

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 07-122**

**ORDER OF NOTICE**

On November 9, 2007, Public Service Company of New Hampshire (PSNH) filed a petition with the New Hampshire Public Utilities Commission seeking a declaratory order concerning PSNH's obligations to purchase power from Hemphill Power and Light Company (Hemphill), an independent wood-burning power producer located in Springfield. Pursuant to the federal Public Utility Regulatory Policies Act (PURPA) and its New Hampshire analog, the Limited Electric Energy Producers Act, the Commission approved a 20-year rate order in 1985, establishing the terms and conditions for purchases of power from Hemphill by PSNH. The dispute concerns the expiration date of the 1985 rate order. PSNH discontinued payments under the rate order in October 2006; Hemphill contends it was entitled to receive such payments through late October of 2007. The dispute is also the subject of civil proceedings instituted by Hemphill in Hillsborough County Superior Court, Northern Division.

The filing raises, *inter alia*, issues related to the Commission's jurisdiction to resolve the dispute as well as substantive questions about the effect on the rate order end date and the annual rates paid by PSNH to Hemphill of Hemphill's not having begun operation before September 1, 1987 as contemplated in the circumstances by the Commission's generic order in *Small Energy Producers and Cogenerators*, Order No. 17,104, 69 NH PUC 352 (1984), which established the regulatory framework under which the 1985 rate order was issued. Each party has the right to have an attorney represent them at their own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on December 27, 2007 at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Admin. Rule Puc 203.15 shall be considered; and it is

**FURTHER ORDERED**, that, immediately following the Prehearing Conference, PSNH, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow PSNH to provide any amendments or updates to its filing; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.12, PSNH shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than December 12, 2007, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before December 27, 2007; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to PSNH and the Office of the Consumer Advocate on or before December 21, 2007, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before December 27, 2007.

By order of the Public Utilities Commission of New Hampshire this twenty-  
eighth day of November, 2007.

A handwritten signature in dark ink, appearing to read "Debra A. Howland", is written over a horizontal line.

Debra A. Howland  
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.