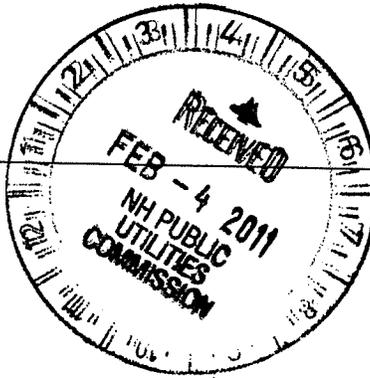


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February 3, 2011

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

Re: New Hampshire Transmission Company, LLC - Request for Determination regarding Admin. Rule Puc 308.07, or for a Waiver from such rule

Dear Ms. Howland:

I am writing to you on behalf of New Hampshire Transmission, LLC (NHT) with regard to the requirement to file an E-22 form, or in the alternative a construction budget and O&M budget, under Admin. Rule Puc 308.07.

Florida Power & Light Company (FPL), the predecessor to NHT, assumed an 88.23% ownership of the Transmission Substation at Seabrook in 2004. See Order No. 24,321, 89 NH PUC 267 (May 7, 2004). In that order the Commission approved a settlement agreement that granted FPL public utility status for the purpose of owning and operating the Seabrook Transmission Substation and that made FPL subject to all laws and regulations applicable to the construction, operation and use of the Seabrook transmission substation pursuant to RSA 374-A:7,II(b). The settlement agreement also required FPL to be subject to the provisions of RSA 369 and other applicable regulatory laws with respect to financing. Pursuant to these provisions FPL has applied for and obtained financing approval with respect to an upgrade at the substation. See Order No. 24,935 (January 30, 2009) in Docket No. DE 08-164 and Order No. 25,138 (August 12, 2010) in Docket No. DE 10-262. The transfer of ownership of the substation from FPL to NHT was approved by the Commission in Order No. 25,105 (May 26, 2010) in Docket No. DE 10-042.

As part of its submittals in the aforementioned financing proceedings, FPL (now NHT) included E-22 forms to detail the projects that were the subject of the financing requests. However, because NHT operates as a public utility by virtue of owning *transmission* plant and equipment, but does not own *distribution* plant or equipment, because the settlement agreement approved in 2004 did not impose any specific requirement that it file an E-22 form, and because it does not serve any useful purpose for NHT to file the E-22 form or its equivalent, NHT requests that it be relieved of any obligation to file either an E-22 form or a construction and

O&M budget as provided in Puc 308.07. NHT believes that Puc 308.07 does not apply to it because it is a public utility for the limited purpose of owning and operating a transmission substation, not a distribution company, and the rule as written refers specifically to distribution utility plant.

In the alternative, to the extent that the Commission believes it necessary, NHT believes that the Commission should waive this rule as authorized by Admin. Rule Puc 201.05. NHT submits that it would be in the public interest to waive the rule because the Puc 308.07 requirements are by the rule's explicit language not applicable to a public utility that only owns transmission property. NHT submits that the fact that its rates, like those of all transmission companies, are not regulated by the Commission, but instead by FERC, further supports the waiving or declaration of the inapplicability of this rule to NHT. NHT also submits that it would not disrupt the orderly and efficient resolution of matters before the Commission to grant a waiver.

NHT will be happy to continue to provide an E-22 form in connection with any future request for financing approval or for a modification to financing approval as it has done in the two situations cited above should the Commission find that helpful and useful. NHT does not plan to submit a construction budget or O&M budget as provided in Puc 308.07 within 60 days of the end of its recent fiscal year pending hearing back from the Commission with regard to this request unless the Commission orders otherwise.

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

Sincerely,



Douglas L. Patch

cc. Steven E. Mullen, Assistant Director, Electric Division

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