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September 22, 1993

Douglas Patch, Chairman  
Nuclear Decommissioning Financing Committee  
N.H. Public Utilities Commission  
8 Old Suncook Road  
Concord, NH 03301

RE: NDFC 93-1

Dear Mr. Patch:

North Atlantic objects to the proposals made in the OCA letter dated September 14, 1993. The issue of retaining an expert for the Committee was raised by Ms. Briskie at the Committee's meeting on April 28, 1993. See p. 4 of the Minutes of such meeting. As of then, the Committee decided not to retain one, although it left the door open to revisiting the issue later. Id.

At the Committee meeting on July 23, 1993, Chairman Patch referred to the portion of the April 28 Minutes described above, and asked the OCA what its intentions were on retaining consultants. Mr. Holmes, on behalf of the OCA, answered as follows:

Well, we're definitely interested in presenting some kind of case. Whether we're going to need a consultant at this time, we're not absolutely clear. I think we will know that for sure within a couple of days, but we definitely want to present a case, and Mr. Rohrbach is not going to be with us. He has testified before so, and this has just come up recently, so we're in a bit of flux in that, but we definitely want to present a case, and I suspect that we will in fact be retaining a consultant, but I don't want to commit to that right at this moment.

Transcript of the July 23 meeting, pp. 3-4. Immediately after the July 23 meeting, the parties met and agreed on

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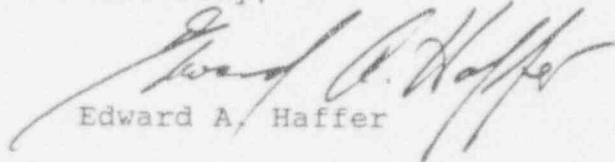
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Douglas Patch, Chairman  
September 22, 1993  
Page 2

a procedural schedule. See Transcript, p. 35. That agreed-on procedural schedule was incorporated in Procedural Order No. 2, dated August 4, 1993.

Certainly as of the July 23 meeting, the OCA knew that Mr. Rohrbach was leaving. The issue whether the OCA intended to retain a consultant was pointedly raised by the Chairman at the July 23 meeting, and the OCA declined then to make a commitment. Yet at the very same time, the OCA did commit to the procedural schedule reflected in Procedural Order No. 2. This, therefore, is not a case where the OCA has been caught by surprise. This is a case where the OCA has simply failed to act timely, even in the face of pointed inquiries. To allow such a failure to disrupt the present schedule would be neither appropriate administrative practice nor, more fundamentally, reasonable or fair. The OCA had ample prior opportunity to raise the issues it now raises belatedly in its September 14 letter. Not having shown good cause for the delay in its actions, the OCA should not be granted the relief it seeks.

Sincerely,



Edward A. Haffer

EAH:jdg  
cc: Service List

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