

LAW OFFICES
ARTHUR B. CUNNINGHAM
79 Checkerberry Lane, Hopkinton, NH 03229

February 4, 2014

Debra A. Howland
Executive Director and Secretary
Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

Re: DE 11-250, Investigation of PSNH's Installation of Scrubber Technology at Merrimack Station

Dear Secretary Howland:

The January 29, 2014, letter from Public Service Company of New Hampshire (PSNH) attorney Robert A. Bersak regarding my Puc 203.18 comment letters underscores my point about secrecy in public dockets.

The secrecy of the PSNH engineering documents available only to those parties willing to sign a confidentiality agreement vitiates any ability to cross-examine the testimony of those describing the work done, including, but not limited to the Jacobs Consultancy testimony. A party who signs such an agreement has forfeited the effective use of cross-examination to test the integrity of substantive evidence. A party who has sworn secrecy regarding a document cannot refer to that document when examining a witness.

This is unacceptable in a public forum.

Please ensure that my January 23, 2014, letter and this letter is posted to the docket viewable on the Commission website.

Respectfully submitted,

Arthur B. Cunningham

cc: David Borden, Chairman and Senator Bradley, member, Electric Utility Restructuring Committee,

Service list