

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-238

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Order Denying Terry Cronin's Motion for Reconsideration

ORDER NO. 25,847

December 3, 2015

In this Order, the Commission denies Mr. Cronin's motion to reconsider Order No. 25,837 (November 3, 2015), which denied motions to compel filed by Mr. Cronin on August 20 and September 18, 2015. The Commission makes this ruling because Mr. Cronin did not offer good reason for the Commission to reconsider the Order as required by RSA 541:3 and 541:4.

I. PROCEDURAL BACKGROUND

On June 10, 2015, Public Service Company of New Hampshire, d/b/a Eversource Energy (Eversource) filed with the Commission a "Restructuring and Rate Stabilization Agreement" (2015 Settlement Agreement) and a motion seeking its expedited approval. Eversource and the other parties to the Settlement Agreement (collectively, the Settling Parties) assert that the 2015 Settlement Agreement resolves the issues in this docket and in Docket No. DE 11-250. The Commission issued a Supplemental Order of Notice and granted several petitions to intervene, including that of Terry Cronin, a default energy service customer of Eversource since 1994. For the complete docket, see <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-238.html>.

As an intervenor, Mr. Cronin participated in discovery in this docket, and Eversource objected to certain of his requests. On August 20, 2015, Mr. Cronin filed a motion to compel

Eversource to respond to the disputed questions. In connection with a separate set of discovery requests, Mr. Cronin filed a second motion to compel on September 18, 2015.

The Commission denied both motions to compel in Order No. 25,837 (November 3, 2015). On November 6, 2015, Mr. Cronin filed a motion for rehearing of Order No. 25,837. Eversource and the Office of Energy and Planning (OEP) filed timely objections to Mr. Cronin's motions, and Mr. Cronin replied to those objections.

II. POSITIONS OF THE PARTIES

A. Terry Cronin

Mr. Cronin's position is that he needs discovery in this docket because of limitations placed on his participation in Docket DE 11-250, a/k/a the Scrubber docket. Mr. Cronin claims that during the installation of the Scrubber, Eversource improperly increased the capacity at Merrimack Station. Mr. Cronin argues that the existing record before the Commission in the Scrubber docket is deficient because "the only evidence before the Commission regarding the scrubber project and cost overruns is secret." Motion for Rehearing at 3. Referring to the report of Jacobs Consultancy, which is part of the Scrubber docket record, Mr. Cronin claims that the report "does not address the specifics of the cost overruns [and] there is no item by item analysis of the actual work done that caused the overruns." *Id.*

Mr. Cronin alleges that Eversource "has engaged in a multi-year effort to conceal the facts of the scrubber project from public scrutiny," referencing the replacement of a turbine at Merrimack Station in 2008. Reply at 2. To illustrate his point, Mr. Cronin recites a 6 year-history of proceedings before the Air Resource Council (ARC) at the New Hampshire Department of Environmental Services and the Commission, all of which are closed, except for the instant docket. *Id.* at 2-6.

B. Eversource

Referring to guiding decisions by the New Hampshire Supreme Court regarding standards for a successful motion for rehearing, Eversource says that a good reason for rehearing could be the existence of new evidence that could not have been presented in the underlying proceeding, or the identification of specific matters that were overlooked or mistakenly conceived by the deciding tribunal. Objection at 5. Eversource argues that Mr. Cronin's motion fails to demonstrate any good reason to reconsider Order No. 25,837, and urges the Commission to deny the motion. *Id.* at 7.

C. Office of Energy and Planning¹

The OEP argues that Mr. Cronin failed to offer good reason for the Commission to reconsider Order No. 25,837, as required by RSA 541:3. Because Mr. Cronin's motion does not meet the statutory standard for rehearing, the OEP asked the Commission to deny the motion for reconsideration.

III. COMMISSION ANALYSIS

The Commission may grant rehearing or reconsideration for "good reason" if the moving party shows that an order is unlawful or unreasonable. RSA 541:3; RSA 541:4; *Rural Telephone Companies*, Order No. 25,291 (Nov. 21, 2011). A successful motion must establish "good reason" by showing that there are matters the Commission "overlooked or mistakenly conceived in the original decision," *Dumais v. State*, 118 N.H. 309,311 (1978) (quotation and citations omitted), or by presenting new evidence that was "unavailable prior to the issuance of the underlying decision," *Hollis Telephone Inc.*, Order no. 25,088 at 14 (April 2, 2010). A successful motion for rehearing must do more than merely restate prior arguments and ask for a

¹ The OEP represents that the designated Settling Staff, a party to the 2015 Settlement Agreement, joins in its objection.

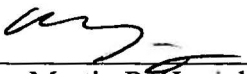
different outcome. *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *see also* *Freedom Energy Logistics*, Order No. 25,810 at 4 (Sept.8, 2015).

Mr. Cronin's motion for rehearing and reply do not present new information nor do they suggest that the Commission overlooked or misunderstood issues in connection with the disputed discovery. Therefore, we deny Mr. Cronin's request for rehearing.

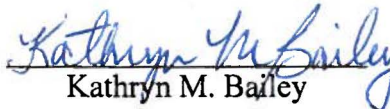
Based upon the foregoing, it is hereby

ORDERED, that the petition by Terry Cronin for reconsideration of Order No. 25,837 is hereby DENIED.


By order of the Public Utilities Commission of New Hampshire this third day of December, 2015.



Martin P. Honigberg
Chairman

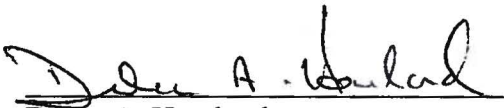


Kathryn M. Bailey
Commissioner



Michael J. Iacopino
Special Commissioner

Attested by:



Debra A. Howland
Executive Director

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.

Executive.Director@puc.nh.gov	
alexander.speidel@puc.nh.gov	gилfavor@comcast.net
amanda.noonan@puc.nh.gov	grant.siwinski@puc.nh.gov
andrew.hamilton@mclane.com	harringt@metrocast.net
catherine.corkery@sierraclub.org	howard.moffett@leg.state.nh.us
catherine.marsellos@puc.nh.gov	ifrignoca@clf.org
cbaia@concordnh.gov	james.brennan@oca.nh.gov
cboldt@dtclawyers.com	james.mccaffrey@sierraclub.org
cholahan@nepga.org	jay.dudley@puc.nh.gov
christine.vaughan@nu.com	jeb.bradley@leg.state.nh.us
Christopher.aslin@doj.nh.gov	jkennedy@concordnh.gov
christopher.goulding@nu.com	kate@nhsea.org
dan.feltes@leg.state.nh.us	kristi.davie@nu.com
daniel.allegretti@exeloncorp.com	leszek.stachow@puc.nh.gov
david.shulock@puc.nh.gov	lisa.cameron@brattle.com
ddolan@nepga.org	mark.berkman@brattle.com
Dean.murphy@brattle.com	matthew.fossum@eversource.com
dhartford@clf.org	mayoac@nu.com
dpatch@orr-reno.com	mayor@manchesternh.gov
elizabeth.nixon@puc.nh.gov	mbirchard@clf.org
elizabeth.tillotson@nu.com	melissa.lauderdale@constellation.com
eric.chung@nu.com	Meredith.hatfield@nh.gov
f.anne.ross@puc.nh.gov	mike@ridgesend.com
fedelblut@gmail.com	nhlocal@ibew1837.org

ocalitigation@oca.nh.gov
pcramton@gmail.com
pjaesd@comcast.net
pradip.chattopadhyay@oca.nh.gov
richard.chagnon@puc.nh.gov
rick.white@nu.com
rmunnelly@davismalm.com
robert.bersak@nu.com
sgeiger@orr-reno.com
slamb@biaofnh.com
susan.chamberlin@oca.nh.gov
suzanne.amidon@puc.nh.gov
terry.cronin@tds.net
tirwin@clf.org
tom.frantz@puc.nh.gov
william.smagula@nu.com
zachary.fabish@sierraclub.org

Smith, Kim

From: Smith, Kim
Sent: Thursday, December 03, 2015 4:19 PM
To: 'patrick.arnold2@hotmail.com'; 'tomburack@comcast.net'; 'allen.desbiens@nu.com'; 'kroll@gcglaw.com'; 'jennifer.ducharme@nu.com'; 'sevans-brown@nhpr.org'; 'jstock@nhtoa.org'; 'ecole@orr-reno.com'
Subject: DE 14-238, Public Service Company of New Hampshire d/b/a Eversource - Order Issued
Attachments: 25-847.pdf

An Order was issued today in Docket No. DE 14-238, Public Service Company of New Hampshire d/b/a Eversource. It is an Order Denying Terry Cronin's Motion for Reconsideration.

A copy of Order No. 25,847 is attached.

Kim Smith
NHPUC
21 South Fruit St., Ste. 10
Concord, NH 03301
603-271-2436

The Commission will no longer distribute paper copies of decisions to the service list. Please contact us if you need any assistance.

Please do not copy or use the email addresses attached to this message. It may include persons not interested in receiving all documents in this matter. To obtain a Commission email service list of the petitioners and intervenors, please email a request to adele.leighton@puc.nh.gov or call 603-271-2431.

Sent by U.S. Mail to:

Ann L. Gilbert
Franklin Pierce Lake Assoc.
PO Box 1836
Hillsborough, NH 03244