



**Public Service
of New Hampshire**

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A Northeast Utilities Company

Robert A. Bersak
Assistant Secretary and
Assistant General Counsel

May 19, 2010

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

**Re: *Docket No. DE 08-103, Public Service Company of New Hampshire
Merrimack Station Scrubber Project***



Dear Secretary Howland:

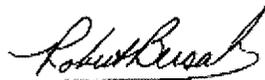
By Secretarial letter dated February 19, 2010, the Commission directed PSNH to present to Staff and any interested persons current information on the status and costs of the Merrimack Station Scrubber Project. On March 31, 2010, PSNH complied with that directive. The slides and photos from that presentation were provided to the Commission and have been posted on the Commission's website for this docket.

By letter dated May 13, 2010, the Conservation Law Foundation, Inc. submitted a filing raising myriad issues which it considers to be germane and urging the Commission to review the prudence of the scrubber project now. None of those issues are new; some are founded on mere speculation; many are not within the Commission's jurisdiction; and most have been considered and rejected by the relevant agencies or by the Legislature.

CLF's imperative that the Commission initiate a prudence review now has also been considered and rejected by the Commission in both Order No. 24,898 and Order No. 24,914 issued in this docket, as well as in Order No. 24,979 and Order No. 25,050 issued in Docket No. DE 09-033 (another proceeding in which CLF participated as an intervenor). The prior Commission decisions in this docket were part and parcel of the appeal to the New Hampshire Supreme Court in *Appeal of Stonyfield Farm*, 159 N.H. 227 (2009), an appeal in which CLF participated as an *amicus curiae* arguing exactly the same issue ("Review of the Scrubber Project now will ensure that Scrubber Project costs are warranted, especially in light of costs associated with reasonably anticipated future environmental regulations related to carbon dioxide emissions, cooling water discharges, and mercury emissions, and other costs..." *Amici* Brief of CLF, *et al.* at 6). As the Commission is aware, the Supreme Court dismissed the *Stonyfield* appeal.

As PSNH reported during the March 31st information session, construction of the scrubber mandated by RSA 125-O:11, *et seq.*, is proceeding on time and within budget. The Company continues to be confident that it will comply with the statutory in-service date of July 1, 2013 for this emissions control system. RSA 125-O:13, I. Barring any unforeseen construction delays, PSNH anticipates having the scrubber operational sooner than that deadline, resulting in achievement of the "Economic Performance Incentives" created by the Legislature in RSA 125-O:16 and the reduction in emissions of mercury, sulfur dioxide, sulfur trioxide, small particulate matter a year sooner than required.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Bersak". The signature is fluid and cursive, written over a thin horizontal line.

Robert A. Bersak
Assistant Secretary and
Assistant General Counsel

cc: Service List

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 08-103-1 Printed: May 18, 2010

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**