

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Docket No. DE 10-151

**The City of Holyoke Gas & Electric Department
Application for Certification of Class IV for the Existing
Small Hydroelectric Facilities Pursuant to RSA 362-F**

STIPULATED FINDINGS OF FACT

The undersigned parties to this proceeding and the PUC Staff (jointly referred to herein as “Undersigned”) hereby agree to, or do not dispute, the following facts and are, therefore, willing to stipulate to these facts for the purpose of this proceeding:

I. Characteristics of the Holyoke Gas & Electric Department (“HG&E”) FERC Licensed Projects and Stations at Issue in this Proceeding.

HG&E has described the hydroelectric stations at issue in this proceeding (referred to jointly as “FERC Licensed Projects”) in Appendix A of its Application submitted on May 31, 2010, as supplemented by letter dated June 28, 2010 (jointly referred to herein as “Application”) (attached hereto in Appendix A).

The FERC Licensed Projects are located in the City of Holyoke’s 4.5 mile Canal System. The Canal System consists of three levels. The Canal System is included in the FERC License for the Holyoke Project (FERC Project No. 2004). FERC Project 2004 consists of seven stations: the Hadley Falls Station (30.535 MW, on the Connecticut River and HG&E not requesting Class IV Renewable Energy Certificate eligibility); the Boatlock Station (3.23 MW), the Beebe-Holbrook Station (0.25 MW), the Skinner Station (0.3 MW), the Riverside 4-7 Station (3.04 MW), the Riverside 8 Station (4 MW), and the Chemical

Station (1.6 MW). The named stations under the License designated FERC Project 2004 have a total nameplate capacity of 42.955 MW. Pursuant to FERC orders issued August 20, 1999, and April 29, 2005, the seven stations in FERC Project 2004 are collectively served by upstream fish passage facilities and downstream fish passage facilities as described in Section II below (“Fish Passage Facilities”).

In addition to the stations licensed under FERC Project 2004, the Application involves other FERC Licensed Projects: Holyoke No. 1 Station (1.056 MW, FERC Project No. 2386), Holyoke No. 2. Station (0.8 MW, FERC Project No. 2387), Holyoke No. 3 Station (0.45 MW, FERC Project No. 2388), Holyoke No. 4 Station (0.375 MW, FERC Project No. 7758), Albion Mill A Station (0.312 MW, FERC Project No. 2768), Albion Mill D Station (0.5 MW, FERC Project No. 2766), Gill Mill D Station (0.45 MW, FERC Project No. 2775) and Valley Hydro/ No. 5 Station (0.79 MW, FERC Project No. 10806). The Fish Passage Facilities approved under FERC Project No. 2004 serve the entire Canal System.

HG&E’s Canal System is a three-tier, cascading system. Water enters the Canal System on the First Level Canal through the Gatehouse and subsequently through the full depth louver structure adjacent to the Holyoke Dam on the Connecticut River, as shown on Figure 2 of HG&E’s Application (attached hereto in Appendix B). Water exits the Canal System into the River through the Chemical Station (Project No. 2004) and #4 Overflow located on the Canal System’s Third Level and through Valley Hydro/No. 5, Albion Mill A, Albion Mill D, Gill Mill D, Riverside 4-7 and Riverside 8 Stations and through 5 other hydroelectric stations not at issue in this proceeding (the Crocker AB, Crocker C, Gill Mill A, Nonotuck and Mt. Tom Projects) located on the Canal System’s Second Level.

The FERC Licensed Projects located in the Canal System which are the subject of the

Application have the following characteristics:

- Each FERC Licensed Project commenced operation prior to January 1, 2006 (with the specific date of commencement of operation shown under the heading “Commercial Operation Date” on Appendix A);
- Each FERC Licensed Project is located on HG&E’s Canal System (each in a different location on the Canal System – as indicated in Figure 1 to the Application);
- Each FERC Licensed Project is physically and electrically separate (each with its own intake, penstock, powerhouse and tailrace facility; and with its own separate electrical system and metered separately – as confirmed in the June 2010 supplemental letter);
- Each FERC Licensed Project is covered by a FERC License (as referenced under the heading “FERC License Number” on Appendix A); and
- Each FERC Licensed Project is covered by a Massachusetts Department of Environmental Protection Water Quality Certification (“WQC”) or the requirement for a WQC is waived (as noted under the heading “Water Quality Certification” on Appendix A).

In addition, each Station has a total capacity (including all generators at the Facility) shown under the heading “Gross Nameplate Capacity” on the Amended Appendix A, submitted concurrently with this filing (by agreement of the Parties) and attached hereto in Appendix A.

II. Characteristics of the Holyoke Gas & Electric Department (“HG&E”) Fish Passage Facilities at Issue in this Proceeding.

HG&E has constructed and operates the Fish Passage Facilities which provide for passage of diadromous fish both upstream and downstream at the Holyoke Dam and the Canal System, as described in the Application (in Appendix B to the Application) and shown on Figure 2 of the Application (attached hereto in Appendix B):

- Upstream fish passage facilities include: Two tailrace fish lifts, one spillway fish lift, an attraction water system, transport/crowder channels, exit flumes. The FERC Licensed Projects that discharge from the Canal System into the River are configured to prevent upstream migrating fish from entering the Canal System.
- Upstream eel passage facilities include: Specially designed ramps on both sides of

the Holyoke Dam.

- Downstream fish and eel passage facilities include: The Louver Bypass Facility (comprised of the Full-depth Louvers and the Louver Bypass Discharge Pipe), the Rubber Dam, and the Bascule Gate. The full depth Louver System/Bypass is designed to prevent downstream migrating fish from entering the Canal System and to direct them from above the Dam to the Dam tailrace, allowing continued movement downstream.

The location of each FERC Licensed Project on the Canal System which is at issue in this proceeding, relative to the Fish Passage Facilities, is shown in Figures 1, 2 and 3 of HG&E's Application (attached hereto in Appendix B).

III. References to Fish Passage Facilities in the FERC Licenses and WQCs for each of the FERC Licensed Projects at Issue in this Proceeding.

The FERC License and the WQC for Project No. 2004 (111 FERC ¶ 61,106; see Appendix B to the Application) approve the Fish Passage Facilities for the Beebe Holbrook, Boatlock, Chemical, Riverside 4-7, Riverside 8 and Skinner FERC Licensed Projects. The FERC Licenses and WQCs (to the extent the WQC was not waived) for the Albion Mill A, Albion Mill D, Gill Mill D, Holyoke No. 1, Holyoke No. 2, Holyoke No. 3, Holyoke No. 4 and Valley Hydro/No. 5 FERC Licensed Projects reference the Fish Passage Facilities approved under FERC Project No. 2004 (as described above in Part II); the relevant language is attached hereto in Appendix C.

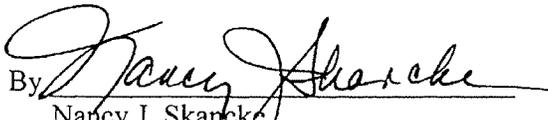
IV. Legislative History of the RPS Law (HB 873) and the 2009 Amendment (HB 229) as to Class IV Eligibility.

Appendix D includes: (a) a complete transcript of an April 17, 2007 hearing before the Senate Committee on Energy, Environment and Economic Development on House Bill 873 (the Renewable Portfolio Standard enacted as RSA 362-F, "RPS Law") together with

those exhibits presented at the legislative hearing that are relevant to the issues in that proceeding; and (b) legislative history materials with respect to HB 229, which included an amendment to the eligibility provision for Class IV REC status under RSA 362-F and which are an accurate copy of the legislative history relative to the 2009 amendments to the RPS Law.

Respectfully submitted,

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