

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** July 21, 2010

**AT (OFFICE):** NHPUC

**FROM:** F. Anne Ross and Tom Frantz



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

**TO:** Tom Getz, Clifton Below, Amy Ignatius and Debra Howland

Pursuant to the Commission's secretarial letter issued on June 28, 2010 Staff held meetings and telephone calls with representatives of Clean Power Development LLC (CPD) and also with representatives of Public Service Company of New Hampshire (PSNH) concerning CPD's request that PSNH negotiate the terms of an easement to be located on land owned by PSNH and situated along Shelby Street in Berlin, New Hampshire. The requested easement is purportedly needed to widen Shelby Street as a condition of CPD's local approval of its proposed biomass project in Berlin.

PSNH informed Staff today that it will agree to negotiate the requested easement with CPD. PSNH noted that it is still in the process of evaluating its title to the land in question and will be in touch with counsel for CPD later this week to outline the steps for moving the negotiations forward. Notwithstanding its written response of June 18, 2010, PSNH indicated that it will not hold up negotiation over the easement issues until resolution of the other issues presented in docket DE 09-067.

Staff believes PSNH's agreement to work with CPD on the real estate issues in Berlin is a positive and constructive outcome to this specific dispute without affecting either CPD's or PSNH's positions regarding other aspects of DE 09-067. Staff intends to continue discussions with both CPD and PSNH to see if a mutually agreeable solution to the CPD complaint can be reached.