

THE STATE OF NEW HAMPSHIRE

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February 4, 2009

Re: DE 08-077, Public Service Company of New Hampshire
Petition for Approval of a Power Purchase Agreement and Renewable Energy
Certification with Lempster Wind
Motion of Freedom Partners, LLC

To the Parties:

On January 23, 2009, Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. (Constellation) filed with the Commission a motion for confidential treatment of data responses revealing the prices paid by Constellation for power and renewable energy certificates (RECs).

On January 27, 2009, Freedom Partners, LLC (Freedom) filed an objection to the Constellation motion in which it noted that the pricing information had been provided to the Office of Consumer Advocate and Commission staff. Freedom argued that it should have the opportunity to review the pricing information in order to determine whether it would use the information at the hearing scheduled for February 5, 2009.

On June 27, 2008, the Commission granted Freedom's limited intervention, which was premised on Freedom's agreement with PSNH not to seek access to confidential information of PSNH. Freedom has not been given access to PSNH power and REC pricing information. At the same time, PSNH has not had access to Constellation's confidential pricing information. The Commission has determined, in light of Freedom's limited intervention and the commercial sensitivity of Constellation's competitive prices, that it would result in inequitable treatment among the competitors for Freedom to have access to the Constellation pricing information. Accordingly, Freedom's motion is denied.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director

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Docket #: 08-077 Printed: February 05, 2009

FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),

WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:

DEBRA A HOWLAND
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PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY

DIRECTLY WITH THE FOLLOWING STAFF

RATHER THAN WITH THE EXECUTIVE DIRECTOR

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Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

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