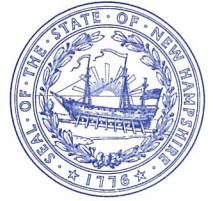




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

August 18, 2008

Debra A. Howland
Executive Director
Public Utilities Commission
21 S. Fruit St., Suite 10
Concord, NH 03301-2429

Re: Docket Number DE 08-053, PSNH Small Hydroelectric Facilities Applications for Class IV Certification pursuant to RSA 362-F

Dear Ms. Howland:

The Department of Environmental Services (DES) would like to submit the following comments relative to Class IV certification of small hydroelectric facilities pursuant to RSA 362-F (Electric Renewable Portfolio Standard). As you know, DES worked with legislators, stakeholders and the Public Utilities Commission on House Bill 873 establishing minimum renewable standards for energy portfolios which passed and was adopted as RSA 362-F. During legislative testimony (attached) to the Senate Committee on Energy, Environment, and Economic Development on HB 873, DES indicated that the Class IV facilities in HB 873 were small hydroelectric facilities that had both upstream and downstream fish ladders. These facilities were identified as warranting economic incentive through the mechanisms in HB 873. The reference in the final statute (RSA 362-F) to "approved under its FERC license or exemption" was intended to set a standard for the construction of the required fish ladders. Concern was expressed by various stakeholders that without that language, a facility could add a substandard structure, claim it to be a fish ladder and, thereby qualify as a Class IV facility. Numerous discussions with both House and Senate Committees focused on limiting Class IV facilities to those with existing fish ladders.

We hope this helps in your deliberations concerning Class IV certifications. Should you have further questions or need additional information please feel free to contact me (271-1088, robert.scott@des.nh.gov) or Joanne Morin, Climate and Energy Program Manager (271-5552, joanne.morin@des.nh.gov).



Sincerely,

Robert R. Scott
Director
Air Resources Division

cc: List Serve