

THE STATE OF NEW HAMPSHIRE

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September 11, 2008

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



**RE: DE 08-103 Public Service Company of New Hampshire  
Investigation of Merrimack Station Scrubber Project**

Dear Ms. Howland:

I enclose for filing the Office of Consumer Advocate's Memorandum of Law which the Commission invited in its secretarial letter dated August 22, 2008. We appreciate the opportunity to contribute to the Commission's inquiry and consideration of the important legal issues in this case. We urge the Commission to determine as expeditiously as possible the threshold legal issue of its authority to review the Merrimack Station scrubber project, so that the parties may proceed quickly to the substantive public interest determination required.

We note that the OCA has limited its filing to only the legal questions asked by the Commission. We have not conducted any discovery or analysis on PSNH's substantive filing regarding the updated costs of the scrubber project. We will begin that work once the Commission rules on the pending legal question and issues a procedural schedule in the docket. When the Commission proceeds to the next phase, we encourage it to seek the participation and input of all stakeholders.

Respectfully,

A handwritten signature in blue ink, appearing to read "MATH".

Meredith A. Hatfield  
Consumer Advocate

Enclosure

cc: Service List and Interested Parties List

NH PUBLIC UTILITIES COMMISSION  
SEP 11 2008 PM 12:34

