

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

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

September 18, 2009

**Procedural Order
Suspending Order Denying Motion for Declaratory Ruling**

Procedural History

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, Merrimack County, State of New Hampshire. 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").

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 Committee held public hearings on the Motion on May 8, 2009; June 26, 2009 and July 7, 2009. On August 10, 2009, the Committee issued an Order Denying Motion for Declaratory Ruling. On September 9, 2009, the Moving Parties filed a Motion for Rehearing. On September 9, 2009, the Committee also received a Motion for Rehearing and Petition for Review filed by Peter Bonanno and others.

Order of Suspension

The Committee intends to schedule a public hearing to consider and deliberate on the merits of the motions for rehearing and petition for review. A formal order and notice of hearing will be issued in the near future.

Pursuant to R.S.A. 541:5, the Order Denying Motion for Declaratory Ruling shall be suspended pending the Committee's consideration of the outstanding motions for rehearing.

IT IS HEREBY ORDERED that the Order Denying Motion for Declaratory Ruling issued on August 10, 2009 is hereby suspended pending consideration and ruling on the pending motions for rehearing; and,

IT IS FURTHER ORDERED that a copy of this Procedural Order of Suspension shall be served on all parties of record by mail and published on the Committee's website.

By ORDER of the Site Evaluation Committee this 18th day of September, 2009.

A handwritten signature in black ink, appearing to read "Thomas S. Burack".

Thomas S. Burack, Chairman
New Hampshire Site Evaluation Committee