

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

Petition for Financing  
Docket DE 09-033

Office of Consumer Advocate's Motion for Extension of Deadlines

1. On April 1, 2009, the Commission approved the procedural schedule in this proceeding. See Secretarial Letter of Debra A. Howland dated April 1, 2009.
2. In pertinent part, the schedule set deadlines for the filing of motions on scope and for the propounding of two sets of data requests upon the Company.
3. The OCA timely propounded its first set of data requests and filed its brief on scope.
4. PSNH timely responded to the OCA's first set of data requests, objecting to some as beyond the scope of the proceedings, and also timely filed its brief on scope.
5. A motion to compel further response to the disputed OCA data requests is due by April 24, 2009. See Puc 203.09(i). Additionally, the deadline for the second set of data requests to PSNH is April 17, 2009. See Secretarial Letter of Debra A. Howland dated April 1, 2009.
6. However, the Commission has yet to rule on the scope of the proceedings.
7. If the OCA files a motion to compel further responses to data requests from its first set that PSNH challenged as beyond the scope of the proceedings, such a motion will depend upon the Commission's ruling on the scope of a proceeding.

8. In addition, until the Commission rules on scope, any set 2 data requests propounded by the OCA (or other parties) related to a broader scope than the company supports will face the same conundrum.
9. These circumstances will cause the OCA, other parties, and the Commission to expend resources unnecessarily, causing a hardship and inconvenience for the parties.
10. Puc 202.04(c) governs requests for extensions of time:

The commission shall grant a request for extension of time if: (1) The party making the request has demonstrated that circumstances would cause undue hardship or inconvenience unless the request were granted; and (2) The extension would not unduly delay the proceeding or adversely affect the rights of any party.
11. The OCA is cognizant of the company's request for approval of its request as quickly as possible. As such the OCA supports maintaining the current procedural schedule, including the final hearing date in June, in the hopes that these issues may be resolved quickly. The OCA also intends to submit set 2 data requests on issues not related to the broader scope according to the current procedural schedule, and supports maintaining the May 1<sup>st</sup> technical session, as scheduled.
12. One potential option to resolve the current scheduling issues if all issues are not resolved in a timely manner is to proceed on the current schedule for issues related to the short term debt request, and to defer issues related to the long term debt request until a later time.<sup>1</sup>
13. The OCA made a good faith attempt to gain the consent of the other parties to the relief requested in this motion. Our understanding of the positions of the parties is as follows: Staff takes no position; PSNH assents to the relief requested in paragraph A

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<sup>1</sup> Of course, such bifurcation of the issues may not be necessary once the Commission makes its determination on the scope of the proceeding.

below and does not support the relief requested in paragraphs B and C; CLF assents to the relief requested in the motion.

Wherefore, the OCA respectfully requests that the Commission provide the following relief:

- A. Suspend the deadline for motions to compel on set 1 data requests in order to extend them until a reasonable time after the Commission's ruling on the scope of the docket; and
- B. Allow for discovery related to the disputed scope after the Commission's ruling on scope;
- C. Or, in the alternative, bifurcate the docket so that PSNH's request for short term debt may be considered under the current schedule with the request for long term debt to be considered after the Commission rules on scope; and
- D. Grant such other relief as justice requires.

Respectfully submitted,

OFFICE OF CONSUMER ADVOCATE



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Meredith A. Hatfield, Esq.  
21 St. Fruit Street, Suite 18  
Concord, New Hampshire 03301  
Telephone: (603) 271-1172  
[meredith.a.hatfield@oca.nh.gov](mailto:meredith.a.hatfield@oca.nh.gov)

**Certificate of Service**

I certify that on this date a copy of this document was provided to all persons on the service list in this docket.

Date: April 16, 2009

A handwritten signature in black ink, appearing to read 'MATH', is written above a horizontal line.

Meredith A. Hatfield