

# APPENDIX A

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Re: Public Service Company of New Hampshire

DE 08-077

## Data Requests Objected To By PSNH

### Set 1 - Data Requests

1. Set forth all steps PSNH has taken to obtain renewable energy certificates (including the approximate date when such steps were taken) to meet the renewable energy portfolio standard requirements of RSA 362-F. If PSNH has issued any requests for proposals or other solicitations to procure renewable energy certificates, please provide a copy of any documents concerning or reflecting such requests or solicitations.
5. Please provide any projections in PSNH's possession or control regarding the price of New Hampshire renewable energy certificates during the period when the arrangement with the Lempster project is in effect.
13. How many renewable energy certificates are projected to be generated by PSNH's Schiller plant for 2008 and thereafter? How does that number compare to the number of renewable energy certificates PSNH is required to procure under RSA 362-F?
15. For any purchased power resources other than the Lempster project that PSNH has under agreement, please indicate whether PSNH anticipates being entitled to any New Hampshire renewable energy certificates associated with such resource. For each such resource please list the number of certificates that PSNH expects to receive and the class of certificates pursuant to RSA 362-F.
24. Did PSNH consider conducting a request for proposals to obtain the renewable energy certificates it ultimately decided to purchase from the Lempster project? If so, please explain the reason for PSNH's decision to conduct or not conduct such a process and provide any documents that reflect PSNH's consideration of such a process.

29. Please provide a detailed timeline setting forth the first contact with the Lempster project by PSNH concerning the potential purchase of renewable energy certificates, energy and/or capacity, the dates when any proposals were exchanged, the date when an agreement in principle was reached or letter of intent was executed, the date when draft agreements were exchanged and the date on which PSNH became obligated to purchase renewable energy certificates, energy and/or capacity from the Lempster project.

### **Data Requests Objected To By PSNH**

#### **Set 2 - Data Requests**

7. To the extent not previously provided in response to any other data request by Constellation, please provide a table showing the number of renewable energy certificates, by class and year, that PSNH projects it will need to acquire during the period 2008-2023. If PSNH does not have a projection for the entire period, provide the best information available at this point.
8. To the extent not previously provided in response to any other data request by Constellation, please provide a table showing the number of renewable energy certificates, by class and year, that PSNH currently has the right to obtain (whether from its own assets or those under contract) during the period 2008-2023. Your response should specify the source of each certificate and the number from each such source for each such year and class and should include the certificates attributable to the Lempster Project.

# APPENDIX B

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Re: Public Service Company of New Hampshire

DE 08-077

**Data Requests Propounded by Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. to PSNH—Set 3**

Please respond to the following data requests in accordance with the timeframe provided by the rules of the Public Utilities Commission. Copies of all responses and related documents that are provided electronically should be sent to:

Steven V. Camerino  
McLane, Graf, Raulerson & Middleton,  
Professional Association  
11 South Main Street, Suite 500  
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Thomas E. Bessette  
VP Regulatory and Government Affairs  
Constellation Energy Resources, LLC  
800 Boylston Street, 28<sup>th</sup> Floor  
Boston, MA 02199  
Tom.Bessette@Constellation.com

Any bulk materials that are provided in hard copy only should be provided to Mr.

Camerino at the address noted above.

**Definitions, Form, and Content of Data Responses**

1. "Document" or "documents" refers to all writings and records complete or partial of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, corporate or other minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer diskettes, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets,

workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

2. "Lempster project" refers to Lempster Wind, LLC and any predecessor entity and includes the business conducted by Lempster Wind, LLC and any predecessor entity that conducted such business, as well as any affiliate or agent acting on behalf of or with regard to the interests of such business.
3. For each response, please identify the individual who will be responsible for cross-examination concerning each request.
4. If requested data is entirely duplicative of that furnished in response to another data request in this proceeding, it is only necessary to identify the response where the information is contained. **However, if the requested data was filed in another proceeding, please provide a copy with your response in this case.**
5. If any data request is unclear or imprecise, **please request clarification**, by telephone, from the above-identified individual, prior to furnishing unnecessary data or an inadequate response. Similarly, if you do not believe that a data request is relevant to this proceeding, **please inquire first by telephone** before refusing to answer the data request.
6. If you cannot answer a data request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the data request in full, and state what information or knowledge you have concerning the unanswered portions.
7. These data requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
8. Please reprint each request with your response to that request beginning on a separate page.
9. **If a data request requires you to perform a calculation or otherwise create work product that does not currently exist and it is PSNH's position that PSNH is not required to perform the calculation or create the work product, please provide all information in PSNH's possession or control that is necessary to perform the calculation or create the work product, rather than providing a non-responsive answer.**

## Data Requests

1. Ref. Data Request Constellation 1-2. Please confirm that there are no other documents that are responsive to this request, other than those referred to in the response. If there are other responsive documents, please provide them.
2. Ref. Data Request Constellation 1-8 and 1-7. Is it PSNH's position that the premium referred to in PSNH's response to Constellation 1-7 is the only protection that PSNH has from the potential to be required to purchase replacement certificates at the then-prevailing price if the Lempster project exercises its buy-back right? If not, please provide a detailed explanation.
3. Ref. Data Request Constellation 1-11. The response does not answer the question posed. Please state specifically whether there are circumstances under which PSNH could incur a cost if the Lempster project exercises its buy-back option. If not, why not. If PSNH agrees that there are circumstances under which this could occur, please indicate the circumstances under which PSNH believes such an event could occur and what steps PSNH either has taken or intends to take to eliminate or mitigate against such potential.
4. Ref. Data Request Constellation 1-14. Please specifically identify each PSNH generating unit referred to in the response and for each provide the number and class of renewable energy certificates that PSNH is seeking.
5. Ref. Data Request Constellation 1-16. Please provide a complete detailed written response. If it is necessary to redact specific portions of the response in order to comply in good faith with the Commission's order in this case regarding PSNH's motion for protective order, please provide Constellation and Freedom Energy Partners with an appropriately redacted version of the response and provide Staff and OCA with an unredacted version of the response.
6. Ref. Data Request Constellation 1-17. Please provide a complete detailed written response. If it is necessary to redact specific portions of the response in order to comply in good faith with the Commission's order in this case regarding PSNH's motion for protective order, please provide Constellation and Freedom Energy Partners with an appropriately redacted version of the response and provide Staff and OCA with an unredacted version of the response.
7. Ref. Data Request Constellation 1-23. Please provide all documents that are responsive to this request. If it is necessary to redact specific portions of the documents in order to comply in good faith with the Commission's order in this case regarding PSNH's motion for protective order, please provide Constellation and Freedom Energy Partners with an appropriately redacted version of the documents and provide Staff and OCA with an unredacted version. Also, please respond to the last sentence of the request.
8. Ref. Data Request Constellation 1-25. Please explain the basis for PSNH's statement that it is not required to show that the arrangement is the best option for procuring the renewable energy certificates that are the subject of the agreement.

In particular, your response should include but not be limited to an explanation as to whether and on what basis the Commission should find that the agreements presented in this proceeding are in the public interest if PSNH could have obtained equivalent renewable energy certificates on more favorable terms.

9. Ref. Data Request Constellation 2-1. Please confirm that PSNH does not have any workpapers, projections, forecasts, analyses, studies, memos or other documents that justify, support or discuss why the Lempster project would be beneficial to PSNH and NHEC. If there are any such documents, whether internal to PSNH or included in communications to NHEC or others, please provide them.
10. To the extent different from any material that would be responsive to Constellation 3-9, please provide all workpapers, projections, forecasts, analyses, studies, memos or other documents (whether internal to PSNH or included in communications to NHEC or others) that justify, support or discuss why the Lempster project would be beneficial to PSNH.
11. Ref. Data Request Constellation 2-11. Did any representative (including legal counsel) of the Lempster project ever communicate, either orally or in writing, to any representative of PSNH (including legal counsel) information regarding Lempster's reason(s) for requesting the right to repurchase renewable energy certificates? If yes, please provide copies of all such communications or other documents reflecting the information in such communications, including notes, memos, emails and other materials, whether maintained in hard copy or electronic format.
12. Ref. Data Request Constellation 2-13. Please confirm that PSNH has no documents that are responsive to this request. If there are responsive documents, please provide them.
13. Did PSNH ever perform or have performed on its behalf an analysis of the value or cost of the renewable energy certificate buy-back option given to the Lempster project, whether using the Black-Scholes model or any other analytical or other model? If so, please provide a copy of all such analyses. If it is necessary to redact specific portions of the response in order to comply in good faith with the Commission's order in this case regarding PSNH's motion for protective order, please provide Constellation and Freedom Energy Partners with an appropriately redacted version of the response and provide Staff and OCA with an unredacted version of the response.
14. Did PSNH ever perform or have performed on its behalf an analysis of the value or cost to PSNH of any or all of the individual components (i.e., either individually or a combined basis) of the arrangement with the Lempster project and/or NHEC that are the subject of this proceeding? If so, please provide a copy of all such analyses. If it is necessary to redact specific portions of the response in order to comply in good faith with the Commission's order in this case regarding PSNH's motion for protective order, please provide Constellation and Freedom Energy Partners with an appropriately redacted version of the response and provide Staff and OCA with an unredacted version of the response.