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Via Hand Delivery

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: DE 08-103 Investigation of Public Service of New Hampshire’s
Installation of Scrubber Technology at Merrimack Station
Decision Concerning Statutory Authority
PUC ORDER NO. 24,898.
Dated September 19, 2008

Dear Ms. Howland:

Enclosed please find an original and seven copies of Edward M.B. Rolfe’s Motion for
Rehearing for filing with the Commission in the above-captioned docket.

Please let me know if there are any questions about this filing. Thank you.

Very truly yours,

Edward M.B. Rolfe

Cc: Service List
NOW COMES Edward M.B. ROLFE pursuant to N.H. RSA 541:3 and 541:4, respectfully moves the New Hampshire Public Utilities Commission ("the Commission") to reconsider and rehear its decision Order No. 24,898. In support of this Motion, Edward Rolfe states as follows:

1. On September 19, 2008, the Commission issued Order No. 24,898 ("the Order") which concluded the State’s Mercury Scrubber law RSA 125-O:11,1 took precedent over other considerations in the investment by PSNH in its Merrimack Station. I have a few concerns with this Order.

2. The first defect is procedural. The Commission invited only two parties (PSNH and the OCA), and should have “noticed” it as a public hearing. RSA 541:3 requires public notice and an opportunity for participation by those who will be affected by the Commission’s decisions. This oversight violated my right, as a PSNH rate payer, to due
process in this matter.

3. The second defect is that the Commission, in my opinion, came to the wrong decision regarding the interplay of the “Mercury Statute” and all the other Statutes that the Commission is charged with implementing on behalf of rate payers (ref. RSA 365 and RSA 374).

4. I also contend that the Commission failed to regard future additional costs that are to be absorbed by the PSNH in complying with Federal EPA Clean Air and Clean Water regulations, as well as RGGI Standards.

5. Additionally, the Commission did not consider the investment in this 40-year old coal plant in the context of several developing State policies, such as the Governor’s Climate Change Action Plan Task Force (which is to report to the Executive in December of this year), as well as energy policies to deal with recent fluctuations in fuel costs.

6. Recent turmoil in financial markets and government-banking restructuring also suggests that many of the premises upon which PSNH justified its investment may be subject to further scrutiny rendering any predictions of the final cost, and subsequent increase in electric rates suspect. It would seem prudent to reconsider these assumptions in the light of newly defined economic environment.

7. Finally, I also urge the Commission to reevaluate the Memorandum of Law submitted by the Office of Consumer Advocacy, dated September 11th, 2008, as it suggests many effects of the scrubber project on energy service rates. For example, RSA
347: endows the Commission with "general supervision of all public utilities ..."

... acting as "the arbiter between the interests of the customer and the interest of the regulated utilities".

WHEREFORE, Edward M.B. Rolfe respectfully request that this honorable Commission:

A. Grant rehearing and reconsideration of its Order; and

B. Grant such further relief as it deems appropriate.

Respectfully submitted,

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