

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

**ORDER AND NOTICE OF
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 convened on **Wednesday, November 25, 2009, at 10 AM** 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
Motions for Rehearing**

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").

Procedural History

The Campaign for Ratepayers Rights and others ("Movants") requested 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 requested 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 objected to the Motion and asserted 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 asserted 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 by the call of the Chairman to allow the parties sufficient time to present witnesses and take evidence from the parties.

On June 26, 2009, the Committee re-convened and accepted a stipulation of facts from the parties and took further evidence in the form of testimony.

On July 7, 2009, the Committee reconvened for the purpose of deliberation on the merits of the Motion for Declaratory Ruling. On August 10, 2009, the Committee issued a Final Order Denying the Motion for Declaratory Ruling.

On September 9, 2009, the Movants filed an Unassented to Motion for Rehearing. On September 9, 2009, the Committee also received a Motion for Rehearing and Petition for Review by Peter Bonanno and Others. (Collectively these motions are referred to as the "Motions for Rehearing.")

Date and Time of Public Meeting and Hearing on Motions For Rehearing

The public meeting and hearing shall be convened at 10 A.M. on November 25, 2009, at the office of of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire. At the public meeting the Committee will deliberate and consider all issues raised by the Motions for Rehearing. The Committee will not take testimony but may ask the parties for oral argument.

Public Inspection

Additional details concerning the proposed project and all other correspondence, filings, and public records regarding this matter, including the Motion, the Objection and the Motions for Rehearing, 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 docket 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 27th day of October, 2009.

New Hampshire Site Evaluation Committee


Thomas S. Burack, Chairman