

Orr&Reno

Professional Association

One Eagle Square, P.O. Box 3550, Concord, NH 03302-3550
Telephone 603-224-2381 • Facsimile 603-224-2318
www.orr-reno.com

Malcolm McLane
(Retired)

May 22, 2007



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

Re: DE 07-045 - Briar Hydro Associates' Petition for Declaratory Judgment

Dear Ms. Howland:

Enclosed please find seven copies of two affidavits signed by employees of the Union Leader Corporation and the Concord Monitor stating that the Public Utilities Commission Order of Notice dated April 17, 2007 was published in accordance with the PUC rules. I have also enclosed copies of the two advertisements.

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Howard M. Moffett".

Howard M. Moffett

Ronald L. Snow
William L. Chapman
George W. Roussos
Howard M. Moffett
James E. Morris
John A. Malmberg
Martha Van Oot
Douglas L. Patch
Connie L. Rakowsky
Jill K. Blackmer
James P. Bassett
Emily Gray Rice
Steven L. Winer
Peter F. Burger
Lisa Snow Wade
Jennifer A. Eber
Jeffrey C. Spear
Connie Boyles Lane
Todd C. Fahey
Vera B. Buck
James F. Laboe
Robert S. Carey
John M. Zaremba
Maria M. Proulx
Jessica E. Storey
Justin M. Boothby
Heidi S. Cole

Susan S. Geiger
Judith A. Fairclough
(Of Counsel)

HMM/dlc
Enclosures
441867_1

I hereby certify that the foregoing notice was published in The Union Leader and/or New Hampshire Sunday News, newspapers printed at Manchester, N.H. by the Union Leader Corporation on the following dates, Viz: .. April 20, 2007 ..

(Signed) .. Therese M. Landry ..

UNION LEADER CORPORATION

State of New Hampshire,
Hillsborough, SS.

(Dated) .. April 25, 2007 ..

Subscribed and sworn to by the said .. THERESE M. LANDRY ..

Before me,

Claudette T. Mitchell

CLAUDETTE T. MITCHELL, Notary Public
My Commission Expires April 19, 2011

Notary Public

and it is
FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.12, Briar shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than April 26, 2007, 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 May 23, 2007, 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 Briar, PSNH and the Office of the Consumer Advocate on or before May 18, 2007, 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 441-A:32,1(b), and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before May 23, 2007, and it is

By order of the Public Utilities Commission of New Hampshire this seventeenth day of April, 2007.

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.
(UL - April 20)

Legal Notice

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DE 07-045

ORDER OF NOTICE

On March 28, 2007, Briar Hydro Associates (Briar) filed a petition with the New Hampshire Public Utilities Commission (Commission), seeking a declaratory order with respect to a 1982 Power Sale Contract with Public Service Company of New Hampshire (PSNH).

Briar stated that it is a successor in interest to New Hampshire Hydro Associates (NHHA), and owns and operates the Penacook Lower Falls Project, a 4.1 MW hydroelectric generating facility on the Contocook River in Penacook and Boscawen, New Hampshire. Briar claims that as a result of its purchase of the Penacook Lower Falls Project on June 28, 2002, it has succeeded to NHHA's rights in a Contract for the Purchase and Sale of Electric Energy dated April 28, 1982, (1982 Power Purchase Contract). The 1982 Power Purchase Contract has a term of 30 years and requires PSNH to purchase the project's entire generation output. The current price for that output is 3.53¢/kWh. PSNH is obliged to purchase power from NHHA and now Briar pursuant to the federal Public Utility Regulatory Policies Act (PURPA), 16 U.S.C. 824a-3 et seq., and its state analog, the Limited Electrical Energy Producers Act (LEEPA), RSA Chapter 362-A.

Briar requests that the Commission determine which party, PSNH or Briar, is entitled to receive payments for capacity arising under an order of the Federal Energy Regulatory Commission (FERC), Devon Power LLC, 113 FERC 461-340 (June 16, 2006) (FCM Order). The FCM Order established a forward capacity market for existing and new generators of electric power in New England and also provided for transition payments to existing generators beginning in December 2006.

The filing raises, *inter alia*, issues related to the scope of the 1982 Power Purchase Contract and whether it includes or excludes the purchase of the capacity of the Penacook Lower Falls Project under applicable state and federal law.

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 May 23, 2007 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, Briar, PSNH, the State of the Commission and any intervenors hold a Technical Session to review the petition and allow Briar to provide any amendments or updates to its filing.

CONCORD MONITOR

One Monitor Drive, PO Box 1177, Concord, NH 03302-1177

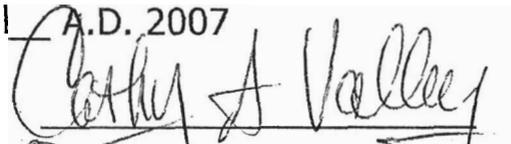
P: 603-224-5301

STATE OF NEW HAMPSHIRE
County of Merrimack, SS

I, Cathy A Valley of the MONITOR PUBLISHING COMPANY, INC., hereby certify that the following advertisement(s) were published in the Concord Monitor, a daily newspaper in Concord, in said county and state, viz-in-the issue(s) of:

Public Utilities Commission Order of Notice, published April 19, 2007

Subscribed and sworn __24__ day of _April_ A.D. 2007



Notary Public

Commission Expires DEBORAH SANBORN, Notary Public
My Commission Expires October 6, 2009

PUBLIC NOTICE

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PUBLIC UTILITIES COMMISSION
DE 07-045
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Executive Director & Secretary

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April 19