

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire
Reconciliation of Stranded Costs and Energy Service

Docket No. DE 09-091

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO
CLEAN POWER DEVELOPMENT LLC'S PETITION FOR INTERVENTION

Public Service Company of New Hampshire ("PSNH") hereby objects to the Petition for Intervention ("Petition") filed on July 16, 2009, by Clean Power Development, LLC ("CPD") in the above-captioned proceeding. CPD has no substantial interest in this proceeding. Furthermore, CPD will impede the orderly conduct of this proceeding by raising issues irrelevant to the issues in this proceeding but designed to elicit information more closely related to its complaint in Docket No. DE 09-067. Either ground is sufficient to deny the Petition under RSA 541-A:32. In support of its Objection, PSNH says the following:

1. CPD is a "limited liability company that focuses on the development of appropriately-sized renewable and sustainable wood-fueled biomass-energy facilities." Petition at ¶ 1.

As a developer of proposed wood-fueled biomass-energy facilities located in PSNH's territory, CPD has a substantial interest that may be affected by the Commission's deliberations in this proceeding as to the prudence of PSNH's use and availability of its generation resources as well as the prudence of market purchases used to supplement those resources and the issues related to biomass fuel procurement. Petition at ¶ 6.

2. The Petition neglects to state any facts to describe what CPD's substantial interest may be. The manner in which PSNH operated its generating plants, bought its fuel and purchased supplemental power on the market during 2008 to meet its energy service customers' needs has nothing to do with a company that focuses on developing wood-fired generating plants in the future. This case concerns PSNH's operations in the recent past. CPD has stated that their

complaint in DE 09-067 alleges PSNH has been unwilling to discuss a purchased power agreement with CPD. Any such agreement would involve a future development. The Petition has failed to allege what rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding or that CPD qualifies as an intervenor under any provision of law. RSA 541-A:32, I (b).

3. CPD will use this proceeding as a forum for raising the issues already encompassed in its complaint filed in Docket No. DE 09-067. CPD has no other known or colorable interest before this Commission. CPD is not a customer of PSNH. Even if PSNH had agreed to contract with CPD to purchase the output of an “appropriately-sized renewable and sustainable wood-fueled biomass-energy facility”, the facility never would have been producing power during the calendar year 2008, the period on which the instant proceeding focuses. Granting the intervention request will not serve interests of justice, and the orderly and prompt conduct of the proceedings will be impaired by allowing the intervention.

RSA 541-A:31, I (c).¹

4. The Commission has denied intervention to petitioners in the past who demonstrated no substantial interest in a proceeding. Aziscoos Lake Campers Association (“ALCA”) petitioned for intervention in the proceeding in which the Commission considered the proposed sale and transfer of the majority ownership interest in Seabrook Station to FPL Energy. ALCA and FPL Energy were embroiled in a dispute over the operation of a FERC licensed hydroelectric dam on Aziscoos Lake 100 miles away from Seabrook Station. The Commission found that

¹ In the Lempster Wind proceeding (Docket No. DE 08-077) Freedom Partners’ cross examination of Mr. Wicker led to a citation to that transcript in CPD’s complaint in Docket DE 09-067. CPD Complaint ¶ 8. This prior conduct begs the question of whether CPD’s cross examination in this proceeding will be used to reopen the record for Freedom Logistics’ petition in Docket No. 08-145, or whether such cross-examination will be undertaken in preparation for some future, as yet unknown complaint.

ACLA had no substantial interest in the outcome of the ownership transfer proceeding.² Similarly CPD has no substantial interest in this proceeding.

WHEREFORE PSNH respectfully requests the Commission issue an order denying the Petition for Intervention of Clean Power Development, LLC, and to order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

July 21, 2009
Date

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Objection to Clean Power Development, LLC's Petition for Intervention to be served pursuant to N.H. Code Admin. Rule Puc §203.11.

July 21, 2009
Date

Gerald M. Eaton
Gerald M. Eaton

² *Re North Atlantic Energy Corporation*, Docket No. DE 02-075, Order No. 23,981, 87 NH PUC 372, 375 (2002). *See also, Re Verizon New Hampshire*, Docket No. DT 01-206, Order No. 24,198, 88 NH PUC 393, 394 (2003)

