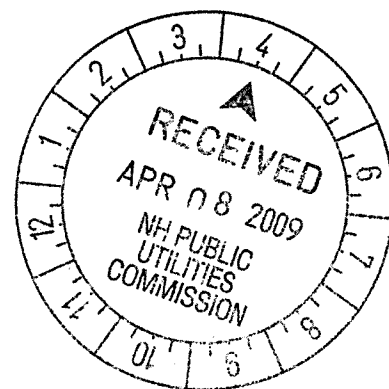


April 8, 2009

Ms. Debra A. Howland, Executive Director & Secretary
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



RE: DE 08-145 Stipulated Facts and Recommendations

Dear Director Howland:

Freedom Logistics LLC, Halifax-American Energy Company, Public Service Company of New Hampshire ("PSNH"), and Conservation Law Foundation (collectively the "Parties"), submit this letter in response to the Commission's April 2, 2009, Secretarial Letter, requesting that the Parties file by April 8, 2009, any stipulated facts and recommendations on how the Commission should proceed to resolve the issues presented in this docket.

The Parties have attempted to identify facts to which all Parties could stipulate that are responsive to the Commission's instruction. *See* January 16, 2009, Transcript at 59-60 (framing inquiry to identify any facts that would "indicate that the actions of [PSNH] rise to the level of a modification that would fall within the parameters of 369-B:3-a[.]"). Those stipulated facts are attached hereto. *See* Attachment 1, Parties' Stipulated Facts.

Based on our discussions, the Parties recommend that the legal questions whether the actions described in the stipulated facts amount to modifications for purposes of 369-B:3-a, and, if so, whether PSNH was permitted to undertake those actions without Commission approval, pursuant to 125-O:13, IV, be briefed by the Parties. The Parties respectfully propose that briefing on those issues be submitted to the Commission on May 8, 2009.

Sincerely,

Robert A. Bersak
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