


STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: July 13, 2010

AT (OFFICE): NHPUC

FROM:  Tom Frantz, Director – Electric Division

SUBJECT: PSNH and Clean Power Development dispute regarding property

TO: Chairman Getz, Commissioners Below and Ignatius
Executive Director Howland

On June 28, 2010, the Commission issued a Secretarial Letter regarding the response of PSNH to Clean Power Development's inquiry into properties owned by PSNH in the City of Berlin. CPD stated in a letter to the Commission that the easement matter is separate from the complaint proceeding, Docket No. DE 10-067, and that the two issues do not need to be linked.

The Commission noted that PSNH made a link between the complaint proceeding and the easement matter, but that the easement, the effect on the City of Berlin, and the implications of this issue on energy policy and PSNH's property rights are not clearly articulated in the letters from PSNH and CPD. The Commission instructed Staff to review the facts and circumstances associated with the easement dispute and to file a report and recommendation with the Commission by July 13.

Staff (Anne Ross and I) met with PSNH on July 7 to discuss the real estate issue. At the meeting, Staff requested that PSNH report back to Staff on a number of details concerning the property at issue. Staff and PSNH also discussed some potential solutions to the real estate dispute at that meeting. On July 8, Staff discussed the concerns of CPD on phone call with CPD. During that call, Staff raised the possibility of a solution to the real estate matter. CPD stated that it would consider Staff's potential solution, but that it needed time to do so. CPD said that it would get back to Staff on July 14.

Based on the conversations Staff had with both PSNH and CPD, discussions that Staff considers positive and constructive, Staff requests that Commission grant it an additional week to file its report and recommendation. Staff believes that the additional time will greatly aid its understanding of the real estate issue and, more importantly, allow time for PSNH and CPD to explore an acceptable solution to an issue Staff firmly believes is best achieved through earnest negotiation.