

THE STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

DE 11-250

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Investigation of Merrimack Station Scrubber Costs and Cost Recovery

February 24, 2014

Now comes the New England Power Generators Association, Inc. (NEPGA) and respectfully moves this Honorable Public Utilities Commission (Commission or PUC) to grant NEPGA the ability to withdraw its status as an Intervener in this proceeding. Further, NEPGA states no objection to the Motion by Public Service of New Hampshire (PSNH) to rescind party intervener status of NEPGA. In support of this Motion and position, NEPGA states:

1. On December 8, 2011 NEPGA requested party intervener status in this proceeding and on December 23, 2011 the Commission accepted NEPGA's petition to intervene. In NEPGA's request for intervener status, NEPGA stated:

“Given the broad scope of the cost recovery and ratemaking issues raised in the Order of Notice, there is the potential for direct and possible adverse economic impact upon NEPGA and its member companies as a result of Commission orders issued in this proceeding. No other party can represent NEPGA's broad interest in consideration and resolution of cost recovery and other issues related to the Scrubber Project and these interests cannot be adequately represented by any other party to the proceeding (page 3).”
2. In the petition to intervene, NEPGA also asserted it was a “potential source of information on many of the key issues to be considered by the Commission in this proceeding, including the impact of environmental requirements and the design, installation and financing of pollution control equipment (page 3).”

3. NEPGA's intent as a party to this proceeding was to participate in a more general way as an available resource and to protect NEPGA and its members from any economic impact as a result of any Commission Orders issued in this proceeding. Its intent was not to become an active participant in a protracted, heavily litigated process that capriciously required the use of significant resources by NEPGA and its members.
4. On January 16, 2014 PSNH filed voluminous data requests totaling four hundred sixty seven (467) data requests to five parties to this proceeding, including NEPGA. Many of these data requests had multiple components and the sheer volume of the data requests compelled several parties including the Office of Consumer Advocate (OCA), TransCanada and Conservation Law Foundation to file motions objecting to the excessive data requests and requesting PSNH to resubmit a reasonable number of requests.
5. Although a party to this proceeding, NEPGA has not been an active participant and as such, has not participated in technical sessions, earlier rounds of discovery, filed testimony or been parties to the numerous motions in this docket. As such NEPGA missed the data requests directed to it on January 16, 2014. Given the sheer volume of the requests, and the excessive and inordinate amount of resources that would be required by NEPGA and our member companies to respond to said data requests – many with a questionable nexus to the core issues in this docket – we respectfully move to be removed as a party to this proceeding. While we continue to believe that NEPGA can be a valuable resource in this proceeding, the cost of the resources to respond to PSNH's data requests and the questionable benefit to this proceeding of doing so, compel us to ask to withdraw from this proceeding.
6. Further, NEPGA has no opposition to PSNH's Motion to Rescind NEPGA's Party Intervener Status. We strenuously reject PSNH's assertion on page 7 of its February 18, 2014 Motion that "PSNH certifies that it made a good faith effort to resolve this matter informally." On February 18, 2014 – one business day after the data requests

due date – PSNH first reached out to NEPGA Counsel regarding its January 16 data requests. At this time, PSNH left a voice mail message with NEPGA Counsel generically referencing the docket and requesting a return call. Mere hours later, PSNH had filed its detailed and comprehensive motion regarding NEPGA’s continued participation in the docket. It is a bewildering and gross representation to describe this as a “good faith effort to informally resolve this matter.” An actual informal good faith effort by PSNH would have resolved this issue and obviated the need for filing motions and using more Commission resources. This would have helped – not hindered – the orderly and prompt conduct of this proceeding.

7. Prior to filing this Motion, NEPGA reached out to PSNH, PUC Staff and all interveners in this docket. We received verbal confirmation from each party that no one objected to our motion to withdraw.
8. NEPGA respectfully asks to remain on the service list for this docket so that we may continue to receive timely updates and filings.

WHEREFORE, NEPGA respectfully requests that this honorable Commission:

- A. Grant NEPGA’s Request to Withdraw from this docket; and
- B. Grant PSNH’s Request to Rescind the Party Intervener Status of NEPGA.

Respectfully Submitted,



Sandi Hennequin

Vice President

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CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of February 2014, a copy of the foregoing motion was sent by electronic mail to the service list.



Sandi Hennequin