

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE PUBLIC UTILITIES COMMISSION**

**Docket No. DE 11-250**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

Investigation of Merrimack Station Scrubber Project and Cost Recovery

**PETITION TO INTERVENE  
OF THE CONSERVATION LAW FOUNDATION**

Pursuant to the Commission's Order of Notice dated December 1, 2011, N.H. Admin. Rules, Puc 203.17, and in accordance with the standards of RSA 541-A:32, the Conservation Law Foundation ("CLF") hereby petitions for leave to intervene in the above-captioned docket. In support of its petition, CLF states the following:

1. CLF is a private, non-profit environmental membership organization dedicated to the protection and responsible use of New England's natural resources, including resources affected by the generation, transmission and distribution of electric power. CLF, through its Clean Energy and Climate Change Program, represents the interests of its members in ensuring that environmental impacts resulting from the generation, production, distribution and/or use of electricity in New Hampshire and the region are minimized. CLF has over 3,000 members, including approximately 350 members residing in New Hampshire.

2. As set forth in the Order of Notice, this proceeding addresses, *inter alia*, whether the costs associated with the installation of a flue gas desulfurization system (the "Scrubber Project") at Merrimack Station, which Public Service Company of New Hampshire ("PSNH") states was placed in service on September 28, 2011, were prudently incurred and eligible for rate recovery through default service rates as provided by RSA 125-O:18. It will also address whether the resulting rates are just and reasonable pursuant to RSA 378:5 and 8.

3. The Scrubber Project was the largest and most costly emissions control project by a regulated utility in New Hampshire and is the subject of multiple statutes governing emissions of air pollution by electric generating units owned by PSNH, including provisions addressing the extent to which PSNH is entitled to cost recovery. *See*, RSA 125-O:11-18

4. CLF and CLF's New Hampshire members have a direct and substantial interest in the outcome of this proceeding. Intervention will allow CLF to protect its members' substantial interests in the environmental and public health impacts resulting from PSNH's use of its generating resources to supply its customers, including the effect of the Scrubber Project in addressing such impacts. The economic interests of CLF's New Hampshire members as ratepayers are also directly affected by this proceeding, including by the costs incurred by PSNH to install and operate the Scrubber project.

5. In this docket, the Commission must determine whether the decisions and resulting costs incurred by PSNH to design, construct and operate the Scrubber Project were prudently incurred. These issues raise important environmental concerns which, as set forth above, will affect the rights, duties and privileges of CLF and its members.

6. CLF's policy and program experience includes over twenty years of extensive collaborative work and participation in numerous utility commission dockets throughout New England, including DR 97-211, DE 01-057, DE 07-064, DE 08-145 and DE-09-033; DE 10-160; DE 10-188 in New Hampshire. CLF's participation will rely, in part, on its extensive experience with air pollution control regulation and in addressing air pollution emissions from power plants in New Hampshire and throughout New England. CLF's institutional expertise in these matters will inform its participation and benefit the investigation. The Commission

previously granted CLF's Petition to Intervene in docket DE 11-215 which spawned this proceeding.

7. Allowing CLF to intervene will not impair the orderly and prompt conduct of the proceedings.

WHEREFORE, CLF respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By:



N. Jonathan Peress

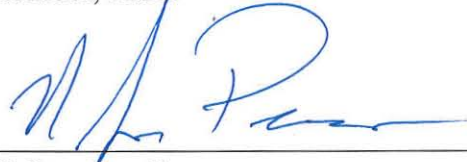
New Hampshire Advocacy Center  
Conservation Law Foundation  
27 North Main Street  
Concord, New Hampshire 03301-4930  
Tel.: (603) 225-3060  
Fax: (603) 225-3059  
njperess@clf.org

Dated: December 8, 2011

CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of December 2011, a copy of the foregoing Petition to Intervene by the Conservation Law Foundation was sent electronically, and by First Class Mail, to the service list in this docket.

Dated in Concord, New Hampshire this 8<sup>th</sup> day of December, 2011.



---

N. Jonathan Peress  
New Hampshire Advocacy Center  
Conservation Law Foundation  
27 North Main Street  
Concord, New Hampshire 03301-4930  
Tel.: (603) 225-3060  
Fax: (603) 225-3059  
njperess@clf.org