

DE 00-066

NEW HAMPSHIRE ELECTRIC COOPERATIVE

**Investigation into the Applicability of Restructuring Charges
to Special Contract Customers**

Order Granting Motion for Clarification

O R D E R N O. 23,475

May 12, 2000

On May 1, 2000, the New Hampshire Public Utilities Commission (Commission) entered Order No. 23,450, granting interventions and approving a proposed procedural schedule for this docket. The Commission indicated that the proceeding would commence with briefing on certain threshold legal issues, following which the Commission would "enter an order ruling on its discretionary authority to require [the six ski areas in the service territory of the New Hampshire Electric Cooperative (NHEC)] to pay Restructuring Charges" notwithstanding the existence of special contracts between the ski areas and NHEC.

Now pending is a motion by four of the ski areas - Loon Mountain Recreation Corp., Waterville Company, Inc., Mt. Attitash Lift Corp and Mt. Cranmore, Inc. (collectively, the Ski Area Intervenors) - for clarification of the Commission's order. Specifically, the Ski Area Intervenors indicate their understanding that the parties and Staff had agreed there were

actually two threshold legal issues for the Commission to resolve at the outset: (1) the extent of the Commission's authority to order the ski areas to pay Restructuring Charges, and (2) assuming the Commission had such authority and exercised it, whether the ski areas would have the right to terminate the special contracts in these circumstances.

Staff and Rep. Jeb Bradley, also an intervenor, have indicated their concurrence with the Ski Area Intervenors' request for this clarification. The other parties have either taken no position or have indicated they do not object.

We deem it reasonable to clarify the previous order in the manner requested by the Ski Area Intervenors. Therefore, in their briefs submitted pursuant to the schedule set forth in Order No. 23,450, the parties should address both the issue of whether the Commission should impose Restructuring Charges on the six ski areas and, if so, what effect such action would have on the special contracts at issue.

Based upon the foregoing, it is hereby ordered that the pending motion for clarification is granted, consistent with the terms of the order herein.

By order of the Public Utilities Commission of New
Hampshire this twelfth day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary