

James T. Rodier, Esq.
Attorney-at-Law
1500 A Lafayette Road, No. 112
Portsmouth, NH 03801-5918

603-559-9987
jrodier@freedomenergy.com

September 29, 2009

Debra A. Howland
Executive Director and Secretary
State of New Hampshire
Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



**Re: COMPLAINT OF CLEAN POWER DEVELOPMENT, LLC
AGAINST PUBLIC SERVICE OF NEW HAMPSHIRE
Docket No. DE 09-067**

Dear Ms. Howland:

I am writing on behalf of Clean Power Development, LLC to briefly respond to PSNH's letter to the Commission dated September 24, 2009. The PSNH letter purports to respond to the Commission's inquiry regarding the status of PSNH's review of offers submitted to PSNH by Clean Power Development (CPD). PSNH's letter is detached from reality.

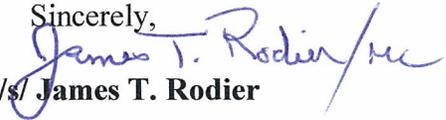
PSNH states in its letter that it has ceased its review of CPD's proposal, and for the third time, states that it does not desire to pursue any further discussions with CPD. This time, the ostensible basis for PSNH's position is that CPD Motion to Commence Formal Investigation¹ with the Commission on September 14 "before the review period PSNH said was necessary had ended." It is CPD's clear understanding that PSNH concluded a peremptory review in early September and had decided that it would not entertain the CPD proposal because it was tied up with Laidlaw. Hence, CPD filed its Motion. Therefore, the basis for PSNH's position is, once again, contrary to the facts.

PSNH also claims that its discussions concerning merchant generating projects have been "based upon voluntary, arm's-length, good-faith discussions." In stark contrast, CPD's overtures to PSNH over the years have been repeatedly rebuffed, according to PSNH, "because of Mel Liston and how he had testified against [PSNH] in other venues. He's just a bad person and we don't do business with people like him."²

¹ PSNH did not object to the Motion to Commence Formal Investigation.

² PSNH appears to take umbrage at unspecified libelous allegations made by CPD. PSNH is apparently referring to Complaint I. As specified in that Complaint, PSNH's representations to the Commission under oath have been flatly contradicted by a senior PSNH governmental affairs representative. PSNH

For the foregoing reasons, PSNH does not know whether or not the CPD Facility would better serve the public interest than the Laidlaw Berlin facility. It is CPD's position that PSNH, consistent with New Hampshire least-cost planning law, must have an open, transparent, competitive, and objective process for determining which renewable projects can best serve the customer base.

Sincerely,

/s/ **James T. Rodier**

did not even respond to Complaint 1, much less deny it. The Commission, therefore, should conclude that PSNH has admitted the allegations in Complaint I.