STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

ORDER AND NOTICE OF
RE-CONVENED PUBLIC MEETING AND HEARING

IT IS HEREBY ORDERED that a public meeting and hearing of the Site Evaluation Committee for the State of New Hampshire shall be re-convened on Friday, June 26, 2009 at 10 A.M. at the office of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire.

The agenda for this meeting and hearing shall include the following:

Docket No. 2009-01

Re: Motion of Campaign for Ratepayers Rights, *et. al.*, for a Declaratory Ruling Regarding Modifications to Merrimack Station Electric Generating Facility.

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

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).

Procedural History

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 R.S.A. 125-O eliminates the requirement that PSNH obtain a Certificate of Site and Facility and that R.S.A. 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.

The Committee convened a public meeting and hearing on May 8, 2009. The public meeting and hearing was recessed to the call of the Chairman to allow the parties sufficient time to present witnesses and take evidence from the parties. The public meeting and hearing was re-scheduled for May 22, 2009. By agreement of all parties the Chairman granted PSNH's Motion to Extend Time Periods and Re-Schedule Hearing and the hearing on May 22, 2009, was postponed and to be re-convened at the call of the Chairman. In addition the deadline for resolution of the Motion was extended until July 8, 2009.

Date and Time of Re-Convened Meeting and Hearing

The meeting and hearing shall be re-convened at 10 A.M. on June 26, 2009, at the office of of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire. At the re-convened public meeting and hearing, the Committee will hear testimony and permit cross-examination of the witnesses for all parties. Thereafter, the Committee may proceed to deliberate and decide all issues involved in this docket.

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 Meeting shall be served via first class mail to each of the parties and that it shall be posted on the Committee's web site.

BY ORDER OF THE SITE EVALUATION COMMITTEE, this 2nd day of June, 2009.

New Hampshire Site Evaluation Committee

Thomas S. Burack

Thomas S. Burack, Chairman