

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

Docket No. 2008-0897

APPEAL OF STONYFIELD FARM, INC., H & L INSTRUMENTS, LLC, AND
GREAT AMERICAN DINING, INC. UNDER RSA 541:6 FROM ORDER OF
PUBLIC UTILITIES COMMISSION

**OBJECTION TO “ASSENTED-TO” MOTION
FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

NOW COMES Public Service Company of New Hampshire (“PSNH”), by and through its attorneys, McLane, Graf, Raulerson & Middleton, Professional Association, and pursuant to New Hampshire Supreme Court Rule 21, objects to the “Assented-To Motion For Leave to File *Amicus Curiae* Brief” (the “Motion”) filed by the Conservation Law Foundation, Campaign for Ratepayers’ Rights, Clean Water Action, Resident’s Environmental Action Committee for Health, New Hampshire Sierra Club, and Union of Concerned Scientists. In support of this Objection, PSNH states as follows:

1. PSNH was only contacted by, and therefore only granted consent to, the Conservation Law Foundation to participate as *amicus curiae*.
2. PSNH was never informed of the desire to participate of Campaign for Ratepayers’ Rights, Clean Water Action, Resident’s Environmental Action Committee for Health, New Hampshire Sierra Club, and Union of Concerned Scientists, never was contacted by representative of any of these organizations, and, therefore, consent for their participation in this appeal was never granted by, PSNH. To the extent the pleadings the

Amici filed in this Court indicate or state that a broader consent was given, such representations or statements are incorrect.

3. Furthermore, the Motion fails to demonstrate the compelling and important need for the participation of the five non-assented to *Amici* required by Supreme Court Rule 30(2). Accordingly, the Motion should be denied.

4. The basis for this Objection is set forth more fully in the accompanying Memorandum of Law and the accompanying affidavit of Robert A. Bersak, Esquire.

5. In addition, PSNH has filed an accompanying motion to strike the brief of the *Amici* for the reasons set forth in the Memorandum of Law.

WHEREFORE, Public Service Company of New Hampshire respectfully requests this Honorable Court:

- A. Deny the Motion For Leave to File *Amicus Curiae* Brief;
- B. Strike the Brief of *Amici Curiae* Campaign for Ratepayers' Rights, Clean Water Action, Conservation Law Foundation, Resident's Environmental Action Committee for Health, New Hampshire Sierra Club, and Union of Concerned Scientists;
- C. Preclude the *Amici's* participation at oral argument; and
- D. Grant such other and further relief as the Court deems just and equitable.

Respectfully submitted,

PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: 3/31/09

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Certificate of Service

I hereby certify that on March 31, 2009, I served the foregoing Objection To "Assented-To" Motion For Leave To File *Amicus Curiae* Brief by mailing by first class mail, postage prepaid, copies and notice thereof to those listed on the attached service list.

Mark C. Rouvalis
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