

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

**DE 10-195**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**

**Consideration of Effects of SB 577 on Order No. 25,213**

**ORDER OF NOTICE**

On June 28, 2018, Governor Sununu signed into law Senate Bill 577(SB 577) – “AN ACT requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.” *See*: Chapter 340 of the Laws of 2018. SB 577 finds that continued operation of the Burgess BioPower plant located in Berlin, New Hampshire, is important to the energy infrastructure of the state and is important for the attainment of renewable energy portfolio standard goals of fuel diversity, capacity, and sustainability. Notwithstanding any other provisions of law, SB 577 requires the Commission to reopen this docket, DE 10-195, and amend its prior order, *Public Service Company of N.H.*, Order No. 25,213 (April 18, 2011) (Order). In the Order, the Commission approved a contract between Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) and the owners of the Burgess BioPower plant. Specifically, SB 577 directs the Commission to suspend operation of the cap on the cumulative reduction factor set forth on page 97 of the Order for a period of three years from the date the cap would otherwise have taken effect. SB 577 also contains a provision requiring Burgess BioPower to make its cost and profitability records available to the Commission upon request and exempts those records from disclosure under RSA 91-A:5, IV.

All filings in this docket, other than any information for which confidential treatment has been requested of or granted by the Commission, are posted on the Commission's website at <http://puc.nh.gov/Regulatory/Docketbk/2010/10-195.html>.

SB 577 raises, *inter alia*, issues related to how the process for implementing SB 577 shall proceed under existing statutory authority, including RSA 365:28 (process for altering prior orders) and RSA 362-F:9 (standard for approval of purchase power agreements including renewable energy certificates); RSA 369-B:3-a (dealing with the 2015 settlement and completing the divestiture of Eversource's generation facilities) and RSA 374-F:3, XII (stranded cost recovery); and whether SB 577 raises issues under the state and federal constitutions, including but not limited to Part I, Article 23, and Part I, Article 37, of the New Hampshire Constitution. Each party has the right to have an attorney represent the party at the party's own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on September 5, 2018, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

**FURTHER ORDERED**, that, immediately following the Prehearing Conference, Eversource, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition; and it is

**FURTHER ORDERED**, that pursuant to N.H. Code Admin. Rules Puc 203.12, Eversource shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than August 15, 2018, in a newspaper with general circulation in


those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before September 3, 2018; and it is

**FURTHER ORDERED**, that all parties to the prior Docket DE 10-195 shall remain parties to this re-opened docket; and it is

**FURTHER ORDERED**, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to Eversource and the Office of the Consumer Advocate on or before September 3, 2018, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, consistent with N.H. Code Admin. Rule Puc 203.17; and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before September 5, 2018.

By order of the Public Utilities Commission of New Hampshire this second day of August, 2018.

  
Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

**SERVICE LIST - EMAIL ADDRESSES- DOCKET RELATED**

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Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
- DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.