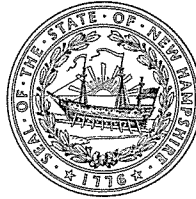


THE STATE OF NEW HAMPSHIRE

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AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

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September 30, 2008

David J. Shulock, Esq.
Brown, Olson & Gould, PC
2 Delta Drive, Ste. 301
Concord, NH 03301

Re: DE 08-024, Pinetree Power, Inc.
Bethlehem Biomass Facility
Application for Certification as an Eligible Facility
Eligibility Date

Dear Mr. Shulock:

On February 11, 2008, Pinetree Power, Inc. (Pinetree) submitted an application requesting certification for the Bethlehem Biomass facility (Bethlehem facility) as a Class III facility pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard Legislation. By secretarial letter dated June 4, 2008, the Commission notified Pinetree that the Bethlehem facility was eligible for conditional certification as a Class III facility pending receipt of verification of compliance with emissions standards from the Department of Environmental Services (DES). On June 9, 2008, DES notified the Commission that test results indicate that the Bethlehem facility meets the emission requirements. On June 19th, by secretarial letter, the Commission designated the Bethlehem facility as eligible to produce Class III renewable energy certificates (RECs) effective June 19, 2008. On July 17, 2008, Pinetree filed a motion for rehearing requesting the Commission revise the eligibility date for Pinetree to produce Class III RECS from June 19, 2008 to May 5, 2008.

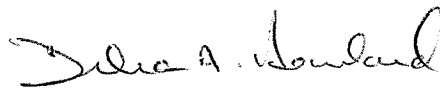
In its motion, Pinetree notes that while RSA 362-F:11, I requires the Commission to certify the classification of an existing facility with 45 days of receiving sufficient information to make a determination, it is silent on the issue of when certification of a facility is effective. According to Pinetree, the facility was in compliance with all the substantive criteria for a Class III certification as of May 5, 2008 and the Commission should have issued its conditional certification pursuant to RSA 362-F:11, III at that time.

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Please be advised that consistent with its determination in DE 08-044, PSNH's application for Class I certification for Schiller Unit 5, the Commission has determined that the appropriate effective date for biomass facilities is the date on which the Commission receives notification from DES that the facility meets the emission requirements, thereby completing an application in accordance with N.H. Code Admin. Rules Puc 2505.01(c) and 2505.02. Accordingly, the Commission revises the effective date of Pinetree's eligibility to produce renewable energy certificates to June 9, 2008.

To the extent Pinetree is aggrieved by the Commission's action on Pinetree's application, it should file an appropriate petition pursuant to Puc 2505.13.

Sincerely,

A handwritten signature in dark ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being more prominent.

Debra A. Howland
Executive Director

DAVID J SHULOCK
BROWN OLSON & GOULD PC
2 DELTA DR STE 301
CONCORD NH 03301-7426

Docket #: 08-024 Printed: October 01, 2008

FILING INSTRUCTIONS: PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),
WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:
DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 SOUTH FRUIT STREET, SUITE 10
CONCORD NH 03301-2429

PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY

DIRECTLY WITH THE FOLLOWING STAFF

RATHER THAN WITH THE EXECUTIVE DIRECTOR

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Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

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