

Via email and hand delivery

October 4, 2017

Debra A. Howland, Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DE 17-124
*Public Service Company of New Hampshire d/b/a Eversource Energy –
Sale of Generating Facilities*

Dear Ms. Howland:

On September 28, 2017, the City of Berlin and Towns of New Hampton and Bristol (“Municipal Intervenors”) filed a Joint Motion for Rehearing and Stay raising various concerns with the Commission’s Order No. 26,057 (Sept. 19, 2017) pertaining to the confidentiality of certain data in this docket. Among its concerns, the Municipal Intervenors contend that the inability of parties to make copies of confidential information will undermine the ability of parties to effectively participate in adjudicatory hearings in this docket.

On August 25, 2017, Conservation Law Foundation (CLF) submitted comments to the Commission setting forth its concerns about the treatment of confidential information. In its comments, CLF specifically requested that the Commission allow intervening parties to make copies of confidential information to facilitate review and participation in the proceeding. CLF provided this comment (and others) with the expectation that access and use of confidential information would be subject to a confidentiality agreement.

The Municipal Intervenors’ Joint Motion raises valid and important concerns about the manner in which parties will be prejudiced in their ability to cross-examine witnesses and effectively participate in adjudicatory proceedings in this docket. Although at this time it is difficult to predict the extent to which CLF may seek review and use of confidential information, CLF joins in those concerns and hopes that once the parties have been provided information about the results of the generating assets auction, they will be provided reasonable accommodation to copy documents, subject to a confidentiality agreement, consistent with their rights to effectively and meaningfully participate in this docket. *See, e.g.*, N.H. Code Admin. R. Puc 203.09 (right to conduct discovery); *id.* 202.23 (right to present evidence); *id.* 203.24 (right to conduct cross-examination).



Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, which appears to read "Thomas F. Irwin".

Thomas F. Irwin, Esq. (N.H. Bar No. 11302)
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cc: service list 17-124 electronically