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Commissioners:
Francis J. Hoey, III
Robert H. Griffin
Raymond H. Feyre

Manager:
James M. Lavelle

November 15, 2010

Deborah Rowland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RECEIVED
NOV 16 2010
NH PUBLIC UTILITIES COMMISSION

Re: The City of Holyoke Gas & Electric Department
PUC Docket No. DE 10-151

Dear Ms. Rowland:

As directed by the Commission's "Order Commencing Adjudicative Proceeding and Scheduling a Prehearing Conference" (issued October 28, 2010, in the referenced proceeding), the City of Holyoke Gas and Electric Department has caused to be published a copy of that Order in the Springfield Republican on November 5, 2010. Attached are an affidavit of publication and a copy of the notice.

Please contact me if you have any questions or require additional information on this matter.

Sincerely,

Jeanette A. Sypek
Sr. Energy Resources Coordinator
(413) 536-9373
jsypek@hged.corn

Attachments

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

THE CITY OF HOLYOKE GAS & ELECTRIC DEPARTMENT, Petitioner Application for Certification to Produce Class IV Renewable Energy Certificates	DE 10-151 ORDER NO. 25,160

AFFIDAVIT

Brian C. Beauregard, having been duly sworn, states under oath as follows:

I hereby certify that publication of the Order Commencing Adjudicative Proceeding and Scheduling a Prehearing Conference ORDER NO. 25,160 in Docket DE 10-151, issued October 28, 2010, has been made as therein directed, and that the notice was published in the Springfield Republican on November 5, 2010.

DATED this 15th day of November, 2010.

Brian C Beauregard
BRIAN C. BEAUREGARD, Electric Superintendent

COMMONWEALTH OF MASSACHUSETTS)
) : ss
COUNTY OF HAMPDEN)

On this 15th day of November, 2010, personally appeared before me Brian C. Beauregard, the signer of the above instrument, who duly acknowledged to me that he executed the same.

Tanya E. Rivera
Notary Republic
Residing in Hampden County
My Commission Expires: April 1, 2016

TANYA E. RIVERA
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
April 01, 2016

a one Airfield where he was one of 20 Air Force reservists assisting the Army. Close by was a excited to have a hand in being over here and helping the Iraqi government," he said.

oles

Bigger brother

GREENFIELD – Carol Rose, the executive director of the American Civil Liberties Union of Massachusetts, will give a lecture titled, "Big Brother is Getting Even Bigger in the Internet Age" at Greenfield Community College on Nov. 10.

Abolitionist lecture

NORTHAMPTON – Forbes Library will host a talk on abolitionist Lydia Maria Child on Nov. 3 at 7 p.m.

Sandcastle
Lounge
Live Music
Sat. Nov. 6th
SECOND NATURE
Sat. Nov. 13th
DUSTIN STASINOS
Sat. Nov. 20th
MIKE SULLIVAN ET AL
Grinders & Pizza & Take Out
2233 Northampton St.
(Kmart Plaza) Holyoke, MA
(413) 536-5960

STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 10-151 • HOLYOKE GAS & ELECTRIC DEPARTMENT

Application for Certification to Produce Class IV Renewable Energy Certificates

Order Commencing Adjudicative Proceeding and Scheduling a Prehearing Conference

ORDER NO. 25,160

October 28, 2010

On June 2, 2010, Holyoke Gas and Electric Department (HG&E or Applicant) of Holyoke, Massachusetts filed an application for certification of fourteen small hydroelectric facilities as sources eligible to produce renewable energy certificates (RECs) pursuant to RSA 362-F:4, the Electric Renewable Portfolio Standard (RPS) law.

On July 27, 2010, Staff filed a memorandum with the Commission recommending that the Commission deny the application. In that memorandum, Staff described the facilities as separately located facilities on a canal system in the City of Holyoke adjacent to the Connecticut River. According to Staff, some of the facilities share a FERC license number and a New England Power Pool Generation Information System facility code. Staff noted that the Applicant nevertheless maintained that each facility is physically and "electrically" separate and requested that each facility be accorded separate certification. Staff also noted that, although the application states that each facility has installed FERC required and approved upstream and downstream fish passages, responses to a Staff inquiry revealed that HG&E only installed a single upstream and downstream fish passage system at the Hadley Falls Station, which is located at the entrance of the canal system on which the fourteen facilities are located. Staff pointed out that New Hampshire's RPS law requires that an existing small hydroelectric facility has "actually installed both upstream and downstream diadromous fish passages and such installations have been approved by the Federal Energy Regulatory Commission." See RSA 362-F:4, IV. Because there is only one upstream and downstream fish passage at the Hadley Falls Station, which serves all facilities located on the Canal, Staff recommended that the Commission deny certification of the fourteen facilities.

On August 12, 2010, based on the information presented by HG&E and Staff's review and recommendation, the Commission denied certification of the HG&E facilities. On September 10, 2010, HG&E filed a motion for reconsideration or, in the alternative, a motion for rehearing of the Commission's decision. In its motion, HG&E stated that hydro facilities in the Holyoke Project are unique in that fish do not enter the canal system in which the facilities are located. HG&E pointed out that it has developed both upstream and downstream fish passages where the river feeds into the canal system, which prevents fish from entering the canal. HG&E said that the fish passages have been accepted and approved pursuant to the license for the Holyoke project, FERC Project No. 2004. Because the canal project has fish passage facilities that can be attributed to each of the individual hydro facilities, consistent with FERC license requirements, HG&E stated that each facility is eligible for certification to produce Class IV RECs.

The proper remedy for one aggrieved by a decision to deny REC certification is to petition the Commission to commence an adjudicative proceeding pursuant to N.H. Code Admin Rules Puc 2505.13, which states, in relevant part, that the Commission "shall conduct an adjudicative proceeding pursuant to RSA 541-A and Puc 200 upon petition by an applicant, source, or other party aggrieved by a decision under this part." In the interest of administrative efficiency, we will treat the HG&E motion for rehearing as such a petition and will commence an adjudicative proceeding.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding is commenced pursuant to N.H. Code Admin. Rules Puc 2505.13; and it is

FURTHER 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 November 24, 2010 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, HG&E, the Staff of the Commission and any intervenors hold a Technical Session to review the petition and allow HG&E to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, HG&E shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than November 5, 2010, 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 November 24, 2010; 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 HG&E and the Office of the Consumer Advocate on or before November 19, 2010, 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 November 24, 2010.

By order of the Public Utilities Commission of New Hampshire this twenty-eighth day of October, 2010.

Attested by:

Thomas B. Getz	Clifton C. Below	Amy L. Ignatius	Debra A. Howland
Chairman	Commissioner	Commissioner	Executive Director

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.