

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

**COMPLAINT OF CLEAN POWER DEVELOPMENT, LLC
AGAINST PUBLIC SERVICE OF NEW HAMPSHIRE
DE 09-067**

MOTION FOR LEAVE TO SUPPLEMENT MEMORANDUM OF LAW

NOW COMES Clean Power Development, LLC (CPD) and hereby respectfully motions the Commission for leave to supplement its Memorandum of Law submitted on April 2, 2010, and in support hereof says as follows:

1. Pursuant to Order No. 25,075 (February 24, 2010), CPD filed its Memorandum of Law regarding the nature and extent of Public Service of New Hampshire's (PSNH) duty to negotiate with and contract for power from CPD.

2. In the Memorandum, CPD addressed PSNH's obligations under Section 210 of the Public Utilities Regulatory Policies Act of 1978, 16 U.S.C.A. Section 824a-3, which require an electric utility to purchase energy and capacity made available by a QF directly or indirectly interconnected with the electric utility (the "mandatory purchase requirement").

3. As a result of the oral arguments heard by the Commission in this proceeding on November 3, 2010, PSNH filed with the Federal Energy Regulatory Commission on January 10, 2010 seeking authorization to terminate the mandatory power purchase obligation.

4. CPD intervened in the proceeding at FERC and protested PSNH's proposed termination of the mandatory power purchase obligation.

5. On April 15, 2010, FERC issued an "Order granting in part and denying in part the application to terminate mandatory purchase obligation re Public Service Company of New Hampshire under QM10-4."

6. More specifically the FERC Order stated:

PSNH's application is granted in part, and PSNH is relieved on a service territory-wide basis of the requirement to enter into new power purchase obligations or contracts with QFs that have a net capacity in excess of 20 MW effective January 7, 2010 **(with the exception of any contract or legally enforceable obligation that results from the New Hampshire Commission's action on Clean Power's petition).**


Order at 9. (Emphasis added.)

7. Accordingly, FERC's Order directly addresses a central and important issue in this proceeding.

8. CPD has not sought PSNH's concurrence with this Motion because it would be a futile effort.

WHEREFORE, Clean Power Development, LLC respectfully requests the Commission to supplement its Memorandum of Law with respect to the impact of FERC's Order on the proceedings here in New Hampshire in DE 09-067.

Respectfully submitted,
CLEAN POWER DEVELOPMENT, LLC
By its Attorney,


/s/ James T. Rodier

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Dated: April 19, 2010