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*Of Counsel*  
JAMES A. CONNOR

\*Also admitted MA  
\*\*Also admitted ME

September 21, 2009

Mr. Peter Bonanno  
37 Mason Avenue  
Pembroke, NH 03275

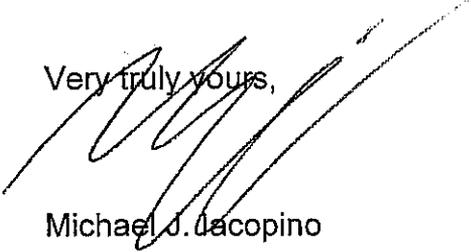
**RE: New Hampshire Site Evaluation Committee  
Docket No. 2009-01  
Motion of Conservation Law Foundation, et al for Declaratory Ruling**

Dear Mr. Bonanno:

Thank you for your letter dated September 21, 2009 to Chairman Burack. I have forwarded your request on to the Attorney General's Office. Please note that RSA 162-H:9 does not confer authority on the Site Evaluation Committee to appoint counsel from the Attorney General's Office. RSA 162-H:9 is directed to the Attorney General. Thus, we leave it to the Attorney General's Office to determine whether or not RSA 162-H:9 requires the appointment of counsel for the public in the matter presently pending before the Site Evaluation Committee.

Should you have any questions regarding this correspondence, please feel free to contact me.

Very truly yours,

  
Michael J. Iacopino

MJI/tm  
cc: Service List

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JAMES A. CONNOR

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\*\*Also admitted ME

September 21, 2009

Michael Delaney, Esquire  
Attorney General's Office  
33 Capitol Street  
Concord, NH 03301-6397

**RE: New Hampshire Site Evaluation Committee  
Docket No. 2009-01  
Motion of Conservation Law Foundation, et al for Declaratory Ruling**

Dear Attorney General Delaney:

As you may be aware, I have been retained as counsel for the New Hampshire Site Evaluation Committee pursuant to RSA 162-H:10 in the above captioned docket. On September 21, 2009, the Committee received the enclosed correspondence from Peter Bonanno. Mr. Bonanno seeks the appointment of counsel pursuant to RSA 162-H:9.

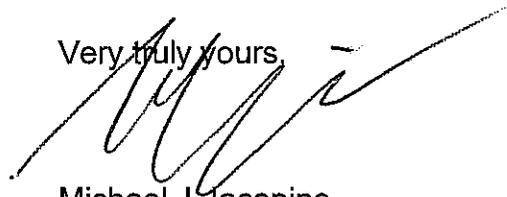
RSA 162-H:9 requires the appointment of an Assistant Attorney General as counsel for the public when an application for a Certificate of Site and Facility has been filed with the Committee. In this docket, the Committee has not received an application for a Certificate of Site and Facility. The matter was brought before the Committee on a Motion for Declaratory Ruling filed by the Conservation Law Foundation and other organizations and competitors of Public Service Company of New Hampshire. After review of the pleadings and a full hearing, the Committee denied the Motion for Declaratory Ruling. Pursuant to RSA 541:3, the moving parties filed a Motion for Rehearing. Likewise, Mr. Bonanno filed a Motion for Rehearing as well, along with a petition containing a number of signatures. I enclose the Committee's Order and Mr. Bonanno's Motion for Rehearing for your review.

Since RSA 162-H:9 speaks to your authority as Attorney General, I will leave it to you to determine whether or not it is necessary for you to appoint an Assistant Attorney General as counsel for the public in this matter.

Michael Delaney, Esquire  
Attorney General's Office  
September 21, 2009  
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Should you or your staff have any questions or require further information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "MJT", written over a horizontal line.

Michael J. Tacopino

MJI/tm  
Enclosures  
cc: Service List

Peter Bonanno  
37 Mason Avenue  
Pembroke, New Hampshire  
(603) 415-4000

Thomas Burack, Chairman  
NH Site Evaluation Committee  
6 Hazen Drive, Box 95  
Concord, NH 03302-0095

September 21, 2009

RE: Motion for Rehearing of Docket 2009-01 and Petition for Review by Peter Bonanno  
and Others

Dear Chairman Burack:

On behalf of myself and the other petitioners, I hereby request counsel from the attorney  
general's office as provided under RSA 162-H:9 and request a hearing on this matter if  
one is not promptly appointed for us.

Respectfully,

A handwritten signature in cursive script that reads "Peter Bonanno". The signature is written in dark ink and is positioned above the typed name.

Peter Bonanno  
For himself and the other petitioners

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

Docket No. 2009-01

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

**MOTION FOR REHEARING & PETITION FOR REVIEW BY PETER BONANNO & OTHERS**

Now come Peter Bonanno of Pembroke and other registered voters of the Towns of Pembroke, Hopkinton, Hookset, Dunbarton, and Allenstown who have signed this Motion and Petition (the "Signers") under RSA 541:3 and RSA 162-H and ask the Site Evaluation Committee ("SEC") to reconsider and review its August 10, 2009 Order Denying Motion for Declaratory Ruling in this docket (the "Order"), with respect to whether the PSNH Scrubber Project at Merrimack Station is a "sizable addition" that should be reviewed by the SEC under RSA 162-H:5,I. In support of this Motion and Petition, the Signers say:

1. Each of the Signers is directly affected by the PSNH Scrubber Project and by the SEC's Order for one or more of the following reasons: (a) some of us live close to and now within sight of the now taller Merrimack Station smokestack which significantly reduces the value of our homes; (b) some of us boat, fish, and swim in the Merrimack River and our enjoyment of these and other activities will be compromised by the increased levels of mercury waste that will be deposited into the River; and, (c) some of us are PSNH ratepayers who will suffer burdensome rate increases as a result the high cost of the Scrubber Project and likely future additional environmental protection provisions applying to coal-fired generating plants.
2. We disagree with the SEC ruling that the Scrubber Project is not a "sizable addition." It defies common sense that anyone could look at the new smokestack – at 445 feet in height when completed and the tallest man-made structure in New Hampshire – and not consider it a sizable addition. The striking difference in size between the existing stack and the partially completed new stack is shown in the attached photo taken July 16, 2009. The Scrubber Project also includes a number of new structures shown on Exhibit D of the Motion of the Campaign for Ratepayers Rights, et al. The plain meaning of the word "size" refers to volume in three dimensions, and the Scrubber Project's volumetric increase can fairly be described as large. Finally, the cost of the Scrubber Project is estimated at \$457 million, a price tag that that we cannot comprehend as being less than "sizeable."
3. The Scrubber Project's environmental, technical, and economic impacts (including, but not limited to the increased discharge of mercury into the Merrimack River and Merrimack Station's lifetime cost to ratepayers) have not been reviewed in an integrated fashion by any responsible public agency or board. This is exactly what the SEC is required by state law to do in the case of a sizable addition to an electric power plant.

Therefore, we ask the SEC to reconsider its August 10 Order and review the Scrubber Project.

Respectfully,



Dated: September 9, 2009

Peter Bonanno (directly affected by 1 a, b, and c)

and other Signers of this Motion and Petition as shown on the attached signature pages

Certificate of Service

An original copy of this Motion and Petition with petition signers has been served this 9<sup>th</sup> day of September, 2009 by hand delivery to Thomas Burack, Chairman, NH Site Evaluation Committee, c/o NH Department of Environmental Services, 29 Hazen Drive, Concord, NH. A copy of this Motion and Petition has been served this 9<sup>th</sup> day of September, 2009 by email to Public Service Company of New Hampshire, the Moving Parties in SEC Docket 2009-01, and members of the Site Evaluation Committee to these email addresses:

BARRY.NEEDLEMAN@MCLANE.com, babackus@backusmeyer.com, dpatch@orr-reno.com,  
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9/9/09

Date

Peter Bonanno

Peter Bonanno