

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

DE 08-077

ORDER OF NOTICE

On May 29, 2008, Public Service Company of New Hampshire (PSNH) filed a petition for approval of a Power Purchase Agreement (PPA) and Renewable Energy Certificate (REC) Option Agreement (collectively, the Agreements) between PSNH and Lempster Wind, LLC (Lempster Wind). With its petition, PSNH filed both redacted and unredacted copies of supporting testimony and related exhibits, and a motion for protective order for the confidential commercial and financial terms of the Agreements separately provided in unredacted form. For informational purposes, PSNH also filed a copy of a) an Interconnection Agreement between PSNH and Lempster Wind, b) the Independent System Operator-New England (ISO-NE) system impact study, and c) an Agreement for Joint Use of Pole Structures between PSNH and the New Hampshire Electric Cooperative, Inc. (NHEC).

According to PSNH, beginning with calendar year 2008, it must obtain and retire certain RECs to comply with N.H. RSA Chap. 362-F, the Electric Renewable Portfolio Standard law. Pursuant to the terms of the Agreements, which PSNH says meet the public interest requirements of RSA 362-F:9, PSNH will purchase 100% of the energy, capacity and NH RECs from Lempster Wind, with Lempster Wind having the option to repurchase a certain percentage of the RECs from PSNH at a price that includes a premium above the price originally paid by PSNH. Both Agreements are multi-year agreements with terms of up to 15 years beginning with the in-service date of the Lempster Wind facility, which is currently anticipated to be on or prior to December 31, 2008. PSNH stated that the project will consist of twelve wind turbines with each

having a nameplate rating of 2.0 megawatts (MW) for a total project output of 24 MW. With an estimated capacity factor of 33%, PSNH expects the project to produce 70,000 megawatt-hours of energy and, therefore, 70,000 NH RECs annually.

PSNH said that the Lempster Wind project is located on Lempster Mountain in Lempster in the service territory of the NHEC. Therefore, PSNH and NHEC determined that jointly developing the interconnection and jointly sharing the output (i.e., power and NH RECs) from the project would be beneficial to both parties. PSNH stated that it is in the process of drafting a resale agreement with NHEC whereby PSNH would resell 10% of the output from the project to NHEC under the same terms and conditions as in the original Agreements between PSNH and Lempster Wind.

The filing raises, inter alia, issues related to issues related to the terms and conditions of the Agreements, how the costs of the Agreements will be recovered, and whether the Agreements meet the requirements of RSA 362-F:9 and are in the public interest. 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 June 27, 2008 at 10:00 am, 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 June 11, 2008, 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 June 27, 2008; 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 June 24, 2008, 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 June 27, 2008.

By order of the Public Utilities Commission of New Hampshire this fifth day of June, 2008.


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.