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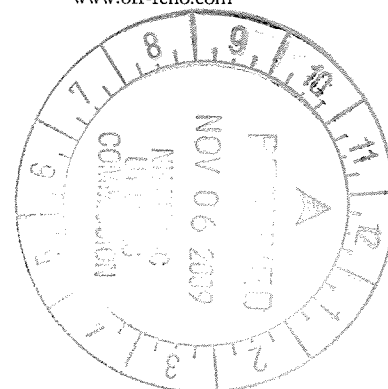
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November 6, 2009

HAND DELIVERED AND VIA EMAIL

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



***Re: DE 09-067, Complaint of Clean Power Development, LLC against Public Service  
Company of New Hampshire***

Dear Ms. Howland:

During the prehearing conference in the above-captioned matter Chairman Getz asked that the participants file by November 6 any comments or suggestions they have with regard to the scope of the adjudicative proceeding going forward and the procedural schedule that should be followed. Concord Steam Corporation ("Concord Steam"), which filed a motion to intervene in this proceeding, and Clean Power Development, LLC ("CPD") together offer the following comments.

The scope of this proceeding should include briefing on the following issues:

- 1) PSNH's obligations to purchase power from renewable generation facilities and/or projects under state law, federal law, or common law.
- 2) When undertaking the purchase of power from renewable generation facilities and/or projects, PSNH's obligations to follow the process laid out in its most recently approved least cost integrated resource plan.
- 3) Whether PSNH should be required to establish an open, transparent, competitive and objective process for determining which renewable energy generation facilities and/or projects it should purchase power from to meet the needs of its customers.

- 4) What remedy or remedies should be imposed on PSNH if it has an obligation to purchase power and/or to consider alternatives for the purchase of such power that it has failed to fulfill.

Concord Steam and CPD believe that question (1) above does and should raise the question about PSNH's obligation to purchase power under federal law, more particularly the Public Utility Regulatory Policies Act of 1978, as amended, and the Federal Energy Regulatory Commission's implementing regulations. Concord Steam and CPD submit, however, that other than addressing whether such obligation exists, and if so, the role that this Commission has in establishing such rates and how should this be accomplished, this docket should not be used to establish the actual rates PSNH should have to pay for power from qualifying facilities (QFs). In the event that the Commission agrees that PSNH has an obligation to purchase power under PURPA, that should be addressed by making PSNH submit a proposal, consistent with its discussion of avoided costs in the last least cost planning docket, that could be addressed in a separate proceeding. PSNH should also be required to address PURPA avoided costs in its next least cost plan, which is due on or before February 28, 2010.

Concord Steam and CPD recommend the following procedural schedule:

Briefs addressing the issues listed above due on December 1, 2009  
Hearing on issues addressed - December 15, 2009

Both Concord Steam and CPD believe that Concord Steam's concerns are very similar to those of CPD and therefore can and should be handled as part of this docket and not as a separate docket, for administrative efficiency's sake.

During the prehearing conference the Commissioners asked why PSNH would have an obligation to purchase power from a QF owned and operated by Concord Steam, which intends to build a renewable generation facility that will be located in Unitil's service area. The authority for this is contained in 18 C.F.R. § 292.303, the relevant portions of which are included below:

**292.303 Electric utility obligations under this subpart.**

(a) *Obligation to purchase from qualifying facilities.* Each electric utility shall purchase, in accordance with § 292.304, unless exempted by § 292.309 and § 292.310, any energy and capacity which is made available from a qualifying facility:

- (1) Directly to the electric utility; or
- (2) Indirectly to the electric utility in accordance with paragraph (d) of this section.

(d) *Transmission to other electric utilities.*

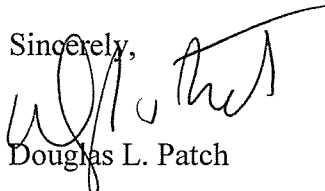
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If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit the energy or capacity to any other electric utility. Any electric utility to which such energy or capacity is transmitted shall purchase such energy or capacity under this subpart as if the qualifying facility were supplying energy or capacity directly to such electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to § 292.304(e)(4) and shall not include any charges for transmission.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,



Douglas L. Patch

cc. Service List in DE 09-067

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