

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 10-151**

**HOLYOKE GAS & ELECTRIC DEPARTMENT**

**Motion for Reconsideration of Denial of Class IV Certification**

**Order Denying Motion for Reconsideration**

**ORDER NO. 25,233**

**June 14, 2011**

**I. PROCEDURAL HISTORY**

On June 2, 2010, Holyoke Gas and Electric Department (Holyoke or Applicant) of Holyoke, Massachusetts filed an application for certification of fourteen small hydroelectric facilities as sources eligible to produce Class IV renewable energy certificates (RECs) pursuant to RSA Chapter 362-F, the electric renewable portfolio standard (RPS) law.

The Commission denied certification of the facilities on August 12, 2010. Holyoke filed a motion for reconsideration on September 10, 2010. On October 28, 2010, the Commission issued Order No. 25,160 commencing an adjudicative proceeding and scheduling a prehearing conference on November 24, 2010.<sup>1</sup> On December 1, 2010, Granite State Hydropower Association (GS Hydro) filed a notice of appearance and a petition to intervene. The Commission granted the petition to intervene at the prehearing conference on December 7, 2010.

The Commission adopted a procedural schedule proposed by Staff on December 10, 2010. The procedural schedule stated that the parties had agreed to file stipulated findings of facts and legal briefs for the Commission's consideration. Pursuant to the procedural schedule,

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<sup>1</sup> See Order No. 25,160 for additional information on the filings made to that date.

stipulated findings of fact were filed on February 11, 2011 (Findings of Fact). Holyoke, GS Hydro, and Staff filed legal briefs on March 11, 2011.

## **II. STIPULATED FINDINGS OF FACT**

The stipulated findings of fact state that the Holyoke stations that are the subject of the application are licensed by the Federal Energy Regulatory Commission (FERC) and are located within the City of Holyoke's 4.5 mile canal system. The canal system is a cascading canal consisting of three levels. Findings of Fact at 1. The FERC license for the Holyoke project identified as FERC Project 2004 (Project) includes portions of the canal system and consists of six stations on the canal system:

- Boatlock Station (3.23 MW)
- Beebe-Holbrook Station (0.25 MW)
- Skinner Station (0.3 MW)
- Riverside 4-7 Station (3.04 MW)
- Riverside 8 Station (4 MW)
- Chemical Station (1.6 MW)<sup>2</sup>

Also under the FERC license is the Hadley Falls Station (30.535 MW), which includes the dam on the Connecticut River; Holyoke does not request Class IV Renewable Energy Certificate eligibility for this station. Pursuant to FERC orders issued August 20, 1999, and April 29, 2005, the stations in FERC Project 2004 are collectively served by upstream and downstream fish passage facilities located at the Hadley Falls Station.

In addition to the six stations licensed under FERC Project 2004 noted above, the application involves the following eight generators holding individual FERC licenses, located on the canal system:

Holyoke No. 1 Station (1.056 MW, FERC Project No. 2386)

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<sup>2</sup> The total nameplate capacity for these six stations is 12.42 MW.

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)  
Valley Hydro No. 5 Station (0.79 MW, FERC Project No. 10806)<sup>3</sup>

The fish passage facilities approved under FERC Project No. 2004 serve the entire canal system. Holyoke'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 Holyoke's application. 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 located on the canal system's second level, which are not at issue in this proceeding.<sup>4</sup>

The 14 FERC licensed projects located in the canal system that are the subject of the application have the following characteristics:

- Each project commenced operation prior to January 1, 2006;
- Each project is located on Holyoke's canal system (each in a different location on the canal system – as indicated in Figure 1 to the application);
- Each 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 project is covered by a Massachusetts Department of Environmental Protection Water Quality Certification (WQC) or the requirement for a WQC is waived.

Holyoke has constructed and operates the fish passage facilities, which provide for passage

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<sup>3</sup> The total nameplate capacity of these eight stations is 4.73 MW.

<sup>4</sup> These five stations are Crocker AB, Crocker C, Gill Mill A, Nonotuck and Mt. Tom.

of diadromous fish both upstream and downstream at the Holyoke Dam and the canal system, as described in the application:

- Upstream fish passage facilities include: Two tailrace fish lifts, one spillway fish lift, an attraction water system, transport/crowder channels, and 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 (comprising the full-depth louvers and the louver bypass discharge pipe), the rubber tam, and the bascule gate. The full depth louvers/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.

All of the stations at issue have approval from FERC regarding fish passage. FERC License and the WQC for Project No. 2004 (111 FERC ¶ 61,106; Appendix B to the Application) approve the fish passage facilities for Beebe Holbrook, Boatlock, Chemical, Riverside 4-7, Riverside 8 and Skinner. The FERC licenses and WQCs (to the extent the WQC was not waived) for 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 reference the fish passage facilities approved under FERC Project No. 2004.

Appendix D to the stipulated findings of facts comprises the legislative history of HB 873 (the 2007 legislation which created New Hampshire's renewable portfolio requirements, codified at RSA 362-F) and HB 229 (a 2009 amendment to RSA 362:F which modified the definition of Class IV eligibility).

### III. POSITIONS OF THE PARTIES

#### A. Holyoke Gas and Electric

Holyoke asserted that each of the hydro facilities at issue in this proceeding has a gross nameplate capacity of less than 5 megawatts (MW) (including all turbines/generators within the hydro facility) and that Holyoke owns and operates fish passage facilities at the Holyoke Dam that enable diadromous fish to pass upstream and downstream on the Connecticut River.

Holyoke argued that Class IV certification of the individual hydro facilities is consistent with the language and intent of the NH RPS law. Holyoke Brief at 1. Referring to the stipulated findings of fact, Holyoke stated that “it is undisputed that the hydro facilities are separate facilities that were operational prior to the trigger date under the NH RPS law, and that each of the facilities is covered by a FERC license.” *Id.* at 5.

The Applicant said that it acquired the Holyoke project in 2001. According to Holyoke, the Holyoke project had some fish passages when Holyoke acquired the project and following the acquisition Holyoke made substantial enhancements to the fish passage installation at substantial expense. *Id.* at 5, 7-10. According to Holyoke, the six stations at issue in this proceeding that are licensed under FERC Project 2004 and the remaining eight stations on the Canal system are all served by the fish passage installation at the Holyoke dam. *Id.* at 6. Holyoke stated that it conducts ongoing research, studies and plans to further enhance the fish passage facilities. *Id.* at 10-11. Holyoke also noted that FERC expressly recognized that the fish passage installation is associated with the hydro facilities which are the subject of Holyoke application. *Id.* at 12.

According to the Applicant, this proceeding involves an interpretation of two elements of the Class IV certification criteria under the NH RPS law – the definition of the term “facility” and the meaning of the phrase “actually installed” regarding fish passage mechanisms. *Id.* at 13. Referring to the legislative history of HB 229, the 2009 amendment to the RPS law addressing the definition of eligible hydro facilities, Holyoke said that the Legislature clarified that (1) a facility capacity was to include all generators at the facility; and (2) installed fish passages must meet FERC approval. *Id.* at 15.

Holyoke noted that the 2009 amendment did not include a definition of the term “facility.” According to the Applicant, the focus of the 2009 amendment was to confirm that each generator of a facility was not intended to be separately analyzed for the purpose of applying the MW limit. Holyoke said that the 2009 amendment did not require multiple stations to be combined for the purpose of determining Class IV eligibility. Holyoke also claimed that the 2009 amendment did not require a fish passage installation to be physically connected to the hydro facility involved. *Id.* at 16-17.

Regarding the definition of facility, Holyoke said that the Energy Information Administration (EIA) of the federal Department of Energy defined “facility” as a location or site at which one or more electric generators are located, and defined “plant” as a “facility” at which electric generators are located, thus treating “facility” and “plant” synonymously. Holyoke argued that while there is no express definition of “facility” in the New Hampshire RPS law, Holyoke’s 14 hydro stations at issue in this proceeding are clearly “facilities.” *Id.* at 18. Holyoke noted that each station is physically and electrically separate and that, while some of the stations have multiple turbines and generators, Holyoke is not seeking to separately certify each of those

turbines and generators. Rather, Holyoke is seeking to certify each station consistent with the RPS law. *Id.* at 19.

Holyoke claimed that the “sole basis” of the Commission’s denial of certification was the determination that the hydro facilities do not each have both upstream and downstream diadromous fish passages. Holyoke insisted that this conclusion is contrary to the evidence and the “repeated affirmation by the federal and state resource agencies that Holyoke facilities at the Holyoke dam provide fish passage protections for the Hydro Stations in the Canal System.” *Id.* at 21. Holyoke said it was undisputed that the fish passage installations were built and operate with FERC approval. *Id.* 21-23. The Applicant repeated that there is no requirement that the fish passage installations be directly attached to the hydro facility at issue. According to Holyoke, “the fish passage facilities at the Holyoke Dam, which were constructed, enhanced and operated by Holyoke – the owner and operator of the fourteen facilities at issue in this proceeding – provide effective and efficient upstream and downstream passage for diadromous fish as contemplated by the RPS law.” *Id.* at 23-24.

Holyoke claimed that the application presents a unique factual situation in that the hydro facilities operate in one of the few cascading canal systems in the United States. *Id.* at 26-27. Holyoke concluded by stating that certification of the hydro facilities in this proceeding will have limited, if any, impact on the ability of any other hydro facility to be certified and requested that the Commission reverse its decision and confirm that Holyoke 14 hydro facilities at issue in the application are certified as Class IV facilities under the New Hampshire RPS law. *Id.* at 27-28.

**B. Granite State Hydro Association**

GS Hydro said that the instant proceeding presents two issues for the Commission: (1) whether the FERC Project 2004 facility can be divided into “stations” so that each “station falls within the 5 MW facility gross nameplate capacity limitation under RSA 362-F:4, IV and (2) whether the upstream and downstream fish passages required in RSA 362-F:4, IV may be part of a separate facility from the one seeking certification even when those passages are associated with a facility that has a capacity of more than 5 MWs. GS Hydro Brief at 2.

GS Hydro said that FERC Project 2004 stations do not meet the 5 MW size limitation required by RSA 362-F:4, IV. GHSA noted that the Commission has already found that a hydro electric generating facility must be no larger than 5 MW to meet RPS Class IV certification in Order No. 24,940 (February 6, 2009) (2009 Order).

GS Hydro pointed out that FERC Project 2004 consists of 7 component stations. GS Hydro said that in its Class IV REC application, Holyoke attempts to differentiate between the Hadley Falls Station, which is part of FERC Project 2004, and each of the other 6 generators in the Project license. In so doing, GS Hydro argued that Holyoke seeks to have each component within FERC Project 2004 considered as a separate facility with respect to Class IV certification even though the Project as a whole consists of 42.955 MWs. *Id.* at 3.

According to GS Hydro, the Commission decided a similar question in the 2009 Order when it considered whether the term “source” in an earlier version of RSA 362-F applied to the individual components of a hydroelectric facility. In that case, the Commission found that “RSA 362-F uses the terms source, facility and generating unit interchangeably throughout the definitions,” and concluded that the term “gross nameplate capacity” in RSA 362-F:4, IV



“relates to the total capacity of a hydroelectric facility, *i.e.*, a dam, not to the capacity of a turbine that is a component of the facility.” *Id.* at 4. GS Hydro said that, in the 2009 Order, the Commission determined that PSNH could not disaggregate the generation units in its facilities to meet the 5 MW limitation in the RPS statute. GS Hydro argued that the Commission should similarly not allow Holyoke to disaggregate the FERC Project 2004 stations to meet the requirements of RSA 362-F:4, IV. *Id.* at 4-5.

GS Hydro asserted that where a statute may be susceptible to more than one reasonable interpretation, it is appropriate to consider and give weight to the intent of the enacting legislature (citations omitted). *Id.* at 5. GHSA said that legislative history supported the conclusion that RSA 362-F:4, IV was intended to apply to small projects, 5 MW or less, not larger projects that may have one or more individual generators or components with nameplate capacities of 5 MW or less. Referring to the legislative history of HB 873, GS Hydro stated that Ms. Joanne Morin, then a representative of the Department of Environmental Services (DES) who participated in the development of the legislation, explained that the 5 MW size limit was intended to apply to “small hydro *projects.*” (emphasis added; citations omitted).

GS Hydro said that the Legislature’s focus was not on physical attributes such as “physical” separation of the facilities; rather the focus was to provide RPS support for small hydropower for which upstream and downstream fish passages have been constructed and approved by FERC. *Id.* at 6. GS Hydro asserted that reliance on separate physical and electrical attributes does not take this economic reality into consideration. GS Hydro argued that certifying the Holyoke components would permit aggregation of the stations for permitting and economic purposes, while still permitting them the benefit of Class IV certification and is

inconsistent with RSA 362-F:4, IV, the legislative history for HB 873 and the Commission's 2009 Order.

Regarding the issue of "actual" installation of fish passages, GS Hydro said that relying on upstream and downstream passages from a larger project to support certification of small projects as proposed by Holyoke is not supported by RSA 362-F:4 or its legislative history. According to GS Hydro, RSA 362-F:4, IV requires that electricity be produced from a facility that has "actually installed both upstream and downstream diadromous fish passages and such installations have been approved by the Federal Energy Regulatory Commission." GS Hydro pointed out that in addition to the six "stations" associated with FERC Project 2004, Holyoke seeks certification for eight other FERC licensed projects. GS Hydro argued that none of those eight projects are eligible for Class IV certification because none has installed upstream and downstream fish passage facilities as required by the law. *Id.* at 7.

GS Hydro added that, in its 2009 Order, the Commission ruled that only those hydroelectric facilities that have both upstream and downstream fish passages are eligible for certification for Class IV RECs, settling the issue that each certified facility must have its own upstream and downstream fish passage and cannot bootstrap fish passages for other facilities to meet the RPS requirements. *Id.* at 8. According to GS Hydro, in 2009 the Legislature added the words "has actually installed" fish passages to the statute to clarify that eligible Class IV facilities must have actually installed fish ladders that meet the requirements of a FERC license or waiver, and cannot qualify if they are exempt from such requirements. *Id.* at 9.

Referring to the legislative history of the 2009 amendment, GS Hydro noted that proponents of the bill said that the intent was to "reward those plants that went through the

trouble and expense of installing diadromous fish passages by deeming them eligible for RECs and to specify the size of the plant for eligibility so that, for instance, very large projects would not overwhelm the market for Class IV RECs.” (citation omitted). *Id.* at 10. GS Hydro said that the purpose of the fish passage requirement was to incent and support investment in costly fish passages at smaller facilities for which the economic cost of fish passages is proportionately greater. *Id.* at 10-11. According to GS Hydro, it cannot be presumed that the Legislature would have intended that Class IV RECs should be available to a project without fish passages of its own simply because it is sited in proximity to another FERC project or facility that has fish passage installation.

GS Hydro concluded by requesting that the Commission affirm its original decision and deny Class IV status to the components of the Holyoke Canal System on the grounds that they exceed the gross nameplate capacity limitations and fail to satisfy the upstream fish passage requirements in RSA 362-F. *Id.* at 11.

### **C. Commission Staff**

Staff argued that because the total nameplate capacity of FERC Project 2004 was 42.955 MW, the total nameplate capacity of all generators of the facility exceeded the statutory limit of 5 MW. As for the other facilities for which Holyoke sought certification, Staff said that they were ineligible for Class IV REC certification because the facilities had not individually actually installed both upstream and downstream fish passage systems and were instead served by the fish passage system at Hadley Station. Staff Brief at 3-4.

According to Staff, the Commission previously ruled that an applicant for Class IV REC status cannot disaggregate a hydroelectric facility to qualify as individual generators. *Id.* at 4.

Staff referred to Dockets No. DE 08-053, DE 08-123 and DE 08-124 in which the Commission considered whether PSNH could disaggregate generators in a hydroelectric system to qualify for Class IV RECs even though the overall system's total nameplate capacity exceeded 5 MW. Staff pointed out that the Commission in that case denied certification of the individual generators, stating that a "logical reading of RSA 362-F in its entirety and RSA 362-F:4, IV in particular leads to the conclusion that 'gross nameplate capacity' relates to the total capacity of a hydroelectric facility, *i.e.*, dam, and not to the capacity of a turbine that is a component of that facility." (citation omitted). *Id.* at 5-6. Staff said the Commission must apply the same logic in the instant proceeding and conclude that because the units in FERC Project 2004 have a gross nameplate capacity well in excess of 5 MW, they are not eligible for Class IV REC certification. *Id.* at 6.

Staff pointed out that, in the 2009 Order, the Commission also concluded that only those hydroelectric facilities that have both upstream and downstream fish passages are eligible for certification for Class IV RECs. (citation omitted). Staff noted that in the instant proceeding there is only one fish passage system supporting all 14 of the hydroelectric units that are part of the Holyoke applications. Staff argued that although the fish passage system may be appropriately designed for the Canal System, none of the individual stations, with the possible exception of Hadley Station where the fish passages are located, have actually installed both upstream and downstream diadromous fish passages. According to Staff, even if the Commission were to disaggregate the stations as requested by Holyoke, none of the facilities would meet the fish passage requirement of RSA 362-F:4, IV. *Id.* at 7.

Staff contended that the 2009 amendment to the RPS law clarified the requirement for small hydroelectric facilities to qualify for Class IV RECs. According to Staff, such facilities must have installed both upstream and downstream fish passages that have been approved by FERC. *Id.* To support this argument, Staff referred to the legislative history of HB 229, the 2009 amendment, and the testimony of Representative Suzanne Harvey, one of the co-sponsors of HB 229. Representative Harvey's testimony stated in part that the "intent of the RPS was to reward the plants and the owners that went to the trouble and expense of installing diadromous fish passages by deeming them eligible for RECs and to specify the size of the plant for eligibility. So that, for instance, very large projects would not overwhelm the market for Class IV RECs" (citations omitted). Staff argued that to be eligible to produce Class IV RECs, a hydroelectric facility must have a nameplate capacity of 5 MW or less and have actually installed both upstream and downstream fish passages approved by FERC. Staff concluded by stating that none of the facilities in Holyoke's application qualify for Class IV REC certification and the Commission's original decision to deny such certification should be upheld.

#### **IV. COMMISSION ANALYSIS**

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding, *see O'Loughlin v. N.H. Personnel Comm'n* 117 N.H. 999, 1004 (1977), or by identifying specific matters that were "overlooked or mistakenly conceived" by the deciding tribunal. *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing or reconsideration does not merely reassert prior arguments and request a different outcome. *See Connecticut Valley Electric Co.*, Order No.

24,189, 88 NH PUC 355, 356 (2003), *Comcast Phone of New Hampshire*, Order No. 24,958 (April 21, 2009) at 6-7 and *Public Service Company of New Hampshire*, Order No. 25,168 (November 12, 2010) at 10.

Holyoke argues that the Commission's decision denying certification is unreasonable and contrary to the RPS law. Holyoke maintains that the facilities in the canal system are all under the 5 MW size limit required by the statute and that the facilities are served by a diadromous fish passage facility that satisfies the requirements of the law. We disagree. For the reasons below, we affirm our original decision denying certification for the facilities named in Holyoke's application.

The pertinent section of the law at issue is as follows:

RSA 362-f:4, IV(a): Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the facility began operation prior to January 1, 2006, has a total nameplate capacity of 5 MWs or less as measured by the sum of the nameplate capacities of all the generators at the facility, has actually installed both upstream and downstream diadromous fish passages and such installations have been approved by the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

The 14 units in question, all within the canal system but relying on fish passage facilities along the Connecticut River, are under common ownership and operation. The 14 units together have a generation capacity of over 12 MW, with individual stations ranging from 0.25 MW to 4 MW. Hadley Falls Station, at which the fish passage facilities are installed, brings the total to nearly 50 MW, though Holyoke does not request certification for Hadley Falls. The generation in question was operational before January 1, 2006, satisfying that term of the statute. It is also clear that the 14 units are licensed by FERC either through FERC Project 2004 or through

individual FERC licenses. Further, FERC explicitly found the upstream and downstream fish passage facilities at the Hadley Falls Station, serving all of the generators, to be adequate. Finally, the 14 units meet the state water quality certification requirements pursuant to section 401 of the Clean Water Act.

For Class IV certification, the New Hampshire statute requires the facility to be no more than 5 MW in capacity and to have “actually installed” fish passage facilities that are approved by FERC. We address first the question of whether Holyoke should be entitled for REC purposes to disaggregate those units that are under the 5 MW limit, even though they are part of a larger system, in order to be eligible for Class IV RECs. We previously considered whether a generator may disaggregate turbines in order to qualify for RECs under N.H. law. In *Public Service Company of New Hampshire/FPL Energy Maine Hydro, LLC*, Dockets No. DE 08-053, DE 08-123 and 08-124, we concluded that generating facilities that contained multiple turbines did not qualify for Class IV RECs if the total capacity of the turbines was greater than 5 MW. See Order No. Order No. 24,940 (February 6, 2009) at 15. The Legislature codified this interpretation in 2009, now defining “total nameplate capacity of 5 MWs or less” as being “measured by the sum of the nameplate capacities of all the generators at the facility . . . .” RSA 362-F:4,IV(a).<sup>5</sup>

The Holyoke case is functionally equivalent to the circumstances in the PSNH case. Here the generators are not housed within one structure but are spread across the 4.5 mile canal system. They are part of a common operation under common ownership, rely on a common dam impoundment to supply water into the individual generating units and rely on common fish

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<sup>5</sup> The term “facility” is not defined in RSA 362-F.

passage facilities. Though they are referred to as “stations” they are in practical effect no different from the individual “generators” that the Legislature made clear in 2009 must be added together when determining the total nameplate capacity of the facility.

Given the Legislature’s 2009 clarification that a facility must include the capacity of all of its “generators” we find that the “facility” in this case is the total nameplate capacity of the canal system and Hadley Falls Station, which is nearly 50 MW. Even if “facility” were limited to the units located in the canal system, that is, excluding the Hadley Falls Station, the total would be over 12 MW, still in excess of the 5 MW limit. For this reason we conclude that RSA 362-F does not authorize the units requested to be certified for New Hampshire Class IV RECs.

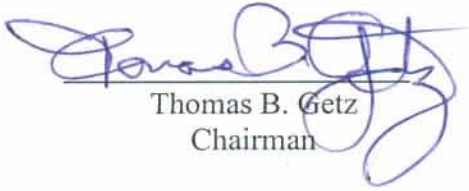
Accordingly, we find that the statute requires that we treat the Holyoke Dam and all its subsidiary elements, however denominated, as a “facility” or “source” as that term is used in RSA 362-F:4, IV and, therefore, the Applicant is ineligible to receive New Hampshire Class IV RECs because the nameplate capacity of all the generators subsidiary to the Holyoke Dam exceeds the 5 MW limit in the New Hampshire RPS law. As a result, we do not need to reach the question of whether the Applicant has actually installed both upstream and downstream fish passages. Nevertheless, we do observe that the Applicant’s overall position is internally inconsistent insofar as it contends disaggregation is proper for purposes of the 5 MW element of the statute while aggregation is proper for purposes of the fish passages element.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the Holyoke Gas and Electric Department’s request for reconsideration is DENIED.



By order of the Public Utilities Commission of New Hampshire this fourteenth day of  
June, 2011.

  
Thomas B. Getz  
Chairman

  
Clifton C. Below  
Commissioner

  
Amy L. Ignatius  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director

