

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Petition for Approval and Long Term and Short Term Debt

Docket No. DE 10-122

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO
NEW HAMPSHIRE SIERRA CLUB'S PETITION FOR INTERVENTION

Public Service Company of New Hampshire ("PSNH") hereby objects to the New Hampshire Sierra Club's Petition to Intervene filed on June 24, 2010 in the above-captioned proceeding. The New Hampshire Sierra Club has no substantial interest and hence no standing in this proceeding, and will impede the orderly conduct of this proceeding by raising issues irrelevant to the issues in this docket. Either ground is sufficient to deny the Petition under RSA 541-A:32. In support of its Objection, PSNH says the following:

1. The New Hampshire Sierra Club is the New Hampshire chapter of a national non-profit organization "dedicated to securing a pollution free and healthy environment", some members of which appear to be PSNH residential ratepayers. Petition at 1. In its Petition, the New Hampshire Sierra Club recites the procedural history of various environmental proceedings and appeals before the New Hampshire Department of Environmental Services ("NHDES"), the New Hampshire Air Resources Council ("ARC") and the Environmental Protection Agency ("EPA"), indicates that it plans to pursue its legal remedies in these proceedings and apparently argues that as a result, the rights, duties, privileges and immunities and other substantial interests of the New Hampshire Sierra Club and its members and friends may be affected by this finance proceeding. Petition at 5. The New Hampshire Sierra Club fails to indicate what its substantial interest may be, or how they may be affected by this case. The Petition has failed to allege what rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding or that New Hampshire Sierra Club qualifies as an intervenor under any provision of law as required by RSA 541-A:32, I(b).

2. In the *Appeal of Stoneyfield Farm, Inc.*, an appeal arising out of Commission Docket No. DE 08-103 (the “Scrubber Investigation”), a case in which the New Hampshire Sierra Club participated as amicus curiae, the New Hampshire Supreme Court determined that for ratepayers to have standing, they must suffer immediate or direct injury. The New Hampshire Sierra Club is thus clearly aware of this requirement, yet has failed to indicate what exactly its substantial interest may be or specifically how it is affected by this finance proceeding. Because the New Hampshire Sierra Club has no substantial interest and will not suffer any immediate or direct injury, it has no standing in this case.

3. The New Hampshire Sierra Club argues that justice will be served by the conduct of a “full, open and transparent examination of the facts regarding PSNH compliance with the Clean Air Act and the New Hampshire Multiple Pollutant Reduction Program” (Petition at 5) in this finance proceeding, and that its intervention will not impair the interests of justice nor the prompt conduct of the proceeding. Thus, New Hampshire Sierra Club clearly states its intent to use the New Hampshire Public Utilities Commission (“NHPUC”) as a forum for addressing issues currently in litigation in other, more appropriate, environmental forums. The NHDES, the ARC and the EPA, not the NHPUC, have jurisdiction over PSNH compliance with the Clean Air Act and the New Hampshire Multiple Pollutant Reduction Program. The New Hampshire Sierra Club’s unabashed admission that it hopes to turn an economic regulatory proceeding into an environmental investigation is precisely the type of intervention that will impair the orderly and prompt conduct of the proceeding and not serve the interests of justice, and may be denied pursuant to RSA 541-A:32, I(c).

4. In DE 09-033, PSNH’s most recent financing, the Commission determined that as a result of the Legislature’s mandate that PSNH install scrubber technology at Merrimack Station and finding that such installation is in the public interest, the Commission lacks authority to make a determination pursuant to RSA 369-B:3 as to whether the scrubber is in the public interest, and that its authority was limited to

determining at a later time the prudence of the costs of complying with the statutory requirements and the manner of recovery for prudent costs. The New Hampshire Sierra Club apparently seeks to re-litigate this issue, which will impair the orderly and prompt conduct of the proceeding and not serve the interests of justice. RSA 541-A:32, I(c).

5. In the event the Commission determines to grant the New Hampshire Sierra Club's Petition to Intervene, the Commission should clearly set forth the scope of the proceeding and impose conditions on the intervention to prevent the New Hampshire Sierra Club from turning a finance proceeding into an investigation and "data mining" with respect to PSNH's environmental compliance, over which NHDES, the ARC and the EPA – not the NHPUC - have and are currently exercising jurisdiction.

WHEREFORE PSNH respectfully requests the Commission issue an order denying the Petition for Intervention of the New Hampshire Sierra Club and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

6/29/10
June 29, 2010

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused Public Service Company of New Hampshire's Objection to New Hampshire Sierra Club's Petition for Intervention to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

6/29/10

June 29, 2010



Catherine E. Shively