

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Re: EnergyNorth Natural Gas, Inc. d/b/a National Grid NH

Docket DG 10-041

MOTION FOR CLARIFICATION AND/OR RECONSIDERATION
OF ORDER NO. 25,317

EnergyNorth Natural Gas, Inc. d/b/a National Grid NH ("National Grid NH" or "the Company") respectfully requests that the Commission clarify its Order No. 25,317 with regard to the order's description of the scope of the proceeding that the Commission intends to open regarding the issue of excess capacity or, in the alternative and pursuant to RSA 541:3, reconsider its order. In support of its motion, National Grid NH states as follows:

1. In Order No. 25,317, the Commission stated its intention to open "a separate docket to examine the Company's projected supply/demand balance over the 2010-2015 planning period..." Order No. 25,317 at 10. The Commission further stated that "[t]he examination of National Grid NH's supply/demand balance should be based on the most recently updated demand forecast plus the resource portfolio expected to be in place over the 2010-2015 planning period." *Id.*

2. The Company anticipates that the Commission's order of notice for the docket described in Order No. 25,317 will provide additional detail regarding the scope of the docket and the issues to be addressed in that proceeding. However, on its face the language quoted above appears to indicate that, in considering whether the Company's resource portfolio has excess capacity, the Commission does not intend to consider information that relates to any period beyond 2015.

3. The Company expects that information regarding the Company's load forecast and other matters relating to the period beyond 2015 are likely to be directly relevant to the issue of whether the Company's resource portfolio has excess capacity and the proper disposition and regulatory treatment of any such capacity.

4. Although the discussion regarding the scope of the excess capacity docket contained in Order No. 25,317 was not contained in the ordering paragraphs, because of the significance of the matters at issue the Company believes it is important to clarify the extent of the Commission's ruling in the current docket versus the matters it intended to leave for consideration in the new docket.

5. By this motion, the Company seeks clarification that a determination of the proper scope of the docket that the Commission plans to open on the capacity issue and whether any particular evidence is relevant to the issues in that proceeding are both matters that should be raised in the new docket, and that the Commission did not intend to foreclose further consideration of such matters by its ruling in the current proceeding.

6. If the Company's understanding is incorrect, then the Company respectfully requests that the Commission reconsider its Order No. 25,317 and specifically rule that, in determining whether the Company's resource portfolio has excess capacity and the proper disposition of any such excess, the Commission will consider information relating to periods beyond 2015 to the extent they are relevant. *See, e.g., Appeal of Concord Natural Gas Corp.*, 121 N.H. 685, 692-93 (1981) (explaining that the Supreme Court "will overturn an agency's decision if it is clearly unreasonable and unlawful," and that its review "may inquire whether the agency's decision was fairly based on a consideration of all relevant factors."); *see also Appeal of Conservation Law Foundation*, 127 N.H. 606, 653 (1986) ("When a review of the commission's

methodology reveals a failure to consider all relevant factors, this court must vacate the commission's order for error of law.”).

7. RSA 541:3 provides that the Commission may grant a motion for reconsideration “when a party states good reason for such relief.” *See Holyoke Gas and Elec. Dept.*, DE 10-151, Order No. 25,233 dated June 14, 2011 at p. 13; *see also Connecticut Valley Electric Co. v. Public Service Co. of New Hampshire*, DE 03-030, Order No. 24,189 dated Jul. 3, 2003, at 2. “Good reason may be shown by . . . identifying specific matters that were overlooked or mistakenly conceived by the [Commission].” *Holyoke Gas and Elec. Dept.*, DE 10-151, Order No. 25,233 dated June 14, 2011 at p. 13 (*citing Dumais v. State*, 118 N.H. 309, 311 (1978)). Because the Commission is required to consider all relevant evidence regarding the matters before it, [cite], the Company has demonstrated good reason for reconsideration of Order No. 25,317 to the extent that the Commission intended to limit the evidence in the excess capacity docket to information relating solely to the period through 2015.

WHEREFORE, National Grid NH respectfully requests that the Commission clarify and/or reconsider its Order No. 25,317 as set forth above.

Respectfully submitted,

EnergyNorth Natural Gas, Inc.
d/b/a National Grid NH

By Its Attorneys

MCLANE, GRAF, RAULERSON &
MIDDLETON, P.A.

Dated: January 31, 2012

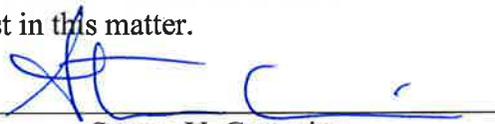
By:



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Certificate of Service

I hereby certify that a copy of this Motion for Clarification and/or Reconsideration has been sent via electronic mail to the service list in this matter.



Steven V. Camerino