

Douglas L. Patch
dpatch@orr-reno.com
Direct Dial 603.223.9161
Direct Fax 603.223.9061

Orr&Reno
Professional Association

One Eagle Square, P.O. Box 3550
Concord, NH 03302-3550
Telephone 603.224.2381
Facsimile 603.224.2318
www.orr-reno.com

VIA HAND DELIVERY

September 12, 2008

Debra A. Howland, Executive Director & Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: Docket No. DE 08-103, Merrimack Station Scrubber Project Request for Information

Dear Ms. Howland:

By letter dated August 22, 2008 the New Hampshire Public Utilities Commission (“Commission”) indicated that it had determined to inquire into the status of Public Service Company of New Hampshire’s (“PSNH”) efforts to install scrubber technology at Merrimack Station in Bow, including the costs of such technology and the effect installation would have on energy service rates. The Commission cited the current project cost as being “approximately an 80 percent increase over the original estimate”. The Commission also noted certain relevant statutory provisions and indicated that there is a potential conflict between them. In that letter the Commission directed PSNH to make a filing and indicated that the Office of Consumer Advocate “may also file a memorandum of law” by September 12, 2008. The Commission made no mention in that letter of any opportunity for Staff of the Commission or any other party that might have an interest in this proceeding to file comments or memoranda of law on the issues that are part of the inquiry.

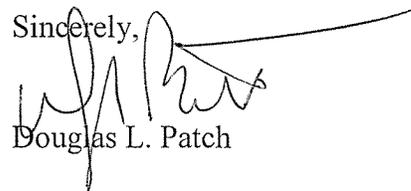
I am writing on behalf of TransCanada Hydro Northeast Inc. (“TransCanada”) to request that the Commission provide public notice of this proceeding, as it typically does in any proceeding that it opens, through an order of notice in which it invites the participation of interested parties. By doing so the Commission will provide a full and fair opportunity for any other interested parties to participate in this inquiry. In the August 22, 2008 letter the Commission cited RSA 365:5 and RSA 365:19 as the authority for conducting this inquiry. RSA 365:19 says: “any party whose rights may be affected shall be afforded a reasonable opportunity to be heard with reference” to the investigation. It is a basic principle of due process, underscored in various provisions of New Hampshire law, including the Administrative Procedures Act, and New Hampshire Supreme Court case law, that this Commission has followed throughout its existence, that affected parties be given a full and fair opportunity to participate in proceedings before the Commission, subject to the Commission’s rules and other

provisions of law governing intervention and participation in open proceedings. TransCanada respectfully requests that the Commission do the same with this docket by opening this proceeding to any interested parties through the issuance of an order of notice and the conduct of a full and fair proceeding to consider the issues noted in the August 22, 2008 letter.

I would note that we concur with the recommendation which the Consumer Advocate included in her letter dated September 11, 2008 that you encourage the participation and input of all stakeholders.

Thank you for considering this request. Also, please add me to the mailing list for this docket.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Patch', with a long horizontal line extending to the right from the end of the signature.

Douglas L. Patch

cc: Attorney Robert A. Bersak, PSNH
Meredith Hatfield, Consumer Advocate