

**THE STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Determination Regarding PSNH's Generating Assets  
Docket No. DE 14-238

**RESPONSE OF THE CITY OF BERLIN TO PSNH'S MOTION TO STAY**

The City of Berlin ("**the City**") hereby files its Response to Public Service Company of New Hampshire's ("PSNH") Motion to Stay this Docket and the companion "Scrubber Docket" DE11-250. In support of its Response, the City states the following:

1. Pursuant to PUC Order No. 25,733 dated November 6, 2014, the City has been granted full Intervenor status in accordance with RSA 541-A:32, I.
2. The City is not involved in the "Scrubber Docket" DE 11-250.
3. The City does not yet take an official position on the question of whether divestiture of PSNH's generation assets is or is not now warranted.
4. If the PUC grants PSNH's Motion to Stay so as to allow additional legislation to be crafted to resolve the pending issues in the two aforementioned dockets in a global fashion, the City's major concerns are:
  - a. That, as the Office of Energy and Planning's Response indicates, the City and the other Intervenors in these dockets should have an active role in the discussion and negotiation of any such legislative resolution;
  - b. That, since PSNH is now desiring a global resolution of all issues, the PUC should condition a stay of these dockets upon PSNH filing a Motion to Stay the pending tax appeals at the Board of Tax and Land Appeals ("BTLA") for Tax Years 2010 through 2013, and the BTLA's grant of said Motion to Stay

said tax appeals involving approximately 80 municipalities, some of which have the very assets involved in the Divestiture Docket within their municipal jurisdictions. Such a stay is important not only for the protection of both the BTLA's and the municipalities limited time and resources, but also for the protection of PSNH's ratepayers, who are also taxpayers in those defendant municipalities. The stay of the BTLA cases is important because PSNH is asserting in those cases that the "unit method" of valuing all of its assets in New Hampshire, together with the use of the DRA's 83-F Reports as referenced in the City's Scoping Brief, should be imposed on the municipal defendants. In so doing, the negative impact of the Scrubber Unit and of any other "negative generation assets" of PSNH is being "down-shifted" or spread out to all municipalities. Accordingly, in the interests of equity, the PUC should require PSNH filing a Motion to Stay its tax appeals at the BTLA, and the BTLA granting said motion, as a condition of the PUC staying the Scrubber and Divestiture dockets.

5. In this way, a truly "global" resolution of the current valuation issues of PSNH can be resolved with all parties involved.


WHEREFORE, the City of Berlin requests that the PUC include and/or address these points in determining whether to grant PSNH's Motion to Stay this Docket and the companion "Scrubber Docket".

Respectfully submitted,

**The City of Berlin**

By and through its City Attorney

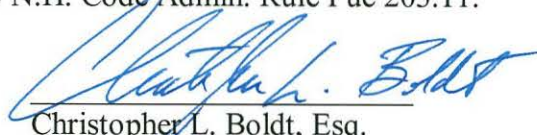
1/5/15  
Date

By:   
Christopher L. Boldt, Esq.  
Donahue, Tucker & Ciandella, PLLC  
56 NH Route 25  
P.O. Box 214  
Meredith, NH 03253  
(603) 279-4158  
[cboldt@dtclawyers.com](mailto:cboldt@dtclawyers.com)

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached Response of the City of Berlin to PSNH's Motion to Stay to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

1/5/15  
Date

  
Christopher L. Boldt, Esq.