

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 08-103**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

**Merrimack Station Scrubber Project**

**Office of Consumer Advocate's Objection to  
PSNH's Motion to Waive Rules and to Accelerate Schedule**

1. On August 22, 2008, pursuant to RSA 365:5 and 365:19, the New Hampshire Public Utilities Commission (PUC) issued a secretarial letter assigning Docket No. DE 08-103, Investigation of Public Service Company of New Hampshire's (PSNH's) Installation of Scrubber Technology at its Merrimack Station in Bow, "as the repository for the materials to be filed by PSNH" in this matter.
2. The PUC directed PSNH to file, by September 12, 2008, specific information about the scrubber project as well as "a memorandum of law addressing the nature and extent of the Commission's authority" relative to the scrubber project.
3. The PUC also provided an opportunity for the Office of Consumer Advocate (OCA) to file, by September 12, a memorandum of law.
4. On August 25, 2008, PSNH filed a motion to accelerate the September 12 deadline by moving the deadline to August 29, and to waive PUC rules, namely Puc 203.07(e). In support of its request, PSNH cited Puc 202.04, which governs requests for extensions of time.
5. The OCA takes no position on PSNH's request to accelerate its own filing deadline. In fact, the sooner PSNH files the information required by the Commission, the better. The OCA, however, objects to PSNH's request to accelerate the OCA's filing deadline.
6. Having opened an investigation, the PUC is bound to conduct such investigation as the "public good may require." RSA 365:19. Therefore, the PUC may only grant PSNH's request to accelerate the schedule applicable to the OCA upon a finding that doing so is consistent with the public good.
7. As the PUC recognized in its secretarial letter, input from the OCA, on behalf of PSNH's residential customers, is relevant to a determination of the extent of the PUC's authority over the scrubber project. However, due to previously scheduled commitments, the OCA is not able to file a memorandum of law by August 29.

8. To proceed without input from the OCA would be inconsistent with the public good and would thwart the purpose of the OCA's enabling statute, RSA 363:28. In addition, if other interested parties seek to make filings, five business days in which to do so is likely not sufficient.
9. The time period provided by the PUC's secretarial letter for the OCA's input is reasonable, and PSNH has failed to specifically demonstrate in its motion how two additional weeks will result in the many harms it portends.

Therefore, the OCA respectfully requests the PUC to deny PSNH's motion to the extent that it seeks to change the deadline for the OCA's filing of a memorandum of law.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was forwarded this day to PSNH by electronic mail.

August 25, 2008



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Meredith A. Hatfield