

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

DE 08-053

Public Service Company of New Hampshire
Application for Certification of Class IV Renewable Small Hydroelectric Facilities

STIPULATION OF AGREED FACTS

The undersigned parties hereby agree and stipulate to the following facts, which they believe are relevant to the issues to be determined in this proceeding:

1. Relevant Characteristics of PSNH Hydro Projects.

The undersigned parties agree that for purposes of this proceeding, the following specific characteristics of the eight hydroelectric generating facilities for which PSNH seeks Class IV REC certification under RSA 362-F:4, IV and Puc 2502.10 are the relevant ones:

- (a) Date source began operations (in-service date);
- (b) Gross nameplate capacity of source;
- (c) Whether upstream and downstream diadromous fish passage facilities have been required for the facility under its FERC license or exemption order, and whether the required fish passage facilities have actually been installed at the source in accordance with said order; and

- (d) Whether the source has documented applicable state water quality certification under Section 401 of the Clean Water Act, and whether such certification is required.

The undersigned parties further agree that there is no factual dispute about the relevant characteristics of the eight PSNH hydroelectric facilities in question, which are set forth in Appendix A (Revised Appendix A Nov. 7, 2008) attached.

2. Facts Relevant to Disputed Issues. The parties note that the interpretation of the statutory size requirement (gross nameplate capacity of the source, item 1(b) above) and the fish passage requirement (item 1(c) above) are critical issues in dispute in this proceeding, but with respect to item 1(b), they agree that the third and fourth columns in Appendix A accurately specify (i) the nameplate capacity of individual generating units, and (ii) the total station nameplate capacity, in those cases where a generating facility has more than one generating unit. And with respect to item 1(c), they agree that the fifth column in Appendix A, together with the applicable footnotes, accurately sets forth (i) whether or not each of the eight hydro facilities in question have installed upstream and/or downstream fish passage facilities, and (ii) whether or not such facilities are required under an applicable FERC license or exemption order.

3. Nameplates. The parties agree that the photographs in Appendix B depict nameplates on individual generating units at three of the sites for which PSNH seeks certification – Amoskeag G-3, G-2 and G-1, Eastman G-2, and Garvins Falls G-4 and G-3, respectively – and that these photographs fairly depict the nameplate generating

capacity of the generating units to which they are attached and are representative of nameplates on all PSNH hydroelectric generators .

4. Total Market for Class IV New Hampshire RECs. The parties agree that the total for Class IV RECs in New Hampshire is established by RSA 362-F:3, which provides that each “provider of electricity” in New Hampshire shall obtain and retire sufficient Class IV RECs to meet or exceed 0.5% of the electricity sold to its end-use customers in 2008, and 1% of its total sales to end-users for each year from 2009 through 2025. The parties further agree that a reasonable approximation of projected 2008 total sales from providers of electricity to end-use customers is 12,000,000 (twelve million) MWH, based on ISO-NE’s 2008 Regional System Plan. One half of one percent (0.5%) of 12,000,000 MWH is 60,000 MWH, and 60,000 MWH divided by 8760 (number of hours per year) would yield 6.85 MW of capacity. Divided by a typical hydro plant capacity factor of, e.g., 45%, this suggests that the market for 2008 Class IV New Hampshire RECs could be filled by approximately 15 MW of installed and qualifying hydro capacity. Assuming no significant increase in sales, the market for Class IV New Hampshire RECs in 2009 could be filled by approximately 30 MW of installed and qualifying hydro capacity.

5. Hydroelectric Facilities in New England That Would Qualify by Size and In-Service Date. Appendix C is a list maintained by the Federal Energy Regulatory Commission of FERC-licensed or exempted small hydroelectric projects of 5 megawatts (MW) or less in the six New England states. The undersigned parties agree that (i) this list identifies FERC-exempted and licensed hydroelectric projects in New England with

authorized total nameplate generating capacity of 5 MW or less, and (ii) projects on this list are presumably constructed and operating, and would also qualify for Class IV RECs in New Hampshire on the basis of in-service date. Under the Commission's ruling in the non-adjudicative proceeding on the PSNH application, if these projects (x) are either not required to have upstream and downstream fish passage facilities under their FERC license or exemption orders , or have installed any upstream and/or downstream diadromous fish passage facilities that are required by FERC (y) have obtained any required water quality certification, and (z) have made proper application under PUC rules, the parties agree that all such projects would presumably qualify for Class IV New Hampshire RECs.

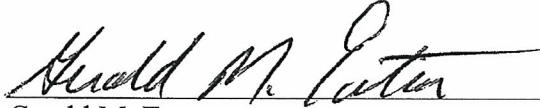
6. Legislative History. The parties agree that Appendix D is an accurate and complete transcript of an April 17, 2007 hearing before the Senate Committee on Energy, Environment and Economic Development on House Bill 873 (Renewable Portfolio Standard), together with those exhibits presented at the legislative hearing that are relevant to the issues raised in this proceeding, and that the transcript contains testimony before and discussion with members of the Committee by the primary sponsors of the Renewable Portfolio Standard legislation which became RSA 362-F. Granite State Hydropower Association and Ashuelot River Hydro, Inc. are not aware of any other relevant legislative history. PSNH has made no investigation of legislative history.

November 17, 2008

Respectfully submitted,

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By Its Attorney

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

Gerald M. Eaton
Senior Counsel
780 North Commercial Street
Post Office Box 330
Manchester, NH 03105-0330
(603) 634-2961
eatongm@nu.com

GRANITE STATE HYDROPOWER ASSOCIATION
and
ASHUELOT RIVER HYDRO, INC.

By Their Attorney

A handwritten signature in blue ink, appearing to read "H. M. Moffett", written over a horizontal line.

Howard M. Moffett
Orr & Reno, P.A.
One Eagle Square
Post Office Box 3550
Concord, NH 03302-3550
(603) 223-9132
HMoffett@orr-reno.com

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