

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**ORDER OF NOTICE OF PUBLIC HEARING AND MEETING**

**IT IS HEREBY ORDERED** that the Site Evaluation Committee for the State of New Hampshire shall conduct a public meeting and hearing on **May 8, 2009**, at **1:00 P.M.** in Hearing Room A at the New Hampshire Public Utilities Commission, 21 South Fruit Street, Concord, N.H. The Agenda for said Public Meeting and Hearing is as follows:

**AGENDA ITEM NO 1:**

**Docket No. 2009-01 Motion of Campaign for Ratepayers Rights, et al for a Declaratory Ruling Regarding Modifications to Merrimack Station Electric Generating Facility.**

**The Proceeding**

On March 9, 2009, the Campaign for Ratepayers Rights (CRR), Conservation Law Foundation (CLF), Freedom Logistics LLC (FLL), Granite Ridge Energy, LLC (GRE), Halifax-American Energy Company LLC (HAEC), TransCanada Hydro Northeast Inc. (TCHN), and the Union of Concerned Scientists (UCS), (hereinafter collectively referred to as the "Movants") filed a Motion for Declaratory Ruling Regarding Modifications to Merrimack Station Electric Generating Facility (Motion.) On April 1, 2009, Public Service Company of New Hampshire filed an Objection to the Motion (Objection).

The Site Evaluation Committee (Committee) shall review the Motion and the Objection and hear legal argument from the parties. Immediately thereafter, the Committee may deliberate and rule on the merits of the Motion and the Objection or order further review.

**The Facility**

The Merrimack Station generating facility ("Merrimack Station") is a 478 MW coal fired electric generating facility owned and operated by Public Service Company of New Hampshire (PSNH) and located in the Town of Bow, in Merrimack County. PSNH is in the process of modifying Merrimack Station by installing a wet flue gas desulphurization system and associated improvements for the purpose of reducing mercury emissions from Merrimack Station (hereinafter referred to as the "Scrubber Project.")

**The Motion and the Objection**

The Movants request the Committee to issue a Declaratory Ruling, pursuant to New Hampshire Code of Administrative Rules Site 203.01 and R.S.A. 541-A:1, V, finding that the Scrubber Project constitutes a sizable addition to an existing bulk power facility

thus necessitating the issuance of a Certificate of Site and Facility under R.S.A. 162-H:5, II. The Movants also request the Committee to evaluate whether further action should be taken against PSNH for the alleged failure to comply with R.S.A. 162-H.

PSNH has objected to the Motion and asserts that the Movants lack standing to bring the Motion. PSNH also asserts that RSA 125-O eliminates the requirement that PSNH obtain a Certificate of Site and Facility and that RSA 125-O eliminates any need for the Committee to make a Declaratory Ruling as requested by Movants. PSNH also asserts that the Scrubber Project does not constitute a sizable addition within the terms of R.S.A. 162-H: 5.

### **Public Inspection**

Additional details concerning the proposed project and all other correspondence, filings, and public records regarding this matter including the Motion and the Objection are available for public inspection at the Office of the Chairman of the Committee located at the Department of Environmental Services, 29 Hazen Drive, Concord, New Hampshire. The Motion and Objection, and other correspondence regarding this matter may also be available at <http://www.nhsec.nh.gov/current.htm>.

**It is further ordered that a copy of this Order and Notice of Public Hearing and Meeting shall be served, via first class mail, to all parties participating in the aforementioned docket. The Movants shall cause this Order of Notice of Public Hearing and Meeting to be published on or before April 17, 2009, in a newspaper of statewide circulation and also in newspapers of general circulation in Merrimack County. The Movants shall file Affidavits attesting to said publication of notice with the Chairman of the Committee on or before May 1, 2009.**

BY ORDER OF THE SITE EVALUATION COMMITTEE, this 10<sup>th</sup> day of April, 2009.

New Hampshire Site Evaluation Committee

  
Thomas S. Burack, Chairman