of complying "with any applicable law . . . or regulation" and for information "that may become generally available to the public." TransCanada Response at 1-2. Based on these exceptions in the EEI agreement, TransCanada concluded that the express terms of the agreement allow disclosure of the information for which PSNH seeks confidential treatment. *Id.* at 2.

TransCanada opined that one of the reasons PSNH's suppliers have not intervened is that the suppliers' concern is to avoid disclosing pricing information that can be used in other "contemporaneous negotiations." *Id.* According to TransCanada, suppliers do not care about dated information but rather the contemporaneous exposure of information. TransCanada said that PSNH should not be allowed to make the arguments about supplier concerns for confidential treatment in a reconciliation docket, which is a retrospective, as opposed to contemporaneous, review. *Id.*

In response to PSNH's assertion that it need not provide the information because it is available through FERC, TransCanada stated that requiring it to search the federal data basis is "unduly burdensome and is unnecessary for all of the reasons which TransCanada has cited in its Objection and this Response." *Id.* at 3. According to TransCanada, this argument is PSNH's attempt to prevent TransCanada from reviewing the 2009 power purchases and is inconsistent with RSA 91-A, New Hampshire's Right-to-Know statute. *Id.*

Regarding PSNH's statement that the Staff and the OCA are fully capable of protecting the interests of PSNH's customers, TransCanada opined that PSNH obviously prefers that no one else review its actions and "would have the Commission ignore the protection to interveners through the Administrative Procedures Act." *Id.* at 4. TransCanada said PSNH has the burden of justifying its request for confidential treatment and that while PSNH states that it is reasonable to restrict access to this information for competitive suppliers, PSNH cannot make that claim in this instance because the information is dated.

Finally, TransCanada challenged PSNH's assertion that disclosure would benefit TransCanada. In response to this argument, TransCanada noted that the staleness of the information did not offer a competitive advantage to TransCanada but would "be a benefit to the public because it would help ensure a competitive market." *Id.* at 4-5.

The UES docket referred to by TransCanada, DE 10-028, is a proceeding in which UES seeks Commission approval of its power procurement for its default service customers. UES issues requests for proposals for power supply on a quarterly basis and requests that the Commission approve its selection of the winning bidder. With its quarterly filing, UES submits a motion for protective order for certain information, including pricing, in the purchase power agreement (PPA) it negotiates with the winning bidder.

TransCanada cited a March 2010 motion for protective treatment filed by UES in which UES stated that "a wholesale supplier is obligated, pursuant to certain reporting requirements, to report to the [FERC] the price and volume of its wholesale contractual sales during each quarter, and to identify the party to whom the sale has been made, within 30 days of the end of that quarter. *See* FERC Docket No. RM01-8-000, Order No. 2001, 99 FERC ¶ 61,107, 18 CFR Parts

2 and 35, issued April 25, 2002.” UES Motion for Protective Treatment at 4, Docket No. 10-028 (March 12, 2008). UES then requested that the Commission order that the pricing terms in the PPA be treated as confidential until such time as the wholesale supplier files the information with FERC.

Pursuant to 18 CFR § 35.10b, wholesale suppliers are required to file Electric Quarterly Reports (EQR) with FERC. In the EQR, suppliers must summarize contractual terms and conditions in their agreement for sales of wholesale electricity and transmission that is an unbundled part of a power sale. The reporting requirement applies to any agreement in existence (not expired) as of the reporting period. That is, contracts and contract products are reported within 30 days of the quarter during which sales are made and such information must continue to be reported in the EQR until such contracts are terminated. *See* FERC Electric Quarterly Report, Filing Requirements Guide ¶ 14 (8/27/2010).

EQR data are public information and are not protected from disclosure. *Id.* ¶ 2. Hence, the information responsive to TC 1-002 – the specific information about the energy purchases that were made to supply PSNH’s default service customers during 2009, including the dates the contracts were executed, the duration of the contracts, the contracting party, the quantity purchased and the purchase prices – is public information and PSNH cannot assert a privacy right to information already made publicly available. We deny, therefore, PSNH’s motion for protective order and direct it to provide unredacted responses to TC 1-002 to the intervenors in this proceeding.



**Based upon the foregoing, it is hereby**

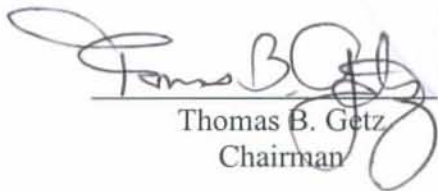
**ORDERED**, that the Motions for Protective Order related to responses to STAFF 1-005, STAFF 1-007, OCA 2-005, and OCA 2-006 are GRANTED as set forth herein; and it is

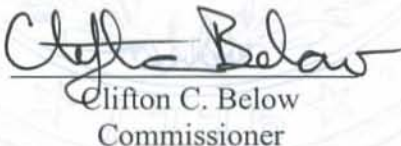
**FURTHER ORDERED**, that the Motions for Protective Order related to the responses to STAFF 2-001 and TC 1-002 are hereby DENIED; and it is

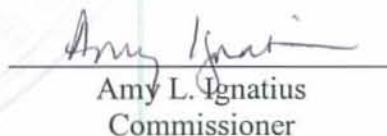
**FURTHER ORDERED**, that the remainder of the procedural schedule is modified as follows:

Staff and Intervenor Testimony	November 23, 2010
Data Requests on Nov. 23 <sup>rd</sup> Testimony	December 3, 2010
Staff/Intervenor Responses	December 17, 2010
Technical Session	December 22, 2010 at 9:00 a.m.
Rebuttal Testimony	December 30, 2010
Hearing on the Merits	January 6, 2011

By order of the Public Utilities Commission of New Hampshire this ninth day of  
November, 2010.

  
Thomas B. Getz  
Chairman

  
Clifton C. Below  
Commissioner

  
Amy L. Ignatius  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director