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September 10, 2012

Debra A. Howland
Executive Director and Secretary
State of New Hampshire
Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

DE 11-250
Investigation of Scrubber Costs and Cost Recovery
Public Comment of Amy Matheson Pursuant to Rule Puc 203.18



Dear Ms. Howland:

I am writing on behalf of Amy Matheson, of North Hampton, NH pursuant to Rule Puc 203.18 (“Public Comment”). Ms. Matheson is a residential customer of PSNH receiving default service. Ms. Matheson will be directly affected by the Commission’s decision in this proceeding Pursuant to Rule Puc 203.18.

In Order No. 25,398 (August 7, 2012), the Commission provided the parties the opportunity to file legal briefs regarding their views of the proper interpretation of RSA 125-O (the “Scrubber Law”) in determining the amount of cost recovery for the Scrubber that PSNH is entitled to, if any.

There are constitutional limits on the Commission’s rate making authority that, notwithstanding the provisions of the Scrubber Law, require the Commission to “engage in the rational process of balancing consumer and investor interests to produce a rate that is just and reasonable.” Petition of Public Service of New Hampshire, 130 N.H. 265, 274 (1988). “[T]he Constitution is concerned only with the result of a rate order, i.e. that it be just and reasonable.” Id. at 275. “A just and reasonable rate is one that after consideration of the relevant competing interests falls within the zone of reasonableness between confiscation of utility property or investor interests and ratepayer exploitation.” Id. at 274. The constitutional guarantee of a just and reasonable rate would trump any mandate under the Scrubber Law with respect to the overall level of resulting rates.

Sincerely,
/s/ James T. Rodier