THE STATE OF NEW HAMPSHIRE

before the

PUBLIC UTILITIES COMMISSION

Docket No. DE 09-067

Complaint of Clean Power Development, LLC
Against Public Service of New Hampshire

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S LEGAL MEMORANDUM

In Order No. 25,075 dated February 24, 2010, the Commission ordered the filing of legal memoranda in this proceeding. Public Service Company of New Hampshire ("PSNH") is providing this Legal Memorandum in satisfaction of that requirement.

Overview

In Order No. 25,075, the Commission identified the disputed issue as follows:

> **Issues in Dispute.** The complaint involves, as a threshold matter, whether PSNH is obligated to negotiate and contract with CPD for some or all of the output of CPD's biomass facility, which is proposed to be constructed within PSNH's service territory. We are particularly interested in the parties' interpretation of Section 210 of the Public Utilities Regulatory Policies Act of 1978, 16 U.S.C.A. Section 824a-3, RSA Chapter 362-A, the Limited Electrical Energy Producers Act, and any other legal standard that might impose an obligation on PSNH under these circumstances. If we were to conclude that PSNH is obligated to negotiate and contract for some or all of the output of the CPD facility, the next inquiry would be a factual one examining the nature of negotiations that have taken place between CPD and PSNH.

Order at 2.

Throughout this proceeding, PSNH has repeatedly stated its position regarding the underlying issue - - there is no requirement under either state or federal law obligating any public utility in New Hampshire, including PSNH, to negotiate or contract with any merchant generator for some or all of the output of their facility. *See*, PSNH's Letter of March 16, 2009 to CPD;[1] PSNH's Letter of April 8, 2009, to Mayor of Berlin;[2] PSNH's filing with Commission dated April 28, 2009;[3] PSNH's Letter to the Commission dated June 1, 2009;[4] PSNH's Letter to the Commission dated September 24, 2009;[5] and the statements made on the record on behalf of PSNH during the Prehearing Conference held in this proceeding on November 3, 2009.

As set forth in the Commission's identification of the issues in dispute, the issue for briefing is "whether PSNH is obligated to negotiate and contract with CPD for some or all of the output of CPD's biomass facility, which is proposed to be constructed within PSNH's service territory." The Commission noted its particular interest in discussions of any such obligations under Section 210 of the Public Utilities Regulatory Policies Act of 1978 ("PURPA"), RSA Chapter 362-A -- the Limited Electrical Energy Producers Act ("LEEPA"), and any other legal standard that might impose an obligation on PSNH under these circumstances.

[1] Filed with the Commission by PSNH as Attachment 5 of the Company's April 28, 2009, response to CPD's initial complaint, as required by Secretarial Letter of April 14, 2009.

[2] Docketed in this proceeding on April 10, 2009.

[3] PSNH's response to CPD's initial complaint, as required by Secretarial Letter of April 14, 2009.

[4] Filed in response to CPD's request to open a formal investigation.

[5] Filed pursuant to the Commission's inquiry regarding the status of PSNH's review of offers submitted to PSNH by CPD and Concord Steam.

A dozen years ago, by 1998 N.H. Laws, 261:6 the Legislature unequivocally eliminated any further legal obligation under LEEPA for utilities of this state to purchase the output from limited electrical energy producers.[6]

The only legal mandate that might obligate a utility to *purchase* the output from a merchant plant - - but not negotiate or contract for that purchase - - is contained in the Public Utilities Regulatory Policies Act ("PURPA"). PSNH has repeatedly informed CPD of this fact - - but CPD never indicated any interest in pursuing an avoided cost rate order from this Commission pursuant to PURPA.

On January 7, 2010, pursuant to PURPA Section 210(m) and the Federal Energy Regulatory Commission's ("FERC") implementing regulations, PSNH filed with the FERC an "Application of Public Service Company of New Hampshire for Authorization to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater." In its FERC Application, PSNH requested relief from the mandatory power purchase obligations of Section 292.303(a) of the FERC's regulations for qualifying cogeneration facilities and qualifying small power production facilities (collectively, "QFs") with a net generating capacity of 5 megawatts or greater. If PSNH's Application is granted by the FERC, PSNH would no longer have any mandatory purchase obligation under PURPA from these QFs retroactive to the date of the Application.[7] Due to the pendency of PSNH's FERC filing, the company's obligations to purchase the output from a QF under PURPA cannot be meaningfully discussed until there is

[6] 1998 N.H. Laws Chapter 261 reflects the enactment of House Bill 485 during the 1998 legislative session.

[7] FERC Order No. 688-A at p.137, fn. 60 ("As we noted above, once the Commission has made a finding that a particular QF has nondiscriminatory access to one of the specified markets, this conclusion would be binding in proceedings involving the same QF and other electric utilities, absent a showing of changed circumstances. Accordingly, as of the date of the first electric utility's filing seeking termination of the obligation to purchase from a particular QF, any subsequent state filing that a QF makes will not result in a grandfathered obligation.").

a final, unappealable FERC order. However, notwithstanding the ultimate decision in FERC Docket QM10-4-000, it is PSNH's position that PURPA does not create any obligation for it to negotiate and contract with CPD for some or all of the output of CPD's biomass facility.

PSNH is unaware of "any other legal standard that might impose an obligation on PSNH" to negotiate or contract with any merchant generator, or otherwise purchase the output from such generator. Thus, other than LEEPA and PURPA, PSNH will not be substantively discussing "any other legal standard" in this legal memorandum.

LEEPA

As noted above, in 1998 N.H. Laws, 261:6 the Legislature unequivocally eliminated any obligation under LEEPA for utilities of this state to purchase the output from limited electrical energy producers. 1998/261:6 was captioned "Limited Electrical Energy Producers Act; Purchase of Output by Public Utilities; ***New Purchases Not Required After Competition Certified.***" (Emphasis added.) This section reads in full:

> 6 Limited Electrical Energy Producers Act; Purchase of Output by Public Utilities; New Purchases Not Required After Competition Certified. Amend RSA 362-A:3 to read as follows:
>
> 362-A:3 Purchase of Output of Limited Electrical Energy Producers by Public Utilities.
>
> > ***I.*** The entire output of electric energy of such limited electrical energy producers, if offered for sale to the electric utility, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.
> >
> > ***II. No purchases and related transactions involving qualifying facilities shall take place under RSA 362-A:3 or RSA 362-A:4 in any location where retail electric competition is certified to exist pursuant to RSA 38:36, unless such purchase or related transaction is pursuant to:***

> ***(a) Commission orders or agreements providing for qualifying facility power sales existing prior to such certification;***
>
> ***(b) Negotiated qualifying facility power purchase contracts existing prior to such certification; or***
>
> ***(c) Commission orders or agreements resulting from the renegotiation of orders, agreements, or contracts referenced in subparagraphs (a) and (b).***[8]

This amendment to RSA 362-A:3 took effect on August 25, 1998. Since May 1, 2001, the date that electric competition was certified to exist in PSNH's service territory,[9] except for certain conditions not applicable here,[10] the obligation under LEEPA is clear: "No purchases and related transactions involving qualifying facilities shall take place under RSA 362-A:3 or RSA 362-A:4 in any location where retail electric competition is certified to exist…."

Apparently, CPD agrees with PSNH on the applicability of LEEPA to its complaint. In its March 12, 2010, filing with the Commission, CPD admitted that "CPD has not contended that PSNH has any obligation under LEEPA."[11]

For these reasons, it is PSNH's position that LEEPA does not create any obligation to negotiate and contract with CPD for some or all of the output of CPD's biomass facility.[12]

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[8] Matter added to the then-current law appears in bold italics.

[9] *See,* Commission Letter dated March 30, 2001, certifying May 1, 2001 as "Competition Day for Public Service Company of New Hampshire.".

[10] Those conditions are set forth in RSA 362-A:3, II, (a), (b), and (c), *supra.*

[11] CPD's filing of March 12, 2010 was made in response to PSNH's March 10, 2010 request for a delay in the filing date of these legal memoranda by the parties.

[12] In light of the 1998 repeal of the LEEPA mandatory purchase obligation, and the absence of any other similar state law mandating the purchase of a merchant generator's output by a utility, it is not necessary for PSNH to brief the issue of whether that former state law is preempted by the Federal Power Act or PURPA. The FERC, when ruling that a Connecticut statute requiring the purchase of the output from a QF by a utility at a price other than the utility's avoided cost was preempted by federal law, said, "For QFs, jurisdiction over rates for sales at wholesale is vested in this Commission. PURPA expressly directed this Commission, and not the states, to prescribe rules governing QF rates." *Connecticut Light and Power Company,* 70 FERC ¶61012, 61027 (1995). *See also, Mississippi Power & Light Co. v. Mississippi ex rel.*

PURPA

In general, Section 210 of PURPA requires an electric utility to purchase - - but not negotiate or contract for that purchase - - energy and capacity made available by a QF directly or indirectly interconnected with the electric utility.[13] Section 292.304(d) of the Commission's regulations allows QFs to: (1) provide energy on an "as available" basis; or (2) provide energy or capacity pursuant to a "legally enforceable obligation," such as a long-term contract or an order issued by the applicable state regulatory authority imposing a purchase obligation over a specified term. For purchases governed by contracts or other legally enforceable obligations, QFs have the option to sell energy and capacity at the utility's avoided costs calculated at either: (1) the time of delivery; or (2) the time the obligation is incurred.[14] A more comprehensive discussion of the requirements imposed by PURPA are available in the *"Application of Public Service Company of New Hampshire For Authorization to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater"* filed with the Federal Energy Regulatory Commission on January 7, 2010, and docketed as FERC Docket No. QM10-4-000.[15]

PURPA does not require a utility to either negotiate a power purchase agreement with a QF or enter into a power purchase agreement with a QF. A utility may voluntarily choose to both negotiate and enter into a power purchase agreement with a QF, if it so desires.

Moore, 487 U.S. 354, 371 (1988) ("FERC has exclusive authority to determine the reasonableness of wholesale rates.")

[13] Section 210 of PURPA is codified as 16 U.S.C. § 824a-3.

[14] 18 C.F.R. § 292.304(d)(2)(i) and (ii); *see JD Wind I, LLC,* 129 FERC. ¶61148 at P 2, 25, 27; Order No. 69, 45 Fed. Reg. 12,214 at 12,224 (1980). In Order No. 69, the Commission further authorized state utility commissions to front load avoided costs. *Id.*

[15] A copy of PSNH's referenced FERC Application is attached hereto as Appendix 1.

PURPA does give a QF the right to seek from the state regulatory authority (in New Hampshire, the Commission) a "legally enforceable obligation" to purchase its output at an avoided cost rate determined by that state regulatory authority.[16] The FERC recently explained this distinction in *JD Wind 1, LLC*, 129 FERC ¶61,148 (2009).[17]

This Commission has spelled out the procedure for seeking a "legally enforceable obligation" under PURPA in Docket No. DE 83-62, *Re Small Energy Producers and Cogenerators*, 68 NHPUC 531 (1983). Pursuant to the procedure spelled out in Docket No. DE 83-62, the Commission in the past issued dozens of orders creating legally enforceable obligations under PURPA – obligations that ultimately cost PSNH's customers billions of dollars in over-market payments.

PSNH has repeatedly acknowledged and informed CPD, this Commission, and others of the PURPA Section 210 requirement for an electric utility to purchase energy and capacity made available by a QF.[18] For example, in a letter dated April 8, 2009 from PSNH to the Mayor of Berlin, PSNH stated:

> Under federal law, PSNH is required to purchase power from certain small power producers at rates established by the PUC. PSNH does purchase power in this manner from a number of such producers. The biomass generation developers in Berlin are aware of this possibility, but have chosen not to pursue this option.[19]

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[16] *See*, 18 C.F.R. §292.304.

[17] The distinction between a contract voluntarily entered into by a utility and a "legally enforceable obligation" was also discussed by the FERC in its Order No. 69 adopting regulations implementing section 210 of PURPA. 45 Fed. Reg. 12214, 12224 (1980):

> Paragraph [293.304] (d)(2) permits a qualifying facility to enter into a contract or other legally enforceable obligation to provide energy or capacity over a specified term. Use of the term "legally enforceable obligation" is intended to prevent a utility from circumventing the requirement that provides capacity credit for an eligible qualifying facility merely by refusing to enter into a contract with the qualifying facility.

See also, Re Small Power Producers and Cogenerators, 68 NH PUC 575, 577 (1983).

[18] A more comprehensive discussion of this subject is set forth by PSNH in its "Request For Leave to Answer and Answer to Motions to Intervene and Protests" dated February 18, 2010, filed in FERC Docket No. QM10-4-000, a copy of which is attached hereto as Appendix 2.

[19] April 8, 2009 Letter from PSNH to Mayor David Bertrand of Berlin, filed in this docket.

In a letter to the Commission dated April 28, 2009, PSNH recognized that CPD can assert its rights under PURPA as a QF:

> PSNH reminded CPD that unless CPD chose to assert rights as a qualifying facility under PURPA, no utility or other market participant had a legal mandate to enter into a power purchase agreement with CPD or with any other merchant generator.[20]

In a letter dated June 1, 2009, PSNH committed in writing to fulfill its power purchase obligations if CPD asserted its rights under PURPA:

> If CPD desires to assert rights under PURPA as a QF to "put" its output to PSNH, the company stands ready to comply with that legally-imposed purchase obligation. Otherwise, there simply is no requirement for PSNH, or any other utility or potential purchaser, to enter into long-term power purchase negotiations with CPD or any other generator.[21]

Clearly, CPD was well aware of the options available to it under PURPA. During the November 3, 2009 prehearing conference in this docket, counsel for CPD acknowledged this awareness:

> There's a long-term PURPA obligation, and there are these rebuttable presumptions you heard about. They're [PSNH] required to go in and get a waiver. Those are like a preliminary finding. If they really want to get out of their long-term obligations, they got to go in and ask for the exemption. That much is clear. They didn't do it.[22]

The "exemption" referred to by CPD during November 3, 2009 prehearing conference comes from recent changes to PURPA. As the Commission is aware, in the Energy Policy Act of 2005 Congress enacted amendments to PURPA.[23] Section 1253 of the Energy Policy Act of 2005 added Section 210(m) to PURPA exempting electric utilities from

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[20] April 28, 2009 Letter from PSNH to NHPUC in this docket.

[21] June 1, 2009 Letter from PSNH to NHPUC in this docket .

[22] Transcript, pp. 89-90.

[23] Certain amendments to PURPA contained in the Energy Policy Act of 2005 were considered by the Commission in Docket No. DE 06-061, "Investigation Into Implementation of the Energy Policy Act of 2005."

the Mandatory Purchase Requirement if the FERC finds that qualifying facilities ("QFs") in the utilities' respective service territories have "non-discriminatory access" to certain wholesale markets. Subsequently, in 2006 and 2007, the FERC issued Order Nos. 688[24] and 688-A,[25] which adopted regulations to implement Section 210(m).

On January 7, 2010, pursuant to PURPA Section 210(m) and the FERC's implementing regulations, PSNH filed with the FERC an "*Application of Public Service Company of New Hampshire for Authorization to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater*." That filing was docketed by the FERC as Docket No. QM10-4-000. Copies of PSNH's FERC filing were served on both CPD and Concord Steam, as well as every other qualifying facility in New Hampshire, the Commission and the Office of Consumer Advocate. Of note, on February 3, 2010, CPD filed a "Motion to Intervene and Protest" in the pending FERC docket.[26]

In its FERC Application, PSNH requested relief from the mandatory power purchase obligations of Section 292.303(a) of the FERC's regulations for qualifying cogeneration facilities and qualifying small power production facilities (collectively, "QFs") with a net generating capacity of 5 megawatts or greater. If PSNH's Application is granted by the

[24] 71 Fed. Reg. 64,342 (2006).

[25] 72 Fed. Reg. 35,872 (2007).

[26] CPD sent a copy of its FERC filing to the Commission, which was docketed in this proceeding on February 5, 2010. Other entities filing intervention petitions in FERC Docket No. QM10-4-000 include Brookfield Energy Marketing Inc., Somersworth Hydro Co., Inc., Sweetwater Hydroelectric, Inc., Mascoma Hydro Corporation, Consolidated Hydro New Hampshire, Inc., WM Renewable Energy, L.L.C., Granite State Hydropower Association, Inc., Indeck Energy-Alexandria, LLC, and Gestamp Biotermica, Inc.

FERC, PSNH would no longer have any mandatory purchase obligation under PURPA from these QFs retroactive to the date of the Application.[27]

CPD had actual notice as early as March 16, 2009 -- over a year ago -- that PSNH reserved the right to file an application with the Commission for relief from the mandatory purchase requirement of PURPA.[28] CPD was again informed of PSNH's right to seek relief from the mandatory purchase requirement of PURPA during the November 3, 2009 prehearing conference.[29]

Despite CPD's express knowledge of its rights under PURPA, and having been put on actual notice repeatedly by PSNH of the company's right to seek relief from PURPA's Mandatory Purchase Requirement, CPD did not make any effort to exercise PURPA rights as a QF or to establish long-term avoided cost rates pursuant to Section 292.303 of the FERC's regulations[30] or via the procedure established by this Commission in Docket No. 83-62.[31]

Due to the pendency of PSNH's FERC filing, and the retroactive effect of that filing, the company's obligations to purchase the output from a QF pursuant to a rate order issued by this Commission creating a legally enforceable obligation under PURPA cannot be briefed until there is a final, unappealable order deciding FERC Docket No. QM10-4-000. However, even if PSNH's request for waiver under Section 210(m) of PURPA was ultimately denied

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[27] FERC Order No. 688-A at P137, fn. 60 ("As we noted above, once the [FERC] has made a finding that a particular QF has nondiscriminatory access to one of the specified markets, this conclusion would be binding in proceedings involving the same QF and other electric utilities, absent a showing of changed circumstances. Accordingly, as of the date of the first electric utility's filing seeking termination of the obligation to purchase from a particular QF, any subsequent state filing that a QF makes will not result in a grandfathered obligation.").

[28] Letter from PSNH to CPD, March 16, 2009, included as Attachment 5 to April 28, 2009 Letter from PSNH to NHPUC in this docket.

[29] Transcript, pp. 80-82; 88-89.

[30] *See JD Wind* 1, *LLC*, 129 FERC ¶61148 (2009).

[31] Or, in the vernacular of CPD used during the November 3, 2009, prehearing conference, "If they [CPD] really want to get [their long-term PURPA] obligations, they got to go in and ask for [it]. That much is clear. They didn't do it." Transcript, pp. 89-90.

by the FERC, it is PSNH's position that PURPA does not create any obligation for it to negotiate and contract with CPD for some or all of the output of CPD's biomass facility. The company's only obligation (assuming that such biomass facility is eligible for QF status under PURPA) would be to comply with the terms of any rate order issued by this Commission creating a legally enforceable obligation under PURPA mandating the purchase of the output from CPD's proposed biomass facility at avoided cost rates - - exactly what PSNH has repeatedly informed CPD, the Commission, and others for the past year.

Any Other Legal Standard That Might Impose An Obligation On PSNH Under These Circumstances

The purpose of these legal memoranda, as stated in the "Issues in Disputer Order No. 25,075 is to allow the Commission to determine whether "PSNH is obligated to negotiate and contract for some or all of the output of the CPD facility…." To that end, the Commission has indicated its interest in "any other legal standard that might impose an obligation on PSNH under these circumstances." *Id.*

Except for any remaining PURPA obligations that were discussed earlier, PSNH is unaware of "any other legal standard that might impose an obligation on PSNH" to negotiate or contract with any merchant generator. During the November 3, 2009, prehearing conference, the Commission Chair asked counsel for PSNH about the nature of PSNH's duty, if any, owed to CPD. PSNH replied, "Is there a legal obligation that we consider any and every proposal that comes in the door? No, there is no legal obligation to do that. Is there a good business obligation to do that? Yes, there is." Transcript, p. 58-59.[32]

[32] During the prehearing conference, the Chair inquired further regarding PSNH's business obligation to give due consideration to any bona fide offer it receives. PSNH responded that the company must use a reasonable business practices. Transcript, pp. 70-72.

The purpose of the legal memoranda requested by the Commission is to determine whether any "*legal standard*… might impose an obligation on PSNH" to negotiate or contract with any merchant generator. PSNH notes that it has previously provided comprehensive information to the Commission concerning its business consideration of offers submitted by both CPD and Concord Steam.[33]

PSNH has management discretion to assemble a power supply portfolio, including the required number renewable energy certificates, that is subject only to the Commission's after-the-fact analysis of whether the resulting costs charged to customers are actual, prudent and reasonable. PSNH is not a public, governmental agency; it is an investor owned utility. A utility such as PSNH does not surrender its right to manage its own affairs merely by devoting its private business to a public use. *Appeal of Public Service Company of New Hampshire*, 122 N.H. 1062, 1066-67 (1982); *Appeal of Roger Easton*, 125 N.H. 205, 211 (1984).

The only state statute other than LEEPA that relates to the issue of power purchase agreements between a utility and a merchant generator is RSA Chapter 362-F, "Electric Renewable Portfolio Standard." That law does not create any obligation for a utility to negotiate or contract for some or all of the output from any merchant generator.

To the contrary, RSA 362-F:9, "Purchased Power Agreements," provides a procedure for the Commission to authorize a utility to enter into multi-year purchase agreements with renewable energy sources. This procedure applies only "***Upon the request of*** one or more electric distribution companies…." RSA 362-F:9, I (emphasis added). RSA Chapter 362-F

[33] *See,* PSNH's April 28, 2009, response to CPD's initial complaint, as required by Secretarial Letter of April 14, 2009; PSNH's September 24, 2009, response to to the Commission's inquiry regarding the status of PSNH's review of offers submitted to PSNH by Clean Power Development (CPD) and Concord Steam (CS); Discussion of this matter throughout the November 3, 2009, prehearing conference.

does not in any way create a legal obligation for a utility to negotiate or contract with any merchant generator.[34]

For these reasons, PSNH is unaware of any other legal standard that might impose an obligation on PSNH to under these circumstances to negotiate and contract with CPD for the output from its proposed biomass facility. [35]

Conclusion

For the reasons set forth herein, it is PSNH's position that there are no legal standards which create any obligation to negotiate and contract with CPD for some or all of the output of CPD's biomass facility.

Respectfully submitted this 2nd day of April, 2010.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By:_____

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[34] In its initial Complaint dated April 7, 2009, CPD alleged, "PSNH has an obligation under RSA 362 F-1 (sic) to at least objectively consider a PPA with a proposed renewable facility." As PSNH previously noted in its April 29, 2009, response to that Complaint, "RSA 362-F:1 is captioned 'Purpose' and espouses policy principles regarding renewable portfolio standards. As such, it is not capable of being 'violated' as alleged in CPD's complaint. PSNH is in full compliance with the RPS requirements set forth in RSA Chapter 362-F."

[35] In CPD's Supplemental Complaint dated May 1, 2009, CPD accused PSNH of criminal misconduct by alleging conspiracy violations of RSA 356:2. Such an allegation is patently ridiculous, is actionable as libel *per se*, and not worthy of mention beyond this footnote.

CERTIFICATE OF SERVICE

I certify that on this 2nd day of April, 2010, I caused the attached Legal Memorandum to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By:_____

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Appendix 1

"Application of Public Service Company of New Hampshire For Authorization to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater"

January 7, 2010

FERC Docket No. QM10-4-000

APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE FOR AUTHORIZATION TO TERMINATE THE MANDATORY POWER PURCHASE OBLIGATION FROM QUALIFYING FACILITIES WITH NET GENERATING CAPACITY OF FIVE MEGAWATTS OR GREATER

VOLUME I of III:
TRANSMITTAL LETTER AND APPLICATION

SECURITY DESIGNATION: PUBLIC

FILER: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

DOCUMENT DATE: JANUARY 7, 2010

DOCKET AND SUB-DOCKET: QM10-___-000

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January 7, 2010

VIA HAND- DELIVERY

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Public Service Company of New Hampshire
Docket No. QM10- -000

Dear Secretary Bose and Deputy Secretary Davis:

Northeast Utilities Service Company ("NUSCO"), on behalf of its affiliate, Public Service Company of New Hampshire ("PSNH"), hereby submits for filing the original and 14 copies of the "Application of Public Service Company of New Hampshire for Authorization to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater" (the "Application"). The Application is being submitted pursuant to Section 210(m)(3) of the Public Utilities Regulatory Policy Act of 1978, 16 U.S.C. § 824a-3 (m)(3), Section 292.310(a) of the Federal Energy Regulatory Commission's (the "Commission") regulations, 18 C.F.R. § 292.310(a), and Order Nos. 688 and 688-A.[1]

The Application requests relief for PSNH, on a service territory-wide basis, from the mandatory power purchase obligations of Section 292.303(a) of the Commission's regulations for qualifying cogeneration facilities and qualifying small power production facilities (collectively, "QFs") with a net generating capacity of 5 megawatts ("MW") or greater. For QFs with a net generating capacity greater than 20 MW ("Large QFs"), PSNH relies on the rebuttable presumption that Large QFs in so-called "Day 2" markets have nondiscriminatory access to those markets as set forth in Section 292.309(e) of the Commission's regulations. For QFs with a net generating capacity between 5 MW and 20 MW ("Small QFs"), PSNH will overcome the rebuttable presumption set forth in Section 292.309(d)(1) of the Commission's regulations that Small QFs do not have nondiscriminatory access to markets.

As discussed in the Application, PSNH requests privileged treatment of certain commercially sensitive and critical energy infrastructure information in Attachments B and H, respectively, submitted to comply with Section 292.310(c) of the Commission's regulations.

[1] *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities,* Order No. 688, FERC Stats. & Regs. ¶ 31,233 (2006); *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*, Order No. 688-A, FERC Stats. & Regs. ¶ 31,250 (2007).

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Pursuant to Sections 388.112 and 388.113 of the Commission's regulations, NUSCO is submitting one hard copy of the privileged and confidential documents as Volume II of III of the Application in a sealed envelope marked "Non-Public Version – Protected Materials: Contains Privileged Information; Do Not Release." Similarly, NUSCO is submitting one hard copy of the documents containing critical energy infrastructure information and privileged information as Volume III of III of the Application in a sealed envelope marked "Non-Public Version – Protected Materials: Contains Critical Energy Infrastructure Information and Privileged Information; Do Not Release."

Please do not hesitate to contact the undersigned with any questions regarding the Application.

Very truly yours,

NORTHEAST UTILITIES SERVICE COMPANY
AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

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and Public Service Company of New Hampshire

Enclosures

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Public Service Company of New Hampshire	)	Docket No. QM10-__-000
	)	January 7, 2010

APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE FOR AUTHORIZATION TO TERMINATE THE MANDATORY POWER PURCHASE OBLIGATION FROM QUALIFYING FACILITIES WITH NET GENERATING CAPACITY OF FIVE MEGAWATTS OR GREATER

Northeast Utilities Service Company ("NUSCO"), on behalf of its affiliate Public Service Company of New Hampshire ("PSNH"), submits this application ("Application") pursuant to Section 210(m)(3) of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), as amended, and Sections 292.310(a) and 292.309(a)(2) of the Federal Energy Regulatory Commission's ("FERC" or the "Commission") regulations. PSNH's Application requests relief, on a service territory-wide basis, from the mandatory power purchase obligations of Section 292.303(a) of the Commission's regulations for qualifying cogeneration facilities and qualifying small power production facilities (collectively, "QFs") with a net generating capacity of 5 megawatts ("MW") or greater.

For QFs with a net generating capacity greater than 20 MW ("Large QFs"), PSNH is relying on the rebuttable presumption that Large QFs in so-called "Day 2" markets have nondiscriminatory access to those markets as set forth in Section 292.309(e) of the Commission's regulations. For QFs with a net generating capacity between 5 MW and 20 MW ("Small QFs"), PSNH will overcome the rebuttable presumption set forth in Section 292.309(d)(1) of the Commission's regulations that Small QFs do not have nondiscriminatory access to markets.

In support of this Application, PSNH states as follows:

I. DESCRIPTION OF PSNH

PSNH is a wholly-owned subsidiary of Northeast Utilities ("NU"), a public utility holding company. PSNH is a New Hampshire public utility corporation with a principal place of business located in Manchester, New Hampshire. PSNH owns and operates approximately 1,200 MW of electricity generation assets, approximately 1,000 circuit miles of transmission lines, and over 14,000 circuit miles of distribution lines. PSNH provides retail franchise electric service to about 490,000 customers in 211 New Hampshire municipalities within its franchise area, and is regulated by the New Hampshire Public Utilities Commission ("NHPUC").

Together with other transmission-owning NU subsidiaries,[1] PSNH provides transmission services pursuant to ISO New England Inc.'s ("ISO-NE") Transmission, Markets and Services Tariff, FERC Electric Tariff No. 3 (the "ISO-NE Tariff"). PSNH also operates and maintains, and plans for the expansion of, transmission in accordance with its rights and obligations as a Participating Transmission Owner ("PTO") under the Transmission Operating Agreement with the other PTOs and ISO-NE in the New England Regional Transmission Organization ("RTO").[2]

II. COMMUNICATIONS

All notices, communications, and correspondence relating to this Application should be directed to the following individuals:

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[1] The other transmission-owning NU subsidiaries are The Connecticut Light and Power Company and Western Massachusetts Electric Company.

[2] Capitalized terms, unless otherwise defined herein, are defined with reference to the ISO-NE Tariff.

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NUSCO requests that the above-listed individuals be placed on the official service list maintained by the Secretary for this proceeding.[3]

III. BACKGROUND

Recently, after an almost two-decade hiatus, QF developers again started approaching PSNH and the NHPUC in an attempt to force PSNH to buy power under long-term contracts at its estimated avoided costs. PSNH is concerned that the imposition of mandatory purchase obligations based on estimated avoided costs could repeat history and once again greatly burden its customers.[4] Therefore, PSNH determined it was appropriate to request an exemption from PURPA's mandatory power purchase obligations for QFs of 5 MW or greater.[5]

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[3] NUSCO respectfully requests that the Commission waive the restriction set forth in 18 C.F.R. § 385.203(b)(3) that limits service and communications to two persons.

[4] Since the inception of PURPA must-buy obligations, PSNH's customers have paid more than $2 billion in above-market payments to QFs - - and that number will continue to grow for another nine years. *See* Transcript of Prehearing Conference, *Clean Power Development, Inc.*, NHPUC Docket No. DE 09-067, at p. 51 (Nov. 3, 2009), *available at*: http://www.puc.nh.gov/Regulatory/CaseFile/2009/09-067/TRANSCRIPTS-

Section 292.303(a) of the Commission's regulations implementing Section 210 of PURPA requires 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").[6] Section 292.304(d) of the Commission's regulations allows QFs to: (1) provide energy on an "as available" basis; or (2) provide energy or capacity pursuant to a "legally enforceable obligation," i.e., a long-term contract or an order issued by the applicable state regulatory authority imposing a purchase obligation over a specified term.[7] The rates for "as available" purchases are based on the "purchasing utility's avoided costs calculated at the time of delivery."[8] For purchases governed by contract or other legally enforceable obligations, QFs

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OFFICIAL%20EXHIBITS-CLERKS%20REPORT/09-067%202009-11-13%20Transcript%20of%2011-3-09%20hearing.pdf.

[5] For administrative convenience, public policy and data management purposes, PSNH is not asking for a waiver from PURPA's mandatory purchase obligation for QFs less than 5 MW at this time, but reserves the right to do so in the future. PSNH chose 5 MW as the lower capacity limit because a number of New Hampshire statutes and NHPUC orders and regulations involving electric generating facilities use 5 MW as a demarcation point. *See, e.g.,* N.H. Rev. Stat. Ann. Chapter 374-G (limits distributed generation to electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is 5 MW or less); N.H. Rev. Stat. Ann. Chapter 362-A (defines "limited producer" or "limited electrical energy producer" as "a qualifying small power producer or a qualifying cogenerator, with a total capacity of not more than 5 megawatts"); N.H. Rev. Stat. Ann. Chapter 162-H (exempts smaller renewable energy facilities under 5 MW from the discretionary jurisdiction of the New Hampshire Site Evaluation Committee); N.H. Code R. Pub. Util. Comm'n 2500, *et seq.* (sets forth electric renewable portfolio standards for Class IV sources, i.e., hydroelectric generation facilities with gross nameplate capacity of 5 MW or less). Despite not requesting a waiver for projects less than 5 MW, PSNH believes that QFs less than 5 MW have nondiscriminatory access to energy and capacity markets in New Hampshire for the same reasons as 5 to 20 MW QFs.

[6] Section 210 of PURPA is codified as 16 U.S.C. § 824a-3. *See American Paper Institute, Inc. v. American Electric Power Service Corp.*, 461 U.S. 402 (1983) (upholding Commission regulations requiring electric utilities to purchase energy and capacity from QFs at rates based on their avoided costs).

[7] *See JD Wind 1, LLC*, 129 F.E.R.C. ¶ 61,148 at P 2, 25, 27 (2009). If an electric utility refuses to sign a contract with a QF, the "QF may seek state regulatory authority assistance to enforce the PURPA-imposed obligation on the electric utility to purchase from the QF, and a non-contractual, but still legally enforceable, obligation will be created pursuant to the state's implementation of PURPA. Accordingly, a QF, by committing itself to sell to an electric utility, also commits the electric utility to buy from the QF; these commitments result either in contracts or in non-contractual, but binding, legally enforceable obligations." *Id.* at 25.

[8] 18 C.F.R. § 292.304(d)(1) (2009); *see JD Wind 1, LLC,* 129 F.E.R.C. ¶ 61,148 at P 2, 25, 27.

have the option to sell energy and capacity at the utility's avoided costs calculated at either: (1) the time of delivery; or (2) the time the obligation is incurred.[9]

As described in Order No. 688,[10] after PURPA was enacted, electric utilities "complained that their requirement to purchase from and sell to QFs...was not economically beneficial and that they were purchasing energy they did not need and selling energy they did not want to sell."[11] In reaction to these complaints and pro-generator changes in the electricity industry in the 1990s and early 2000s,[12] Congress revised the Mandatory Purchase Obligation set forth in PURPA.[13] Specifically, Section 1253 of the Energy Policy Act of 2005 ("EPAct 2005") added Section 210(m) to PURPA exempting electric utilities from the Mandatory Purchase Requirement if the Commission finds that QFs in the utilities' respective service territories have

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[9] 18 C.F.R. § 292.304(d)(2)(i) and (ii); *see JD Wind 1, LLC,* 129 F.E.R.C. ¶ 61,148 at P 2, 25, 27; Order No. 69, 45 Fed. Reg. 12,214 at 12,224 (1980). In Order No. 69, the Commission further authorized state utility commissions to front load avoided costs. *Id.*

[10] *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities,* Order No. 688, F.E.R.C. Stats. & Regs. ¶ 31,233 (2006) (hereinafter, "Order No. 688").

[11] *See* Order No. 688 at P 24.

[12] Order No. 688 identified pro-generator changes, including: "the development of exempt wholesale generators (EWGs) introduced by the Energy Policy Act of 1992, the implementation of open access transmission via Order No. 888, the advent of ISOs and RTOs and organized markets, the Commission's new interconnection requirements, and increasing competition in wholesale electric markets as well as some retail electric markets." *Id.*

As further explained in Order No. 719, since PURPA's enactment in 1978, the Commission has taken many actions to facilitate long-term contracting, including the adoption of: (1) long-term transmission rights for organized markets; (2) transmission planning reforms; (3) uniform and transparent interconnection processes; and (4) reformation of capacity markets. *See* Order No. 719, *Wholesale Competition in Regions with Organized Electric Markets,* 125 F.E.R.C. ¶ 61,071 at P 280 (2008).

[13] *See* Order No. 688 at P 24.

"non-discriminatory access" to certain wholesale markets.[14] Subsequently, the Commission issued Order Nos. 688 and 688-A, which adopted regulations to implement Section 210(m).[15]

Section 292.309 of the Commission's regulations describes the findings that the Commission must make in order to grant an application to terminate an electric utility's Mandatory Purchase Requirement. Specifically, Section 292.309(a) provides that "an electric utility shall not be required...to enter into a new contract or obligation to purchase electric energy from a [QF] if the Commission finds that the [QF] has nondiscriminatory access" to one of the following wholesale markets:

> (1)(i) [i]ndependently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) [w]holesale markets for long-term sales of capacity and electric energy [("Day 2 Markets")]; or
>
> (2)(i) [t]ransmission and interconnection services that are provided by a Commission-approved regional transmission entity and administered pursuant to an open access transmission tariff that affords nondiscriminatory treatment to all customers; and (ii) [c]ompetitive wholesale markets that provide a meaningful opportunity to sell capacity, including long-term and short-term sales, and electric energy, including long-term, short-term and real-time sales, to buyers other than the utility to which the qualifying facility is interconnected. In determining whether a meaningful opportunity to sell exists, the Commission shall consider, among other factors, evidence of transactions within the relevant market; or
>
> (3) [w]holesale markets for the sale of capacity and electric energy that are, at a minimum, of comparable competitive quality as markets described in paragraphs (a)(1) and (a)(2) of this section.[16]

Section 292.309(e) of the Commission's regulations states that ISO-NE qualifies as a Day 2 Market, and then sets forth a rebuttable presumption that Large QFs in New England have nondiscriminatory access to ISO-NE's markets through the Commission-approved ISO-NE Open

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[14] This statutory exemption does not contain any limitation concerning the size of a QF.

[15] *See* Order No. 688; *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*, Order No. 688-A, F.E.R.C. Stats. & Regs. ¶ 31,250 (2007) (hereinafter, "Order No. 688-A").

[16] 18 C.F.R. § 292.309(a) (2009).

Access Transmission Tariff ("ISO-NE OATT")[17] and interconnection rules.[18] In addition, Section 292.309(e) provides that electric utilities that are members of ISO-NE may be relieved of the Mandatory Purchase Requirement for Large QFs unless QFs can demonstrate that they do not have nondiscriminatory access to ISO-NE's markets.

As a member of ISO-NE, PSNH is relying on the rebuttable presumption in Section 292.309(e) of the Commission's regulations for relief from the Mandatory Purchase Requirement for Large QFs. The Commission has already granted The United Illuminating Company, a member of ISO-NE, relief from the Mandatory Purchase Requirement for Large QFs.[19] The Commission has also granted similar relief to several other utilities in Day 2 Markets, including PPL Electric Utilities Corporation, Wolverine Power Supply Cooperative, Inc., Montana-Dakota Utilities Company, Allegheny Power, Alliant Energy Corporate Services, Inc., and PECO Energy Company.[20]

Further, Section 292.309(d)(1) of the Commission's regulations sets forth a rebuttable presumption that QFs with a generating capacity of 20 MW or less do not have nondiscriminatory access to the market. In this Application, PSNH will rebut that presumption.

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17 The ISO-NE OATT is Section II of the ISO-NE Tariff.

18 18 C.F.R. § 292.309(e)(2009) ("ISO New England, Inc. (ISO–NE)...qualif[ies] as markets described in § 292.309(a)(1)(i) and (ii), and there is a rebuttable presumption that qualifying facilities with a capacity greater than 20 megawatts have nondiscriminatory access to those markets through Commission-approved open access transmission tariffs and interconnection rules, and that electric utilities that are members of such regional transmission organizations or independent system operators (RTO/ISOs) should be relieved of the obligation to purchase electric energy from the qualifying facilities.").

19 *The United Illuminating Company*, 123 F.E.R.C. ¶ 61,269 (2008).

20 *PPL Electric Utilities Corporation*, Letter Order, Docket No. QM09-6-000 (Oct. 14, 2009); *Wolverine Power Supply Cooperative, Inc.*, Letter Order, Docket Nos. QM09-4-000, *et. seq.*(July 24, 2009); *Montana-Dakota Utilities Company*, 126 F.E.R.C. ¶ 61,121 (2009); *Allegheny Power*, 124 F.E.R.C. ¶ 61,236 (2008); *Alliant Energy Corporate Services, Inc.*, 123 F.E.R.C. ¶ 61,155 (2008); *PECO Energy Company*, 122 F.E.R.C. ¶ 61,022 (2008).

To satisfy the notice requirement in Section 292.310(a) of the Commission's regulations, PSNH is serving a copy of this Application on all of the potentially affected QFs listed in **Attachment A** and Confidential **Attachment B** (collectively, "Potentially Affected QFs").

IV. IDENTIFICATION OF REQUESTED FINDINGS

PSNH respectfully requests relief on a service territory-wide basis from PURPA's Mandatory Purchase Requirement under Section 292.209(a)(1) of the Commission's regulations for all QFs with a generating capacity of 5 MW or greater.

A. SPECIFICATION OF PSNH SERVICE TERRITORY

In Order No. 688-A, the Commission explained that "an electric utility may specify in its application the territory within which it seeks to have its purchase obligation terminated."[21] For the purpose of this Application and based on the reasons described below, PSNH specifies that the relevant territory is the entire State of New Hampshire.

PSNH has existing energy and capacity contracts and other legally enforceable obligations (i.e., NHPUC rate orders) with QFs located throughout New Hampshire, including several QFs located outside its franchise area in territories served by other utilities such as Unitil Energy Systems, Inc. and the New Hampshire Electric Cooperative. In fact, historically, New Hampshire QFs located outside of PSNH's franchise territory and the NHPUC have looked to PSNH, as the state's largest utility, to purchase all or a significant portion of the QFs' output.[22]

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[21] Order No. 688-A at P 147.

[22] *See New Hampshire Electric Cooperative, Inc.*, 71 NH PUC 327 (1986) ("The Commission recognizes that the fact that only PSNH currently has established long term avoided cost rates has led to a preference among QFs to sell to PSNH rather than other franchised utilities, where those QFs have a choice.").

PSNH purchase obligations with QFs located outside of its franchise territory that have not expired are listed in **Table 1.**

Table 1 – Existing PSNH Contacts With QFs Located Outside PSNH's Franchise Territory

Name of QF	Host Utility/Franchise Area	Contract Expiration Year
Briar Hydro	Unitil Energy Systems, Inc.	2022
Lempster Wind	New Hampshire Electric Cooperative	2023
Penacook Falls Lower	Unitil Energy Systems, Inc.	2013
Penacook Falls Upper	Unitil Energy Systems, Inc.	2021
WES Concord MSW	Unitil Energy Systems, Inc.	2018

In addition to the QFs listed in Table 1, over the past 30 years, other QFs located outside of PSNH's franchise territory have sold electricity to PSNH under now expired or terminated long-term contracts and NHPUC rate orders.[23]

Moreover, a 16.5 MW QF project under development, Concord Steam Corporation ("Concord") located outside of PSNH's franchised services area, recently informed the NHPUC that it may seek to enforce PURPA's Mandatory Purchase Requirement against PSNH.[24]

[23] For example, PSNH previously bought energy from the following QFs outside of its franchise territory under now-expired or terminated long-term contracts or NHPUC rate orders: Bridgewater Power, Goodrich Falls, and Concord Steam. Bridgewater Power and Goodrich Falls are located in New Hampshire Electric Cooperative's franchise territory, and Concord Steam is located in Unitil Energy Systems, Inc.'s franchise territory.

[24] Letter from Concord Steam to NHPUC, *Complaint of Clean Power Development, LLC against Public Service Company of New Hampshire,* NHPUC Docket No. DE 09-067 (Oct. 1, 2009). It is interesting to note that while the Concord Steam QF facility will be located in Unitil Energy Systems, Inc.'s service territory, that facility has announced that the New Hampshire Electric Cooperative, Inc. plans to buy 40 percent of the output of the plant. Letter of Concord Steam to NHPUC, dated July 14, 2009, in NHPUC Docket No. DE 09-067. As both Unitil Energy Systems, Inc. and the New Hampshire Electric Cooperative depend upon PSNH for transmission service, this sale is an example of the nondiscriminatory ability of Small QFs to access the market.

Specifically, Concord would require PSNH to enter into a long-term contract based on its estimated avoided costs.

Based on the historical and current New Hampshire practice described above, PSNH submits that the entire State of New Hampshire is the relevant territory for the purpose of this Application.

B. PSNH SATISFIES THE REQUIREMENTS FOR RELIEF UNDER SECTION 292.309(a)(1) OF THE COMMISSION'S REGULATIONS

As demonstrated below, all QFs in New Hampshire, irrespective of their size, have nondiscriminatory access to: (i) ISO-NE's markets; and (ii) the interconnection and delivery (both transmission and distribution) services offered by PSNH under the ISO-NE OATT and NHPUC tariffs necessary to deliver energy and capacity to ISO-NE's markets. Also, PSNH is unaware of unique operational characteristics that prevent any Small QFs in New Hampshire from fully accessing ISO-NE's markets on a nondiscriminatory basis.

1. PSNH's Membership in ISO-NE Satisfies the Nondiscriminatory Access Requirement for Large QFs

As a member of the New England Power Pool ("NEPOOL")[25] (through its parent company NU) and a market participant in ISO-NE's markets, PSNH is entitled to the rebuttable presumption in Section 292.309(e) of the Commission's regulations that Large QFs have nondiscriminatory access to ISO-NE's markets through the Commission-approved ISO-NE OATT and related interconnection rules.

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[25] "NEPOOL is a voluntary association organized in 1971 pursuant to the New England Power Pool Agreement." ISO-NE and NEPOOL Filing in Compliance with Order No. 719-A, Docket No. ER09-1051-001, dated Oct. 27, 2009. NEPOOL Participants include "all of the electric utilities rendering or receiving service under the [ISO-NE] Tariff, as well as independent power generators, marketers, load aggregators, brokers, consumer-owned utility systems, end users, demand resource providers, developers and a merchant transmission provider." *Id.*

ISO-NE is a not-for-profit corporation responsible for ensuring the reliable operation of the New England bulk power generation and transmission system. ISO-NE's responsibilities include overseeing and administering the region's wholesale electricity markets and managing the comprehensive regional bulk power system planning process. Certified by the Commission as an independently-governed RTO in 2004,[26] ISO-NE provides nondiscriminatory open access transmission and interconnection service to market participants. ISO-NE also operates a Commission-approved auction based day-ahead and real-time wholesale energy market, and a Commission-approved wholesale market for capacity.[27]

As described above, the Commission has concluded that ISO-NE is a Day 2 Market, and that all QFs interconnected with an electric utility that is a member of ISO-NE have nondiscriminatory access to the markets described in Section 210(m)(1)(A) of PURPA.[28] Thus, PSNH's membership and participation in ISO-NE ensure that Large QFs interconnected to PSNH have nondiscriminatory access to markets and satisfy Section 210(m)(1) of PURPA and Section 292.309(a)(1) of the Commission's regulations.

2. Small QFs in PSNH's Service Territory also have Nondiscriminatory Access to the ISO-NE Wholesale Markets as Required by Section 292.309(a)(1) of the Commission's Regulations

Section 292.309(d)(1) of the Commission's regulations creates a rebuttable presumption that QFs of 20 MW or less do not have nondiscriminatory access to wholesale markets ("Small QF Presumption"), but allows electric utilities to rebut this presumption. As PSNH is requesting

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26 *ISO New England, Inc.*, 106 F.E.R.C. ¶ 61,280 (2004).

27 ISO New England Inc., *2008 Annual Markets Report*, at 32 (June 16, 2009) ("ISO-NE 2008 Annual Markets Report"); *see New England Power Pool and ISO New England, Inc.*, 100 F.E.R.C. ¶ 61,287 (2002) (accepting in part and modifying in part the Standard Market Design filing), *order on reh'g, New England Power Pool and ISO New England, Inc.*, 101 F.E.R.C. ¶ 61,344 (2002).

28 18 C.F.R. § 292.309(e) (2009); Order No. 688 at P 125.

relief from the Mandatory Purchase Requirement for Small QFs, PSNH will rebut this presumption for QFs between 5 MW and 20 MW.

In Order No. 688, the Commission explained:

> In order to rebut the 20 MW presumption, an electric utility will have the full burden to show that small QFs have nondiscriminatory access to the market of which the electric utility is a member. We will not specify, in this Final Rule, what evidence would be sufficient, but note that relevant evidence may include the extent to which the QF has been participating in the market or is owned by, or is an affiliate of, an entity that has been participating in the relevant market.[29]

In Order Nos. 688 and 688-A, the Commission provided additional guidance on how Large QFs can rebut the presumption of nondiscriminatory access to markets if they are interconnected to an electric utility that is a member of a Day 2 Market ("Large QF Presumption"). Presumably, electric utilities can rebut the Small QF Presumption by demonstrating the opposite of what QFs need to demonstrate to rebut the Large QF Presumption. For example, an electric utility trying to rebut the Small QF Presumption could demonstrate that:

- There are no operational characteristics or transmission limitations preventing Small QFs from effectively participating in wholesale energy and capacity markets on the same basis as any other resource.[30]
- Small and intermittent generators have access to a mechanism to schedule transmission service and make sales in advance on a consistent basis.[31]
- Transmission constraints do not prevent small generators from accessing markets.[32]
- Small QFs have nondiscriminatory access to distribution facilities for the purpose of selling power in wholesale markets.[33]

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29 Order No. 688 at P 78 (emphasis added); *see* Order No. 688-A at P 84.

30 *See* Order No. 688 at P 9, fn. 7, 83; Order No. 688-A at P 66.

31 *See* Order No. 688 at P 83; Order No. 688-A at P 66.

32 *See* Order No. 688 at P 83.

33 *See* Order No. 688 at P 89.

- Small QFs do not have to pay unreasonable interconnection, transmission, or distribution charges to deliver their power to customers.[34]

- There are no jurisdictional differences, pancaked delivery rates, or other administrative burdens that prevent Small QFs from obtaining access to buyers other than the interconnected utility.[35]

Based on these criteria, PSNH will demonstrate that Small QFs in New Hampshire have nondiscriminatory access to New England's wholesale energy and capacity markets, as well as nondiscriminatory access to the interconnection, transmission and distribution services necessary to bring their electric products to these markets.

a. Small QFs in New Hampshire are Eligible and Have the Ability to Meaningfully Participate in Wholesale Energy and Capacity Markets

As demonstrated below, the design of ISO-NE's markets provide Small QFs the opportunity to fully participate in New England's wholesale energy and capacity markets on a nondiscriminatory basis, and eliminates potential barriers to their full participation. In addition, market data unequivocally shows active participation by Small QFs in ISO-NE's markets, thereby further demonstrating their nondiscriminatory access.

New England Energy Markets

Energy Market Design

ISO-NE oversees and administers New England's two Commission-approved competitive wholesale energy markets: the day-ahead energy market and the real-time energy market, pursuant to ISO-NE's Market Rule 1 and its Manual for Market Operations, Manual M-11. The day-ahead market facilitates electric energy trading by allowing market participants to "secure prices for electric energy the day before the operating day and hedge against price

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34 *See* Order No. 688 at P 90.

35 *See* Order No. 688 at P 89; Order No. 688-A at P 96, 103.

fluctuations that can occur in real time."[36] The real-time energy market "coordinates the dispatch of generation and demand resources to meet the instantaneous demand for electricity."[37]

In approving ISO-NE's Standard Market Design ("SMD") in September 2002, the Commission noted that the SMD is superior to the market design that was previously in place in New England, "particularly in its treatment of congestion management problems through [Location Marginal Prices] and its superior allocation of congestion costs."[38] In addition, the Commission found that ISO-NE's SMD "will achieve greater consistency with neighboring transmission organizations, and is generally consistent with the market design principles articulated by the Commission."[39]

Small QFs with a generating capacity of 5 MW or greater, including intermittent resources and other generators with unique characteristics, are fully eligible to participate in ISO-NE's markets. For example, there is no size threshold for entry into ISO-NE's energy markets. In fact, as shown in ISO-NE's Seasonal Claimed Capability Report for December 2009, available at http://www.iso-ne.com/genrtion_resrcs/snl_clmd_cap/2009/scc_december_2009.xls, there are currently more than 300 generators with claimed capabilities less than 5 MW participating in ISO-NE's energy markets. Approximately 220 of these generators are selling to a distribution company or municipality, and 80 are selling to other types of participants, such as marketers.

Further, ISO-NE has implemented special rules to accommodate the unique characteristics of small and intermittent generators participating in the energy market. For

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36 ISO-NE 2008 Annual Markets Report at 20.

37 *Id.*

38 *New England Power Pool and ISO New England, Inc.*, 100 F.E.R.C. ¶ 61,287 at P 27.

39 *Id.* at P 28.

example, ISO-NE classifies wind, solar, run-of-river hydro and similar generators over 5 MW as Intermittent Power Resources, and allows them to schedule into ISO-NE's day-ahead market if they choose to do so.[40] Intermittent Power Resources participating in the day-ahead market can secure day-ahead prices, thereby reducing their vulnerability to real-time price fluctuations. Importantly, ISO-NE does not assess Intermittent Power Resources any operating charges for schedule deviations or imbalances between their day-ahead market obligation and their real-time market generation.[41] Intermittent Power Resources that choose to not submit bids into ISO-NE's day-ahead market are required to submit offers for use in the real-time energy market consistent with the characteristics of the resource.[42] Thus, ISO-NE's markets provide small generators and intermittent resources with a mechanism to schedule and sell energy and capacity in advance on a consistent basis, while avoiding any penalties resulting from the unavoidably intermittent nature of their output.[43]

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[40] *See* ISO-NE Market Rule 1, Section III.13.6.1.3.1. Section III.1.3.2 of ISO-NE's Market Rule 1 defines "Intermittent Power Resource" as "[r]esources whose output amount and availability are not subject to the control of the ISO or the plant operator because of the source of fuel (*e.g.*, wind, solar, run-of-river hydro), or contractual obligations (*e.g.*, Non-Dispatchable Qualifying Facilities) or Resources less than 5 MWs operating within the distribution system."

[41] *See* ISO-NE Market Rule 1, Section III.13.6.1.3.1; D.LaPlante, *Integrating Wind Resources into New England's Competitive Wholesale Electricity Markets*, Presentation before the Utility Wind Interest Group Fall Technical Conference, October 27, 2004, Albany, New York, *available at* www.uwig.org/albanyfiles/laplante.pdf. At the time of this PSNH presentation, Mr. LaPlante was ISO-NE's Vice President, Wholesale Markets Strategy. Currently, he is ISO-NE's Vice President, Market Monitoring.

[42] *See* ISO-NE Market Rule 1, Section III.13.6.1.3.1.

[43] *See* Order No. 688-A at P 100. While not directly relevant to this Application, ISO-NE also has special rules to accommodate generating resources under 5 MW. Specifically, QFs under 5 MW can be categorized as "Settlement-Only Resources," and thereby do not have to bid in the day-ahead market. *See* ISO-NE Market Rule I, Section III.13.6.1.4.1; ISO-NE Installed Capacity Manual, Section 3.8.4. Instead, settlement-only resources sell electricity into the grid at real-time and receive the real-time market clearing price. *See* ISO-NE Installed Capacity Manual, Section 3.8.4; *ISO New England, Inc.*, 117 F.E.R.C. ¶ 61,132 at P 17, fn 15 (2006). As with intermittent power resources, ISO-NE does not assess settlement-only resources any operating charges for schedule deviations or imbalances. *See* ISO-NE Market Rule 1, Section III.13.6.1.3.1; D.LaPlante, *Integrating Wind Resources into New England's Competitive Wholesale Electricity Markets*, Presentation before the Utility Wind Interest Group Fall Technical Conference, October 27, 2004, Albany, New York, *available at* www.uwig.org/albanyfiles/laplante.pdf.

Recently, the Commission stated that it expected projects with a generating capacity equal to or greater than 1 MW to have the legal representation and computer facilities necessary to apply for QF status.[44] Thus, it is reasonable to conclude that Small QFs with generating capacities of at least 5 MW are sophisticated business entities and would have the resources and expertise necessary to successfully participate in ISO-NE's wholesale energy and other markets.

Actual Participation of Small QFs and Other Small Projects in New England Markets

As discussed above, the Commission has not specified what evidence would be sufficient to rebut the presumption that Small QFs do not have nondiscriminatory access to markets. However, the Commission stated that relevant evidence would include "the extent to which the QF has been participating in the market or is owned by, or is an affiliate of, an entity that has been participating in the relevant market."[45] As discussed in this section, available data unequivocally demonstrates that Small QFs and other small generators in New Hampshire, or their respective parent companies or affiliates, fully participate in ISO-NE markets.

First, many New Hampshire Small QFs and other small generators, including eight currently operating Potentially Affected Small QFs, or their respective parents or affiliates, are members of NEPOOL. See **Table 2** below.

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[44] *Revisions to Form, Procedures, and Criteria for Certification of Qualifying Facility Status for a Small Power Production or Cogeneration Facility*, 129 F.E.R.C. ¶ 61,034 at P 16 (2009).

[45] Order No. 688 at P 78; Order No. 688-A at P 84.

Table 2 – Potentially Affected Small QFs (or With Parents/Affiliates) that are NEPOOL Participants

Name of Small QF	Capacity (MW)	Technology	NEPOOL Status
Bethlehem Power	15.9	Wood	Supplier
Bridgewater Power	16.0	Wood	Supplier
Indeck Alexandria Energy Center	16.5	Wood	Generation
McIndoes	13.0	Hydro	Generation
Pontook Hydro	10.7	Hydro	Supplier
Rochester Landfill	8.2	LFG	Alternative Resources
WES Concord MSW	12.7	Municipal Solid Waste	Alternative Resources
Wheelabrator Claremont	5.3	Municipal Solid Waste	Alternative Resources

In addition, although currently under development, Concord Steam is a NEPOOL Participant through its parent company, Concord Steam Corporation.

NEPOOL is the primary stakeholder advisory group to ISO-NE and consists of six sectors, one of which is Generation. NEPOOL Participants have voting privileges on issues raised and discussed within the various NEPOOL committees. Through participation on the NEPOOL committees, members are aware of other utility activity and are informed of energy related issues.

NEPOOL's voting process assists alternative resources' participation in ISO-NE's markets. In 2004, NEPOOL added the Alternative Resources Sector to its voting process.[46] The

[46] *ISO New England Inc.*, Explanatory Statement in Support of Settlement Agreement Resolving Specified Issues, Compliance Filing of the Filing Parties and Request for Expedited Consideration, Docket No. RT04-2-000, at 6 (Sept. 14, 2004).

provisions of the Alternative Resources Sector were designed to "further facilitate participation in NEPOOL by demand response providers and small renewable and distributed generators."[47]

More importantly, many small generators in New Hampshire are ISO-NE Market Participants. Under the ISO-NE Tariff, ISO-NE Market Participant status is required for, and allows, a generator to fully participate in the markets and purchase programs for energy, capacity, ancillary services and related products and services administered by ISO-NE. As demonstrated in **Table 3** below, eight currently operating Potentially Affected Small QFs in New Hampshire, or their respective parents or affiliates, are ISO-NE Market Participants.

Table 3 – Potentially Affected Small QFs (or With Parents/Affiliates) that are ISO-NE Market Participants

Name of Small QF	Capacity (MW)	Technology
Bethlehem Power	15.9	Wood
Bridgewater Power	16.0	Wood
Indeck Alexandria Energy Center	16.5	Wood
McIndoes	13.0	Hydro
Pontook Hydro	10.7	Hydro
Rochester Landfill	8.2	LFG
WES Concord MSW	12.7	MSW
Wheelabrator Claremont	5.3	MSW

In addition, although currently under development, Concord Steam is an ISO-NE Market Participant through its parent company, Concord Steam Corporation. ISO-NE Market

47 *Id.*

Participant status provides New Hampshire Small QFs with non-discriminatory access to buy and sell power in ISO-NE's markets on the same basis as Large QFs and other generators who are also ISO-NE Market Participants.

Moreover, a total of 361 entities in New England are ISO-NE Market Participants and have signed ISO-NE's Market Participant Service Agreement. *See* **Attachment C**. As a result, Small QFs can sell their output to a vast array of parties in New England other than their interconnected host utility or into the ISO spot market.

Further, it will soon become even easier for generators in New England to buy and sell power within New England. In accordance with Commission Order No. 719, ISO-NE is in the process of dedicating a portion of its website for market participants to post offers to buy or sell power on a long-term basis.[48] ISO-NE plans to have that portion of the website up and running as early as the first quarter of 2011.[49] This will further enhance Small QFs' ability to participate in bilateral energy and other markets in New England.

Additionally, many small generators in New Hampshire have obtained market-based rate authority from the Commission. This authority allows them to sell electricity in ISO-NE's wholesale markets at market-based prices. The Commission maintains a list of companies with market-based rate authority that can be found at: http://www.ferc.gov/industries/electric/gen-info/mbr/list.asp. Based on this list, as of November 22, 2009, the Commission has granted four

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[48] *See* ISO-NE and NEPOOL Filing in Response to Order No. 719, Docket No. ER09-1051-000, dated April 28, 2009, at 58-59.

[49] *Id.*

currently operating Potentially Affected Small QFs, or their respective parents or affiliates, market-based rate authority, as shown in **Table 4** below.[50]

Table 4 – New Hampshire Operating Small QFs (or Parents/Affiliates) With Market-Based Rate Authority

Name of Small QF	Capacity of QF (MW)	Technology	MBR Docket No.
Bethlehem Power	15.9	Wood	94-0142-000
Bridgewater Power	16.0	Wood	97-0837-000
McIndoes	13.0	Hydro	98-0564-000
Pontook Hydro	10.7	Hydro	08-1125-000

Finally, in Order Nos. 688 and 688-A, the Commission determined that data from Electronic Quarterly Report ("EQR") filings can be used to indicate whether an adequate market for long-term energy and capacity exists. In Order No. 688-A, the Commission stated:

> With respect to bilateral long-term markets in these RTO/ISOs, the Commission noted [in Order No. 688] that no commenters argued that long-term contracts do not exist in these markets or that QFs are precluded from entering into them with willing buyers. The Commission also pointed out that electronic quarterly report (EQR) filings indicate that there are in fact contracts for long-term sales of capacity and energy in each of the "Day 2" markets. The Commission concluded that the existence of these long-term contracts is a sufficient indication that long-term wholesale markets exist in those regions. It is telling that no petitioner on rehearing challenges (indeed, several petitioners concede) that long-term contracts exist in the "Day 2" markets. Instead, petitioners argue that existence of such contracts does not necessarily indicate that an adequate market for long-term energy and capacity exists. Yet the very fact that buyers and sellers of long-term energy and capacity have found each other, evidenced by the contracts they have entered into, demonstrates that a market for such products does in fact exist, which is all that the statute requires.[51] (emphasis added).

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[50] Under Section 292.601 of the Commission's regulations, QFs less than 30 MW are exempt from the Federal Power Act and, therefore, are not required to obtain market-based rate authority. *See* 18 C.F.R. § 292.601.

[51] Order No. 688-A at P 22; *see* Order No. 688 at P 120, fn 61 ("We also know from electric quarterly report (EQR) filings by public utilities that there are long-term contracts for long-term sales of capacity and energy in each of the markets; those data are available on the Commissions website. http://www.ferc.gov/docs-filing/eqr/data.asp.").

According to data from EQRs for the third quarter of 2009, as well as other sources, several Small QFs and other generators less than 20 MW in New Hampshire have been, or are currently, parties to power and energy transactions in ISO-NE's markets. As shown in **Table 5** below, six currently operating Potentially Affected Small QFs are selling their output to entities other than their interconnecting utilities.

Table 5 – Potentially Affected Small QFs Selling Output to Entities Other Than Host Utility

Name of QF	Host Utility/Franchise Area	ISO-NE Lead Participant (Entity Purchasing Output)
Bridgewater Power	New Hampshire Electric Cooperative	Constellation Energy Commodities
DG Whitefield Power	PSNH	Constellation Energy Commodities
McIndoes	National Grid	TransCanada Power Marketing, Ltd.
Pontook Hydro	PSNH	Brookfield Energy Marketing Inc.
Springfield Power	PSNH	PPL EnergyPlus, LLC
WES Concord MSW	Unitil Energy Systems, Inc.	PSNH

Additionally, as shown in **Table 6**, at least three currently operating Small QFs within PSNH's service territory are owned by, or are affiliates of, entities that are parties to power and energy transactions in ISO-NE's markets.

Table 6 – Small QFs Owned By or Affiliated With Parties to Power and Energy Transactions in ISO-NE's Markets

Name of QF	Name of Parent/Affiliate	Quantity of Power Sold (MWH)
Pontook Hydro	Brookfield Energy Marketing Inc. Brookfield Renewable Energy Marketing US LLC	947,000 85,000
McIndoes	TransCanada Hydro Northeast Inc. TransCanada Power Marketing, Ltd	390,000 310,000
Bridgewater Power	PSEG Energy Resources & Trade LLC	2,349,000

Attachment D provides full summaries of data for the entities listed in Table 6 above as reported in the EQRs for the third quarter of 2009 (Energy Sales and Bookouts by Control Area).[52]

The Small QFs' and their affiliates' actual participation in ISO-NE's day-ahead and real-time energy markets demonstrated above establishes that Small QFs in New Hampshire have nondiscriminatory access to wholesale energy markets as required by Section 210(m)(1)(A) of PURPA and Section 292.309(a)(1) of the Commission's regulations.[53]

New England Capacity Markets

Capacity Market Design

Small QFs in New Hampshire have nondiscriminatory access to a long-term wholesale capacity market through ISO-NE's Forward Capacity Market ("FCM") and its auction mechanism. By way of background, ISO-NE's FCM is a long-term wholesale capacity market that assures resource adequacy at local and system-wide levels by "compensating generation and

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[52] QFs selling power under a QF purchase obligation do not have to file EQRs with the Commission, so PSNH does not have access to QF contracts with other utilities. *See* the Commission's *Frequently Asked Questions*, available at: http://www.ferc.gov/o12faqpro/default.asp?Action=Q&ID=357. It is possible that several other Potentially Affected Small QFs are parties to unreported power transactions in ISO-NE's markets.

[53] *See* Order No. 688-A at P 22; Order No. 688 at P 120, fn 61.

demand resources for fixed capacity costs not covered through the other markets."[54] Capacity resources can be new or existing resources, and include: (1) supply from power plants; (2) import capacity; and (3) the decreased use of electricity through demand resources.[55] To ensure sufficient capacity resources and to provide enough time to construct new capacity resources, ISO-NE conducts annual Forward Capacity Auctions ("FCAs") approximately three years in advance of the period during which capacity will be supplied (the "Capacity Commitment Period").[56] Capacity resources compete in FCAs to obtain a commitment to supply capacity to the market in exchange for a market-priced capacity payment.[57] ISO-NE compensates successful FCA bidders at a clearing price set by the highest accepted offer.[58]

The design of the FCM is favorable to small generators and provides them access to the long-term capacity market on the same basis as large generators. For example, "[t]o keep barriers to entry low and increase competition, the financial assurance required from new capacity suppliers is relatively low."[59] This "enables more competitors to enter the market because they are not required to assume a relatively large financial guaranty during the project's development," which is particularly helpful to small generators that often have fewer economic

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54 ISO-NE 2008 Annual Markets Report at 25. The settlement agreement establishing the FCM was approved by the Commission in 2006. *See Devon Power LLC*, 115 F.E.R.C. ¶ 61,340 (2006), *order on reh'g and clarification, Devon Power LLC,* 117 F.E.R.C. ¶ 61,133 (2006). The settlement agreement filing provides a full description of the FCM. *See Devon Power LLC,* Explanatory Statement of the Settling Parties in Support of Settlement Agreement and Request for Expedited Consideration, Docket Nos. ER03-563-000, ER03-563-030, and ER03-563-055 (March 6, 2006), *available at*: http://www.iso-ne.com/regulatory/ferc/filings/2006/mar/er03-563-000_030_055_3-7-06_corrected.pdf.

55 ISO-NE 2008 Annual Markets Report at 25.

56 *Id.*

57 *Id.*

58 *ISO New England Inc.*, 126 F.E.R.C. ¶ 61,080, at P 7 (2009).

59 ISO-NE 2008 Annual Markets Report at 29.

resources than large generators.[60] Also, all existing capacity resources, including Small QFs, are "automatically entered into the [FCA] and assume a capacity supply obligation for the relevant commitment period, *unless* they submit a 'delist bid' that subsequently clears in the auction."[61] Thus, there are no barriers that restrict a Small QF from meaningfully participating in ISO-NE's Forward Capacity Market.

Further, ISO-NE has implemented special favorable rules for Intermittent Power Resources and Intermittent Settlement-Only Resources (collectively, "Intermittent Resources") to ensure their ability to meaningfully participate in the FCM.[62] For example, Intermittent Resources that wish to participate in the FCA can claim a summer and winter capacity credit if they provide at least one year's worth of supporting summer and winter data, including: (1) wind speed data for wind; (2) water flow data for run-of-the-river hydro; and (3) irradiance data for solar facilities.[63] ISO-NE will use actual data to adjust the capacity credits once the Intermittent Resource is in operation.[64]

Actual Participation of Small QFs and Other Small Projects in Forward Capacity Market

Results from ISO-NE's most recent FCA on October 5 and 6, 2009 unequivocally demonstrate that there are no barriers to full participation of Small QFs in New England's capacity market. In this auction, many small generators, including Small QFs and other small

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60 *Id.*

61 *Id.* at 27 (emphasis added).

62 Section III.1.3 of Market Rule 1 defines "Intermittent Settlement Only Resource" as "a Settlement Only Resource that is also an Intermittent Power Resource." "Settlement Only Resources" include QFs under 5 MW. *Id.*

63 *See* ISO-NE's Market Rule 1, Section III.13.1.1.2.2.6.

64 *See* ISO-NE's Market Rule 1, Sections III.13.1.2.2.2.1 and III.13.1.2.2.2.2.

generators located throughout New Hampshire, were awarded capacity commitments, as shown in ISO-NE's Forward Capacity Auction Results Filing with the Commission.[65]

Attachment E lists the New Hampshire-based generation facilities that were awarded capacity supply obligations in the most recent ISO-NE FCM auction. As shown in **Attachment E**, ISO-NE awarded capacity obligations to a wide variety of asset types, including many that appear to be QF-eligible. For example, the following small or variable energy projects located in New Hampshire were awarded capacity obligations at the FCA:

- Five small landfill or other biomass gas facilities (all less than 5 MWs);
- Two municipal solid waste facilities and one "other biomass solids" facility;
- Eighty-three hydro-electric facilities, including sixty-one facilities that are under 1 MW in size, ten facilities that are greater than 1 MW and less than 5 MWs, and eight facilities that are greater than 5 MWs and less than 20 MWs in size;
- Three wind facilities; and
- Ten wood/wood waste solids facilities.

b. Interconnection, Transmission, and Distribution Services Allow Small QFs to Fully Participate in ISO-NE's Markets

In addition to the ability to fully participate in ISO-NE's energy and capacity markets, Small QFs also need to be able to deliver their electric products to those markets. In this section, PSNH will demonstrate that Small QFs can effectively deliver power to ISO-NE's markets through a combination of nondiscriminatory interconnection services and nondiscriminatory transmission and distribution services that present no barriers to their full participation in the New England markets on the same basis as larger generators.

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[65] *See* ISO-NE's Forward Capacity Auction Results Filing, Docket No. ER10-186-000, dated October 30, 2009, available at: http://www.iso-ne.com/regulatory/ferc/filings/2009/oct/er10-___-000_10-29-09_fca_3_results_filing.pdf.

i. Schedule 23 of the ISO-NE OATT and State Procedures Governing Interconnection Service Provide Small QFs Nondiscriminatory Open Access to ISO-NE's Wholesale Electric and Capacity Markets

New generators who wish to sell energy and capacity into the New England markets must obtain interconnection service. As discussed in more detail below, ISO-NE's and the NHPUC's interconnection processes for small generators are non-discriminatory, and do not impose a minimum threshold or undue burdens on generators interconnecting to the grid.

Commission-Jurisdictional Interconnections

For Commission-jurisdictional interconnections, Schedule 23 of the ISO-NE OATT governs interconnections of generating facilities less than 20 MW to the Administered Transmission System.[66] Schedule 23 is based on the Commission's *pro forma* Small Generator Interconnection Procedures ("SGIP") and Small Generator Interconnection Agreement ("SGIA") adopted by the Commission in Order No. 2006, *Standardization of Small Generator Interconnection Agreements and Procedures.*[67] In Order No. 2006, the Commission found that the *pro forma* SGIP and SGIA provide just and reasonable terms and conditions of interconnection service and minimize opportunities for undue discrimination, and required public utilities to append the *pro forma* SGIP and SGIA to their respective open access transmission tariffs.[68]

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66 Attachment 1 to the SGIP defines Administered Transmission System as: "[T]he [Pool Transmission Facilities], the Non-[Pool Transmission Facilities], and distribution facilities that are subject to the [ISO-NE] Tariff."

67 *Standardization of Small Generator Interconnection Agreements and Procedures*, Order No. 2006, F.E.R.C. Stats. & Regs. ¶ 31,180 (2005), *order on reh'g*, Order No. 2006-A, F.E.R.C. Stats. & Regs. ¶ 31,196 (2005).

68 Order No. 2006 at P 11, 15.

In compliance with Order No. 2006, ISO-NE incorporated the *pro forma* SGIP and SGIA, with slight variations, into its OATT as Schedule 23.[69] The Commission accepted ISO-NE's slightly modified SGIP and SGIA, thereby determining that Schedule 23 provides just and reasonable terms and conditions of interconnection service and complies with Order No. 2006.[70] Accordingly, Small QFs interconnecting to the grid via FERC-jurisdictional lines or facilities have nondiscriminatory, open access to ISO-NE's wholesale electric and capacity markets.[71]

State-Jurisdictional Interconnections

According to Order No. 688-A, one of the Commission's primary reasons for drawing a distinction between Large and Small QFs was its concern that Small QFs typically interconnect to lower voltage, radial, distribution lines and, therefore, may have "greater difficulty obtaining nondiscriminatory access."[72] This results in "potential obstacles to nondiscriminatory access."[73] Potential obstacles identified by the Commission included "technical enhancements required to move power injected...upstream to the transmission grid," local distribution access rules not within the Commission's jurisdiction, pancaked delivery rates, and additional administrative

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69 *See ISO New England Inc.,* Order No. 2006 Compliance Filing for New England (Standardization of Small Generator Interconnection Agreement and Procedures), Docket No. ER06-191-000, dated Nov. 10, 2005; *ISO New England Inc.,* Order Nos. 2006 and 2006-A Compliance Filing for New England (Standardization of Small Generator Interconnection Agreements and Procedures), Docket No. ER06-191-001, dated Feb. 15, 2006.

70 *ISO New England, Inc.*, 115 F.E.R.C. ¶ 61,050 (2006) (accepting in part and rejecting in part ISO-NE's small generator interconnection compliance filing and large generator amendments filing); *ISO New England, Inc.*, 119 F.E.R.C. ¶ 61,293 (2007) (accepting in part and rejecting in part ISO-NE's proposed tariff revisions); *ISO New England, Inc.*, Letter Order, Docket No. ER08-473-000 (Feb. 29, 2008); *ISO New England, Inc.*, 126 F.E.R.C. ¶ 61,080 (2009).

71 The SGIP and LGIP specifically exclude QFs that sell 100% of their output to their respective host utilities. *See* Section 1 of Schedule 22 of the OATT, 2nd Rev Sheet No. 5116 and 1st Rev Sheet No. 5116A; Section 1.1.1 of Schedule 23 of the OATT, 1st Rev Sheet No. 5404. Instead, those QFs are subject to state interconnection policies and procedures.

72 Order No. 688-A at P 103; *see id.* at P 96.

73 *Id.* at P 103.

burdens to obtain access to buyers other than the interconnected utility.[74] In this section of the Application, PSNH will describe the New Hampshire distribution interconnection process and demonstrate that the Commission's concerns do not exist for New Hampshire distribution interconnections.

Generators in New Hampshire interconnecting to the grid via distribution facilities not within the Commission's jurisdiction are subject to the NHPUC's interconnection procedures set forth in NHPUC Orders and Chapters Puc 300 and 900 of the New Hampshire Code of Administrative Rules. The standard interconnection practices and procedures for QFs in New Hampshire were developed by the NHPUC in a series of orders in Docket Nos. DE 80-246, DE 83-62, and later dockets.[75] The NHPUC has updated those practices and procedures over time to comply with ISO-NE's rules, including those implementing Order No. 2006.[76] Utilities in New Hampshire have been "designing, interconnecting, and monitoring interconnection arrangements with QFs, on-site generators, Exempt Wholesale Generators, and net metering customers for over 20 years under the[se] standards."[77] Further, "New Hampshire QFs have generally felt that New Hampshire utilities, and PSNH in particular, have been responsive, cooperative and competent in conducting interconnection studies and working with QFs to insure safe and

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74 *Id.* at P 96; *see id.* at P 103.

75 *See Investigation of Implementation of the Energy Policy Act of 2005: Public Service Company of New Hampshire's Initial Written Comments,* NHPUC Docket No. DE 06-061 (Sept. 29, 2006) (summarizing New Hampshire's interconnection history) (hereinafter, "PSNH Comments of Sept. 2006").

76 *See* PSNH Comments of Sept. 2006.

77 *See id.*

reliable interconnections."[78] Utilities are required to file with the NHPUC copies of interconnection agreements they enter into.[79]

In *Investigation Into Implementation of the Energy Policy Act of 2005,* Docket No. DE 06-061, Order No. 24,763 (June 22, 2007), the NHPUC described its current interconnection standards and policy.[80] PSNH's filing in that docket provides additional detail on New Hampshire's interconnection standards and policies. The NHPUC's interconnection procedures are flexible and allow utilities and QFs to approach each interconnection on a case by case basis to accommodate all possible variations, i.e., different QF capacities, different QF generation, various metering needs, and the innumerable permutations produced by those variations.

Further, generators in New Hampshire using PSNH's or other utilities' distribution facilities not already subject to the ISO-NE OATT to access New England markets are subject to the NHPUC's distribution procedures set forth in Chapters Puc 300 and 900 of the New Hampshire Code of Administrative Rules.[81] Importantly, the NHPUC does not allow PSNH or other New Hampshire utilities to charge generators in their franchise areas for distribution services.[82] Thus, Small QFs in New Hampshire can use their respective franchise utility's

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78 *Comments of Granite State Hydropower Association Regarding Interconnection Standard and the "Massachusetts Rule,"* NHPUC Docket No. DE 06-061, at 4 (Aug. 24, 2007).

79 N.H. Rev. Stat. Ann. § 307.06.

80 *See Investigation Into Implementation of the Energy Policy Act of 2005,* Order No. 24,763, at 15-18, 28 (2007); PSNH Comments of Sept. 2006 at 4 (stating that New Hampshire interconnection rules and procedures "are similar to FERC Order No. 2006.").

81 Order No. 2003-C, *Standardization of Generator Interconnection Agreements and Procedures*, 111 F.E.R.C. ¶ 61,401, at P 53 (2005).

82 *Re: Small Power Producers and Cogenerators,* Order No. 66 NH PUC 83, at 93 (March 20, 1981)("There shall be no charge for wheeling by a QF's franchised utility.").

distribution systems to deliver power to ISO-NE's markets free of burdensome or unreasonable charges.[83]

Attachment F shows that PSNH currently has state-jurisdictional interconnections with 78 New Hampshire independent power projects (i.e., projects developed and owned by entities other than PSNH) in accordance with the NHPUC policies discussed immediately above. These interconnections clearly establish that the NHPUC policies and procedures do not create any technical or administrative barriers or otherwise prevent QFs in New Hampshire from fully participating in New England energy and capacity markets. In fact, the large number of interconnected New Hampshire QFs demonstrates that all QFs in New Hampshire, regardless of size, have non-discriminatory access to state-jurisdictional interconnections.

As demonstrated above, the concerns expressed by the Commission in Paragraphs 96 and 103 of Order No. 688-A regarding distribution interconnections acting as "potential obstacles to nondiscriminatory access," do not apply in New Hampshire. New Hampshire has a long-standing, well-defined distribution interconnection process that is overseen by the NHPUC. The process complies with ISO-NE rules and is similar to New England's Order No. 2006 SGIP. Based on the large number of PSNH distribution interconnections with independent power producers, as well as its knowledge and experience in this area, PSNH submits that there are: (i) no "technical enhancements required to move power injected...upstream to the transmission grid" that would pose a significant barrier to wholesale market access;[84] and (ii) no significant "additional administrative burdens to obtain access to buyers other than the interconnected

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[83] *Id.* If a generator indirectly connects to a Non-Pool Transmission Facility via State-jurisdictional distribution lines, the generator is subject to the Schedule 21-NU transmission charges described above and would pay these charges.

[84] *See* Order No. 688-A at P 96.

utility."[85] Finally, because the NHPUC does not allow distribution wheeling charges, "pancaked delivery rates" are not an issue for generators in New Hampshire.

ii. Small QFs Have Nondiscriminatory Access to Transmission and Distribution Delivery Services

Small QFs in New Hampshire also have nondiscriminatory access to the transmission and distribution services necessary to participate in the ISO-NE markets, and are entitled to those services on the same basis as large projects. Small QFs can deliver their power to ISO-NE's markets in three ways: over FERC-jurisdictional Pool Transmission Facilities ("PTF");[86] over FERC-jurisdictional Non-PTF Transmission Facilities;[87] and through distribution delivery service over local distribution lines, or a through combination of these facilities.

In Order No. 688, the Commission explained that QFs are expected to pay reasonable transmission and distribution fees, and found that such fees do not bar QFs from access to markets:

> [W]e find that the imposition of a charge for access to the distribution system does not mean that the QF does not have "access" to competitive markets. A QF wishing to access competitive markets is expected to pay the reasonable charges, whether for transmission or distribution facilities, that are associated with such action....Thus, the requirement to pay an interconnection charge, transmission charge, or distribution charge, in and of itself, is not an indication that a QF does not have nondiscriminatory access to a market.[88]

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85 *See id.* at 103.

86 Section II.49 of the ISO-NE OATT defines Pool Transmission Facilities as: "transmission facilities owned by PTOs, over which the ISO shall exercise Operating Authority in accordance with the terms set forth in the [Transmission Operating Agreement], rated 69 kV or above required to allow energy from significant power sources to move freely on the New England Transmission System."

87 Section II.1.90 of the ISO-NE OATT defines Non-PTF Transmission Facilities as: "[t]he transmission facilities owned by the PTOs that do not constitute PTF, [Other Transmission Facilities] or [Merchant Transmission Facilities]." Services over Non-PTF Transmission Facilities are also governed by the ISO-NE OATT, under the relevant utility's tariff found in Schedule 21.

88 Order No. 688 at P 90.

Small QFs in New Hampshire are not subject to the pancaked delivery rates or burdensome or unreasonable transmission or distribution charges identified in Order Nos. 688 and 688-A that would impair their ability to participate in wholesale energy and capacity markets.[89] In fact, in New England, generators do not pay any transmission charges for use of PTF, nor do they pay any distribution wheeling charges. New Hampshire generators connecting directly or indirectly to PSNH's existing Non-PTF have to pay nondiscriminatory charges pursuant to Schedule 21-NU of the ISO-NE OATT. These charges do not pose an administrative barrier to transmission services because they are nondiscriminatory and generators have flexibility to select the time period and type of transmission service, such as network service, or firm or non-firm point to point service.

C. CONCLUSION

In this Section IV, PSNH demonstrated that, based both on market design and rules as well as market data, New Hampshire QFs, regardless of size, have nondiscriminatory access to ISO-NE's energy and capacity markets. Additionally, PSNH demonstrated that the rules and practices governing state and federal interconnection services, distribution delivery services and transmission delivery services do not pose obstacles to nondiscriminatory access by New Hampshire Small QFs to ISO-NE markets. PSNH's success in interconnecting non-utility generators further demonstrates the lack of interconnection and delivery-related obstacles for Small QFs.

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[89] *See* Order No. 688 at P 89; Order No. 688-A at P 96, 103.

V. SECTION 292.310 REQUIREMENTS

A. IDENTIFICATION OF AND NOTICE TO POTENTIALLY AFFECTED QFS

Section 292.310(a) of the Commission's regulations requires an electric utility applying for relief from the Mandatory Purchase Requirement to identify all potentially affected QFs. Potentially affected QFs include: (1) those QFs that have existing power purchase contracts with the applicant; (2) other QFs that sell their output to the applicant or that have pending self-certification or Commission certification for QF status whereby the applicant will be the purchaser of the QF's output; (3) any developer of generating facilities with whom (i) the applicant has either agreed to enter into power purchase contracts, or (ii) is in discussion regarding power purchase contracts, as of the date of the application; (4) developers of facilities that have pending state avoided cost proceedings as of the date of the application; and (5) any other QFs that the applicant reasonably believes to be affected by the application. Public lists of potentially affected New Hampshire QFs in categories (1), (2), (3), (4) and (5) are attached as **Attachment A**. A confidential list of potentially affected QFs in categories (3) and (5) is attached as Confidential **Attachment B**.

The information concerning the potentially affected QFs provided in Confidential **Attachment B** is "Confidential Information" under Section 13.1 of the Large Generator Interconnection Procedures ("LGIP") and Section 4.5.1 of the SGIP, and is exempt from the mandatory public disclosure requirements of the Freedom of Information Act ("FOIA") as confidential and proprietary commercial and financial information. *See* 5 U.S.C. § 552(b); 18 C.F.R. §§ 388.112. This information is commercially sensitive, and its public disclosure would reveal confidential and privileged information about PSNH and/or the QF and cause commercial harm to them. PSNH respectfully requests that the information in **Attachment B** be treated as

privileged, confidential and non-public by the Commission and its staff, and that the information be withheld from public disclosure. See LGIP § 13.1.8; SGIP § 4.5.3; 18 C.F.R. §§ 388.112. PSNH is serving a copy of this Application on the potentially affected QFs listed in **Attachments A** and **B**, as well as ISO-NE and the NHPUC.

B. INFORMATION CONCERNING POTENTIALLY AFFECTED QFS

Section 292.310(c) of the Commission's regulations requires applicants to provide the following information for each potentially affected QF:

> [t]he docket number assigned if the [QF] filed for self-certification or an application for Commission certification of qualifying facility status; the net capacity of the [QF]; the location of the QF depicted by state and county, and the name and location of the substation where the [QF] is interconnected; the interconnection status of each potentially affected qualifying facility including whether the qualifying facility is interconnected as an energy or a network resource; and the expiration date of the energy and/or capacity agreement between the applicant utility and each potentially affected [QF].

The public information required by Sections 292.310(c)(1), (2), (3), (4) and (5) of the Commission's regulations is contained in an Excel spreadsheet in **Attachment A**. The confidential information required by Sections 292.310(c)(3) and (5) is provided as Confidential **Attachment B**.

C. TRANSMISSION INFORMATION

Section 292.310(d)(3) of the Commission's regulations requires electric utilities seeking termination of the Mandatory Purchase Requirement to submit transmission studies and related information with their application, including:

> (i) The applicant's long-term transmission plan, conducted by applicant or RTO, ISO or other relevant entity; (ii) Transmission constraints by path, element or other level of comparable detail that have occurred and/or are known and expected to occur, and any proposed mitigation including transmission construction plans; (iii) Levels of congestion, if available; (iv) Relevant system impact studies for the generation interconnections, already completed; (v) Other information pertinent to showing whether transfer capability is available; and (vi)

The appropriate link to the applicant's OASIS, if any, from which a [QF] may obtain applicant's available transfer capability (ATC) information.

In Order No. 688-A, the Commission clarified that applicants may provide hyperlinks to relevant studies available on the Internet instead of submitting the complete documents with their applications.[90] NUSCO submits the following information to satisfy the requirements of Section 292.310(d)(3):

1. Long Term Transmission Plan

ISO-NE, the administrator of New England's bulk power generation and transmission system, performs the long-term transmission planning for the ISO-NE region, including PSNH's system. ISO-NE also manages the comprehensive planning of the regional bulk power system through an electric power planning process that assesses: (1) the amount of resources needed by the overall system and individual areas of the system; (2) the types of resources that can satisfy these needs; and (3) any critical time constraints for addressing the needs. Attachment K of the ISO-NE OATT sets forth the requirements for the regional system planning process for New England and can be accessed at: http://www.iso-ne.com/regulatory/tariff/sect_2/oatt/12-16-09_sect_ii.pdf.

Based on the results of the planning process, each year ISO-NE prepares a comprehensive 10-year Regional System Plan ("RSP") that identifies the resources and transmission facilities needed to maintain reliable and economic operation of New England's bulk electric power system over a ten-year period. ISO-NE issued the most recent RSP on October 15, 2009 ("2009 RSP"). The 2009 RSP can be accessed at: http://www.iso-ne.com/trans/rsp/2009/rsp09_final.pdf. The 2008 and 2007 RSPs can be accessed, respectively, at: http://www.iso-ne.com/trans/rsp/2008/rsp08_final_101608_public_version.pdf

[90] Order No. 688-A at P 112.

and http://www.iso-ne.com/trans/rsp/2007/rsp07_final_101907_public_version.pdf.

Appendix 1 to Attachment K of the ISO-NE OATT sets forth the requirements for the local system planning process for New England. Additional information concerning PSNH's long-term transmission plan is set forth in NU's Local System Plan for 2009, available at: http://www.transmission-nu.com/business/pdfs/local_system_plan.pdf. In particular, pages 13 and 17 of NU's Local System Plan specifically address New Hampshire.

2. Transmission Constraints

Section 10 (pgs. 126-148) of the 2009 RSP discusses the performance of the transmission system in New England and the need for transmission upgrades and improvements to load and generation pockets. In particular, Subsection 10.3.1 addresses Northern New England and New Hampshire. Similarly, Sections 11 (pgs. 123-148) and 9 (pgs. 73-97) of the 2008 and 2007 RSPs, respectively, provide the same information for prior years. The 2007, 2008, and 2009 RSPs are available at: http://www.iso-ne.com/trans/rsp/2007/rsp07_final_101907_public_version.pdf, http://www.iso-ne.com/trans/rsp/2008/rsp08_final_101608_public_version.pdf, and http://www.iso-ne.com/trans/rsp/2009/rsp09_final.pdf, respectively.

In addition, ISO-NE maintains the Transmission Project Listing, a summary of necessary transmission projects for the region that includes information on project status and cost estimates. The Transmission Project Listing is updated at least three times a year and can be accessed at: http://www.iso-ne.com/committees/comm_wkgrps/prtcpnts_comm/pac/projects/index.html. The October 2009 Transmission Project Listing identifies ten planned transmission projects in New Hampshire. Details on the status of transmission projects in New England is available at http://www.iso-

ne.com/trans/pp_tca/status/proposed_plan_application_status.pdf, and in ISO-NE's Regional System Plan Transmission Projects October 2009 Update, which can be accessed at: http://www.iso-ne.com/committees/comm_wkgrps/prtcpnts_comm/pac/projects/2009/project_list_oct09.pdf.

3. Levels of Congestion

Section 9 of ISO-NE's 2009 RSP provides estimates of transmission congestion in New England. *See* http://www.iso-ne.com/trans/rsp/2009/rsp09_final.pdf. Additional information concerning transmission congestion in New England, including New Hampshire, is available in the *Congestion Analysis of the Eastern Interconnection: Stimulation Results*, dated July 20, 2006, prepared by CRA International on behalf of the U.S. Department of Energy ("2006 CRA Study"). The 2006 CRA Study identified the Maine to New Hampshire – North South Interface (Scobie) as a "congestion area." The 2006 CRA Study can be found at: http://nietc.anl.gov/documents/docs/DOE_Congestion_Study_2006_Eastern_Interconnection_Analysis.pdf. Also, Section 3 of the U.S. Department of Energy's *National Electric Transmission Congestion Study*, dated August 2006 ("2006 DOE Study"), identifies transmission constraints in the eastern interconnection, including constraints at the Maine – New Hampshire interface and from New Hampshire to Northern Vermont. The 2006 DOE Study can be found at: http://nietc.anl.gov/documents/docs/Congestion_Study_2006-9MB.pdf.

A generator would experience congestion due to the location of its facility, not as a result of the size or characteristics of the facility. Congestion occurs at the point where a generator is interconnected to the grid. Thus, all generators, large and small, QF and non-QF, are potentially subject to congestion if they decide to locate their facilities in a congested area. Generators can avoid or otherwise mitigate the physical impacts of congestion by siting their facilities in areas

with little or no congestion. Therefore, QFs do not require any special treatment to mitigate congestion, such as a mandatory utility purchase obligation.

In addition, generators in congested areas in New England can mitigate the economic impacts associated with transmission congestion by purchasing financial transmission rights ("FTRs"). A FTR is a financial instrument available to ISO-NE Market Participants seeking to manage congestion costs.

Since the introduction of Standard Market Design, ISO-NE has conducted monthly and annual FTR auctions to enable participants to hedge the congestion price differential that may exist between pricing locations. In Order No. 681, the Commission adopted a Final Rule on long-term transmission rights for organized market regions designed to assure availability of long-term transmission at a predictable cost .[91] In *ISO New England Inc. and New England Power Pool*, 125 FERC ¶ 61,069 (2008), the Commission accepted ISO-NE's and NEPOOL's joint compliance filing of their proposed long-term FTR market re-design. ISO-NE recently submitted to the Commission a status report on long-term FTR implementation, in which ISO-NE indicated that long-term FTR auctions would be available for the 2012 calendar year.[92] The existence of a fully functional FTR market for both short-term and long-term commitments provides all ISO-NE Market Participants, including Small QFs, the ability to mitigate congestion by "financially delivering" their output to a location other than the physical location of the generation.

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[91] Order No. 681-A, *Long-Term Firm Transmission Rights in Organized Electricity Markets*, 117 F.E.R.C. ¶ 61,201 (2006).

[92] *ISO New England Inc.*, Fourth Quarterly Status Reports on Implementation of a Long-Term Firm Transmission Rights Mechanism in New England, Docket Nos. ER07-476-000 and RM06-08-000 (Oct. 15, 2009).

Attachment G lists the entities that purchased FTRs in the two most recent FTR auctions to mitigate congestion in northern New Hampshire, an area that could experience congestion from the addition of future generation. During these auctions, ISO-NE sold FTRs for sources that are located in northern New Hampshire for December 2009 and calendar year 2010, respectively. **Attachment G** establishes that there are many opportunities for QFs in northern New Hampshire to mitigate the economic affect of congestion.

Pages 22-24 and Section 11 (pgs. 38-43) of ISO-NE's 2009 First Quarter Markets Report discusses managing congestion risk with FTRs, and is accessible at: http://www.iso-ne.com/markets/mkt_anlys_rpts/qtrly_mktops_rpts/2009/2009%20q1_final.pdf. Similar information is discussed on pages 21-22 and in Section 10 (pgs. 34-39) of ISO-NE's 2009 Second Quarter Markets Report, and can be found at: http://www.iso-ne.com/markets/mkt_anlys_rpts/qtrly_mktops_rpts/2009/2009_q2_qrtly_mkts_rpt.pdf.

Section 3.4 (pgs. 70-76) of ISO-NE's 2008 Annual Markets Report provides information on the accounting value of the congestion revenue and the results of FTRs in ISO-NE's day-ahead and real-time energy markets, and is accessible at: http://www.iso-ne.com/markets/mktmonmit/rpts/other/amr08_final_061709.pdf. In addition, the tables on page 121 of ISO-NE's 2008 Annual Markets Report provide details on marginal congestion and marginal loss components of annual average zonal locational marginal prices ("LMPs"). Similarly, pages 192-194 of ISO-NE's 2007 Annual Markets Report contain a table that provides "details about the accounting for the Transmission Congestion Revenue Fund," as well as a figure that "shows the relationship between FTR auction awards, energy market congestion, and FTR settlements." ISO-NE's 2007 Annual Markets Report is available at: http://www.iso-ne.com/markets/mkt_anlys_rpts/annl_mkt_rpts/2007/amr07_final_20080606.pdf. Also, pages

21-22 of ISO-NE's 2008 Annual Markets Report and pages 23-24 of ISO-NE's 2007 Annual Markets Report discuss congestion costs. Finally, pages 53-54 of ISO-NE's 2007 Annual Markets Report discuss congestion revenue.

4. Relevant System Impact Studies for the Generation Interconnections

The system impact studies for PSNH's generation interconnections are conducted in accordance with Schedules 22 and 23 of the ISO-NE Tariff and ISO-NE's Planning Procedure No. 5-6.[93] As the transmission provider for PSNH, ISO-NE "coordinates, reviews and provides technical input into the interconnection study process to ensure the [studies are] performed in a comprehensive, complete, fair and timely manner."[94] The system impact studies are designed to "ensure that new generation added to the region's transmission system would not adversely impact its reliability or operating characteristics."[95] In furtherance of this purpose, the system impact studies:

> (1) determine the impact of the proposed generation on the local transmission provider's system and the regional transmission system;
>
> (2) identify specific modifications needed to incorporate the new generation, such as, transmission lines, terminal equipment, protection and control systems (addresses both the local interconnection requirements and upgrades to the power system); and
>
> (3) provide a cost estimate for transmission upgrades and additions to the system.[96]

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[93] Sections 6, 7, and 8 of Schedule 22 of the ISO-NE Tariff set forth the requirements for system impact studies involving generators that exceed 20 MW, while Section 3 of Schedule 23 of the ISO-NE Tariff sets forth the applicable requirements for generators with a net generating capacity of 20 MW or less. ISO-NE's Planning Procedure No. 5-6 can be accessed at: http://www.iso-ne.com/rules_proceds/isone_plan/pp5_6_r3.pdf.

[94] ISO-NE, *System Impact Study: What is a System Impact Study (SIS) and why is it necessary in order to upgrade existing generation or interconnect new generation?*, available at http://www.iso-ne.com/genrtion_resrcs/nwgen_inter/gen/What_is_a_System_Impact_Study.doc.

[95] *Id.*

[96] *Id.*

Copies of the four system impact studies for PSNH's generation interconnections completed within the last five years are attached as Confidential **Attachment H**. The system impact studies provided in **Attachment H** are "Confidential Information" under Section 13.1 of the LGIP and Section 4.5.1 of the SGIP, and are exempt from the mandatory public disclosure requirements of the Freedom of Information Act ("FOIA") both as critical energy infrastructure information, and as confidential and proprietary commercial and financial information. *See* 5 U.S.C. § 552(b); 18 C.F.R. §§ 388.112 and 388.113. PSNH respectfully requests that the system impact studies be treated as privileged, confidential and non-public by the Commission and its staff, and that the information be withheld from public disclosure. See LGIP § 13.1.8; SGIP § 4.5.3; 18 C.F.R. §§ 388.112 and 388.113.

5. Other Information Pertinent to Showing Whether Transfer Capability is Available

Pages 111 and 112 of the 2009 RSP show the transmission interfaces between the 13 RSP load areas in New England and the interface values reflecting the assumed completion of the New England East-West Solution and the Southwest Connecticut reliability project. Section 2.2 (pages 18-20) and page 111 of the 2008 RSP provide similar information for 2008. The 2008 and 2009 RSPs are available at: http://www.iso-ne.com/trans/rsp/2008/rsp08_final_101608_public_version.pdf, and http://www.iso-ne.com/trans/rsp/2009/rsp09_final.pdf.

6. Link to OASIS to Obtain Information Regarding Available Transmission Capability

Customers may obtain information on PSNH's Available Transmission Capability by accessing NU's public OASIS site at: http://www.oatioasis.com/NU/index.html. For more detailed information, including customer reservations and transmission paths, customers must

log onto ISO-NE's digital certificate-based OASIS site at: https://www.oatioasis.com/cgi-bin/webplus.dll?script=/woa/woa-login.wml. Information concerning the ISO-NE OASIS registration process for the digital certificate-based site is available at: http://www.iso-ne.com/support/reg_info/oasis/isne_oasis_oati_registration_information.doc.

D. PROCEDURES FOR INTERCONNECTED QFS TO ARRANGE FOR TRANSMISSION SERVICE TO TRANSFER POWER TO PURCHASERS OTHER THAN PSNH

Section 292.310(d)(4) of the Commission's regulations requires applicants to describe the "process, procedures and practices that [QFs] interconnected to the applicant's system must follow to arrange for the transmission service to transfer power to purchasers other than the applicant." The required description must include the "process, procedures and practices of all distribution, transmission and regional transmission facilities necessary for [QF] access to the market."[97]

A QF in PSNH's franchise territory seeking to transfer power to purchasers in New England other than PSNH must follow ISO-NE's procedures for obtaining transmission service as set forth in the current Commission-approved ISO-NE OATT. An electronic copy of ISO-NE's OATT can be found at: http://www.iso-ne.com/regulatory/tariff/sect_2/index.html. Section II.1.22 of the ISO-NE OATT provides that "[a]ny entity that is engaged, or proposes to engage, in the wholesale or retail electric power business is an Eligible Customer under the OATT." Potentially affected QFs seeking to sell their energy or capacity fall within the definition of Eligible Customer.

Sections II.B and II.C of the ISO-NE OATT describe how an Eligible Customer can arrange for Transmission Service over PTF and Non-PTF transmission facilities, respectively. The ISO-NE OATT can be accessed at: http://www.iso-ne.com/regulatory/tariff/sect_2/oatt/12-

[97] 18 C.F.R. § 292.310(d)(4) (2009).

16-09_sect_ii.pdf. Further, in accordance with Section II.28 of the OATT, Schedule 21-NU sets forth the specific processes, procedures, and policies used by NU and its subsidiaries, including PSNH, to arrange for local network service and local point-to-point service over PSNH's Non-PTF. An electronic copy of Schedule 21-NU can be found at: http://www.iso-ne.com/regulatory/tariff/sect_2/sch21/schd21_nu_06052009.pdf. In addition, a summary of the various transmission services provided under the ISO-NE OATT and related requirements can be found at: http://www.iso-ne.com/trans/services/types_apps/srvc_tps_apps.doc.

E. NEW INTERCONNECTION AGREEMENTS FOR QFS TO SELL POWER TO THIRD PARTIES

For QFs required to execute new interconnection agreements or renegotiate existing agreements to effectuate wholesale sales to third-party purchasers, Section 292.310(d)(5) of the Commission's regulations requires applicants to explain: (1) the requirements, charges and the process to be followed; and (2) any differences in such requirements for QFs as compared to other generators or applicant-owned generation.

1. Interconnection Process for Commission-Jurisdictional Facilities

New generators, including QFs and ones owned by PSNH, that seek a Commission-jurisdictional interconnection must enter into a three-party interconnection agreement with ISO-NE and the Transmission Owner in accordance with Schedules 22 or 23 of the ISO-NE OATT. Schedule 22 sets forth the terms and conditions for interconnecting generating facilities with more than 20 MW generating capacity to the ISO-NE Administered Transmission System, and can be accessed at: http://www.iso-ne.com/regulatory/tariff/sect_2/sch22/09-2-1%20fcmq-sched_22_.pdf. Similarly, Schedule 23 sets forth the terms and conditions for interconnecting generating facilities with 20 MW or less generating capacity to the ISO-NE Administered

Transmission System, and can be accessed at: http://www.iso-ne.com/regulatory/tariff/sect_2/sch23/09-2-1_fcmq_sched_23.pdf.

New generating facilities requesting an interconnection to the Administered Transmission System must follow the LGIP or SGIP set forth in Schedules 22 and 23, respectively. First, generators must submit an Interconnection Request to ISO-NE, which in turn assigns the project a Queue Position based on the date and time ISO-NE receives the Interconnection Request. The Interconnection Request is then evaluated via a study process that normally consists of a scoping meeting and standard feasibility, system impact, and facilities studies to evaluate the safety and reliability of the proposed interconnection. Once the study process is complete, the generator, ISO-NE, and the Transmission Owner execute a Large Generator Interconnection Agreement ("LGIA") or SGIA, depending on the size of the generating facility, that formalizes the technical issues associated with the interconnection and establishes the relationships between the three parties.

The same interconnection procedures apply to a generator with a Commission-jurisdictional interconnection seeking to materially modify its facility.

2. QFs with Existing State-Jurisdictional Interconnection Agreements

The Commission does not have jurisdiction over interconnection agreements involving QFs selling their entire output to their interconnected host utility pursuant to a long-term contract or other legally enforceable obligation.[98] However, such agreements could become FERC-jurisdictional if the QF begins to sell any of its output to a third-party, i.e., any party except the utility directly interconnected to the QF.

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[98] *PJM Interconnection, LLC*, 114 F.E.R.C. ¶ 61,191 at P 15 (2006); *Western Massachusetts Electric Co.*, 61 F.E.R.C. ¶ 61,182 at 61,662 (1992), *aff'd, Western Massachusetts Electric Co. v. FERC*, 165 F.3d 922, 925-27 (D.C. Cir. 1999); *Niagara Mohawk Power Corporation*, 121 F.E.R.C. ¶ 61,183 (2007).

In *Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,183 (2007), the Commission held that "where a QF may sell any of its output to a third-party utility, *i.e.*, a utility not directly interconnected to the QF, the Commission has exclusive jurisdiction over the interconnection between the QF and the directly interconnected utility, and exclusive jurisdiction over agreements affecting or relating to such service (and the rates for such service)." On rehearing, the Commission explained that: "Commission jurisdiction attaches at the point in time where the directly interconnected utility is no longer obligated to buy the entire output and the QF has the right to sell to a third party."[99]

Thus, upon the termination of a QF's existing power purchase agreement with PSNH, the QF's interconnection agreement with PSNH may become FERC-jurisdictional.[100] At that time PSNH would have to file the existing interconnection agreement with the Commission. However, unless there is a material modification to the QF's generation facility, the parties and ISO-NE would not need to enter into a new three-party SGIA or LGIA.[101]

3. Interconnection Process for Non FERC-Jurisdictional Facilities

Generators in New Hampshire seeking to interconnect to a distribution facility that is not within the Commission's jurisdiction, as well as QFs selling their entire output to their host utility under a long-term contract or other legally enforceable obligation, must follow New Hampshire's interconnection process and procedures described in Section IV.B.2.b above.

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99 *Niagara Mohawk Power Corporation*, 123 F.E.R.C. ¶ 61,061 (2008).

100 *See id.*

101 *See New England Power Company*, 109 F.E.R.C. ¶ 61,364 (2004) (the Commission found that proposed agreements did not constitute "new interconnection requests" under Order No. 2003 and, therefore, did not require ISO-NE to be a party); *Southern California Edison Company,* 109 F.E.R.C. ¶ 61,375 (2004); *Pacific Gas and Electric Company*, 109 F.E.R.C. ¶ 61,392 (2004).

VI. EXISTING PURCHASE OBLIGATIONS WITH QFs

Currently, PSNH has fifteen purchase obligations (contracts or NHPUC rate orders) with Small QFs and Large QFs in its franchise area, four purchase obligations with QFs located in Unitil Energy Systems' franchise area, and one purchase obligation with a QF located in New Hampshire Electric Cooperative's franchise area. Section 210(m)(6) of PURPA provides:

> (6) NO EFFECT ON EXISTING RIGHTS AND REMEDIES. – Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect or pending approval before the appropriate State regulatory authority or non-regulated electric utility on the date of enactment of this subsection, to purchase electric energy or capacity from or to sell electric energy or capacity to a qualifying cogeneration facility or qualifying small power production facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

Consistent with this provision, NUSCO is not requesting termination of PSNH's existing QF contracts or relief from any existing contractual obligation to purchase electric energy or capacity from these QFs. Rather, NUSCO is requesting that PSNH be relieved of any prospective obligations to enter into purchase agreements under PURPA, specifically, that PSNH not be required to enter into any new agreements with QFs in its service territory that have 5 MW or greater net generating capacity, or to extend the terms of the existing agreements with such QFs once they expire.

VII. RESERVATION OF RIGHTS UNDER SECTION 210(M) OF PURPA

The underlying request for relief in this Application is without prejudice to any future exercise by PSNH or its affiliates of the rights described in Section 210(m) of PURPA and the implementing PURPA regulations, including the right to request relief from the Mandatory Purchase Obligation for QFs less than 5 MW.

VIII. VERIFICATION OF APPLICATION

Section 292.310(d)(7) of the Commission's regulations requires an authorized individual to verify the accuracy and authenticity of information provided in an application for relief from the Mandatory Purchase Requirement. A verification form is attached as **Attachment I**.

IX. REQUEST FOR WAIVERS

NUSCO requests that the Commission grant any waivers of its rules and regulations as may be necessary to grant the relief requested in this Application.

X. CONCLUSION

For the foregoing reasons, NUSCO respectfully requests that the Commission issue an order terminating PSNH's obligation to purchase energy and capacity made available from QFs with a net generating capacity of 5 MW or greater on a service territory-wide basis.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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All QFs listed in Confidential **Attachment B**

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Attachment A: Potentially Affected QFs in Categories 1-5

Site Name	FERC QF #	Installed Cap (MW)	Generation Type	Facility Town	Facility County	Facility State	Connected S/S	S/S Town	S/S State	Parent/Owner	Proj Status	Service Territory	ISO-NE Lead Participant	Parent/Owner ISO-NE Participant?	Parent/Owner FERC MBR ?	Selling to PSNH?	Project Description	Contract Expiration Date
Bethlehem Power	QF85-270	15.9	Wood	Bethlehem	Grafton	NH	Whitefield	Whitefield	NH	GDF Suez Energy North America, Inc.	On Line	PSNH	Public Service Company of New Hampshire	Note 2	Note 2	Long Term	On-Line Energy & Capacity	Dec 2010
Bridgewater Power	QF86-53	16.0	Wood	Bridgewater	Grafton	NH	Ashland	Ashland	NH	PSEG New Hampshire, New Hampshire Co Gen, Inc., PJC, Inc., and Bridgewater Power Co, L.P.	On Line	NHEC	Constellation Energy Commodities	Note 3	Note 3	No	On-Line Energy & Capacity	NA
Brookfield Hydro	Not Avail	25.0 [4]	Hydro	Berlin	Coos	NH	Community St	Berlin	NH	Brookfield Renewable Power Fund	On Line	PSNH	Brookfield Energy Marketing Inc	Yes	Yes	No	On-Line Energy & Capacity	NA
Clean Power Development-Berlin	QF07-41	26.1 [5]	Wood	Berlin	Coos	NH	Berlin	Berlin	NH	Clean Power Berlin, LLC	In Progress	PSNH	NA	No	No	No	Under Study	NA
Concord Steam	Not Avail	16.5 [6]	Wood	Concord	Merrimack	NH	Bridge Street	Concord	NH	Concord Steam Corporation	In Progress	UES	NA	Yes	No	No	Under Study	NA
DG Whitefield Power	QF84-444	13.8	Wood	Whitefield	Coos	NH	Whitefield	Whitefield	NH	Marubeni Sustainable Energy, Inc.	On Line	PSNH	Constellation Energy Commodities	No	No	No	On-Line Energy & Capacity	NA
Indeck Alexandria Energy Center	QF86-377	16.5	Wood	Alexandria	Grafton	NH	Pemigewasset	New Hampton	NH	Indeck Energy-Alexandria, LLC	On Line	PSNH	Indeck Energy-Alexandria, L.L.C.	Yes	No	Short Term	On-Line Energy & Capacity	NA
Laidlaw	Not Avail	64.0 [6]	Wood	Berlin	Coos	NH	Berlin	Berlin	NH	Laidlaw Energy Group, Inc.	In Progress	PSNH	NA	No	No	No	Under Study	NA
Lempster Wind	QF08-128	24.0	Wind	Lempster	Sullivan	NH	Newport	Newport	NH	Iberdrola Renewables, Inc	On Line	PSNH	Public Service Company of New Hampshire	Yes	Yes	Long Term	On-Line Energy & Capacity	Nov 2023
McIndoes	Not Avail	13.0 [4]	Hydro	Monroe	Grafton	NH	Unknown	Unknown	Unknown	TransCanada Hydro Northeast Inc.	On Line	NGRID	TransCanada Power Marketing, Ltd.	Yes	Yes	No	On-Line Energy & Capacity	NA
Pontook Hydro	QF85-528	10.7	Hydro	Dummer	Coos	NH	Pontook	Dummer	NH	Brookfield Renewable Power Fund	On Line	PSNH	Brookfield Energy Marketing Inc	Yes	Yes	No	On-Line Energy & Capacity	NA
Rochester Landfill	QF93-34	8.2	LFG	Rochester	Strafford	NH	Rochester	Rochester	NH	WM Renewable Energy, L.L.C.	On Line	NHEC	New Hampshire Electric Cooperative, Inc.	Yes	No	No	On-Line Energy & Capacity	NA
Springfield Power	QF84-423	14.4	Wood	Springfield	Sullivan	NH	North Road	Sunapee	NH	Springfield Power, LLC	On Line	PSNH	PPL EnergyPlus, LLC	No	No	No	On-Line Energy & Capacity	NA
Tamworth Power	QF86-511	21.5	Wood	Tamworth	Carroll	NH	White Lake	Tamworth	NH	GDF Suez Energy North America, Inc.	On Line	PSNH	Public Service Company of New Hampshire	Note 2	Note 2	Long Term	On-Line Energy & Capacity	Dec 2010
WES Concord MSW [7]	QF86-176	12.7 [4]	MSW	Penacook	Merimack	NH	Oak Hill	Concord	NH	WM Renewable Energy, L.L.C.	On Line	UES	Public Service Company of New Hampshire	Yes	No	Long Term	On-Line Energy & Capacity	Dec 2018
Wheelabrator Claremont	QF86-177	5.3 [4]	MSW	Claremont	Sullivan	NH	Ascutney	Ascutney	VT	WM Renewable Energy, L.L.C.	On Line	PSNH	Public Service Company of New Hampshire	Yes	No	Short Term	On-Line Energy & Capacity	NA

Note 1
Unless otherwise noted, the installed capacity for each QF was taken from its respective QF certification.

Note 2
Parent company is GDF Suez, whose affiliate GDF Suez Energy Marketing NA, Inc. is both an ISO-NE participant (supplier sector) and has FERC market-based rate authorization.

Note 3
Facility is 40% owned by PSEG Global whose parent company is Public Service Enterprise Group (PSEG). An affiliate, PSEG Energy Resources & Trade, is both an ISO-NE participant (supplier sector) and has FERC market-based rate authorization.

Note 4
PSNH could not obtain a copy of the QF filings for Brookfield Hydro, McIndoes, WES Concord MSW, and Wheelabrator Claremont. As a result, the capacities for those QFs came from Table 4.1 of ISO-NE's 2009-2018 Forecast Report of Capacity, Energy, Loads, and Transmission, dated April 2009, available at: http://www.iso-ne.com/trans/celt/report/2009/2009_celt_report_final_20090415.pdf.

Note 5
The capacity for Clean Power Development - Berlin came from its QF filing in Docket No. QF07-41-001, dated March 24, 2009.

Note 6
The capacities for Concord and Laidlaw came from the ISO Queue.

Note 7
Please note that ISO-NE identifies WES Concord MSW as SES Concord.

B

ATTACHMENT B

CONFIDENTIAL POTENTIALLY AFFECTED QUALIFIED FACILITIES

The information in Attachment B is exempt from the mandatory public disclosure requirements of the Freedom of Information Act as confidential and proprietary commercial and financial information. *See* 5 U.S.C. § 522(b)(4); 18 C.F.R. § 388.112. Thus, PSNH respectfully requests that Attachment B be treated as privileged, confidential and non-public by the Commission and its staff, and that the information be withheld from public disclosure. *See* 18 C.F.R. § 388.112.

In accordance with 18 C.F.R. §§ 388.112 and Commission guidance, PSNH is filing Attachment B in a sealed envelope as part of Volume II of III to the "Application of Public Service Company of New Hampshire to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater."

Attachment C: ISO-NE Participants

Participant Name	Tariff Reference	Contract Service Agreement No.	Contract Execution Date	MBR
511 Plaza Energy, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 181	04/11/2006	
AB Energy NE, Pty. Ltd.	FERC Electric Tariff, Volume No. 3	MPSA No. 258	07/24/2007	
Advanced Power Services	FERC Electric Tariff, Volume No. 3	MPSA No. 282	10/01/2007	
Amerada Hess Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 133	05/23/2005	
Ameresco CT, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 390	07/30/2009	
Ameresco, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 287	10/01/2007	
Ampersand Energy Partners LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 307	01/17/2008	
ANP Funding I, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 90	02/01/2005	
Ansonia Generation LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 271	10/01/2007	
Ashburnham Municipal Light Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Associated Industries of Massachusetts	FERC Electric Tariff, Volume No. 3	MPSA No. 11	02/01/2005	
Athens Energy LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 316	04/14/2008	
Backyard Farms Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 396	10/23/2009	09-1689-000
Bangor Hydro-Electric Company	FERC Electric Tariff, Volume No. 3	MPSA No. 88	02/01/2005	99-1522-000
Bank of America, N.A.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Barclays Bank PLC	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	04-0734-000
Beacon Power Corporation	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 308	02/08/2008	
Bear Swamp Power Company LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 144	07/11/2005	05-0454-000
Bellows Falls Power Company LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 139	07/11/2005	
Belmont Municipal Light Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Berkshire Power Company LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 210	09/27/2006	99-3502-000
BG Dighton Power LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 219	10/11/2006	06-1367-001
BG Energy Merchants LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 255	08/08/2007	07-0239-000
BJ Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 155	01/20/2006	05-1097-000
Black Bear Hydro Partners LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 392	10/23/2009	09-1488-000
Black Oak Capital LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 143	07/11/2005	03-0515-000
Black Oak Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 38	02/01/2005	03-0447-000
Blackstone Hydro, Inc.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
BOC Energy Services Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 16	02/01/2005	03-0044-000
Boralex Stratton Energy Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	98-4652-000
Boston Edison Company	FERC Electric Tariff, Volume No. 3	MPSA No. 41	02/01/2005	
Boston Generating LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 77	02/01/2005	04-0994-000
Boulder Trading, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 207	09/27/2006	
Boylston Municipal Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 131	05/23/2005	
BP Energy Company	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	99-2895-000
Braintree Electric Light Department, Town of	FERC Electric Tariff, Volume No. 3	MPSA No. 4	02/01/2005	
Brascan Energy Marketing Inc.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Bridgeport Energy II, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 274	10/01/2007	
Brookfield Renewable Energy Marketing US LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 359	01/07/2009	08-1125-000
Burlington Electric Department	FERC Electric Tariff, Volume No. 3	MPSA No. 114	02/01/2005	
Caithness New England Services Company, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 205	08/01/2006	
Calpine Energy Services LP	FERC Electric Tariff, Volume No. 3	MPSA No. 2	02/01/2005	00-3562-000
Cape Light Compact	FERC Electric Tariff, Volume No. 3	MPSA No. 246	06/14/2007	
Cargill Power Markets LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 51	02/01/2005	97-4273-000
Central Maine Power Company	FERC Electric Tariff, Volume No. 3	MPSA No. 59	02/01/2005	05-0731-000
Central Vermont Public Service Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 24	02/01/2005	98-2329-000
Chicopee Municipal Lighting Plant	FERC Electric Tariff, Volume No. 3	MPSA No. 42	02/01/2005	
CinCap IV LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 108	02/01/2005	98-0421-000
CinCap V LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 109	02/01/2005	98-4055-000
Cincinnati Gas & Electric Company, Inc., The	FERC Electric Tariff, Volume No. 3	MPSA No. 110	02/01/2005	
Cinergy Capital & Trading Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 107	02/01/2005	93-0730-000
Cinergy Services Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 111	02/01/2005	
Citadel Energy Investments Ltd.	FERC Electric Tariff, Volume No. 3	MPSA No. 289	10/29/2007	
Citadel Energy Products LLC	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	02-2339-000
Citigroup Energy Inc.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Clearview Electric Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 259	10/01/2007	
CMS Energy Resource Management Company	FERC Electric Tariff, Volume No. 3	MPSA No. 12	02/01/2005	96-2350-000
Competitive Energy Services LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 360	01/07/2009	01-2562-000
Competitive Power Ventures, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 273	10/01/2007	
Comverge Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 112	02/01/2005	
Concord Municipal Light Plant	FERC Electric Tariff, Volume No. 3	MPSA No. 162	01/20/2006	
Concord Steam Corporation	FERC Electric Tariff No. 3	MPSA No. 327	07/09/2008	
Conectiv Energy Supply Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 229	01/24/2007	00-1770-000
Connecticut Central Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 227	01/24/2007	07-0300-000
Connecticut Municipal Electric Energy Cooperative	FERC Electric Tariff, Volume No. 3	MPSA No. 60	02/01/2005	
Connecticut Resources Recovery Authority	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Conservation Services Group, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 55	02/01/2005	
Consolidated Edison Company of New York Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 138	07/11/2005	
Consolidated Edison Energy Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 9	02/01/2005	98-2491-000
Consolidated Edison Solutions Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 80	02/01/2005	97-0705-000
Consolidated Hydro New Hampshire, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 371	03/31/2009	
Constellation Energy Commodities	FERC Electric Tariff, Volume No. 3	MPSA No. 22	02/01/2005	
Constellation NewEnergy Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 46	02/01/2005	96-1387-000
Corinth Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 366	02/17/2009	
Correct Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 326	07/09/2008	
Covanta Haverhil Associates	FERC Electric Tariff, Volume No. 3	MPSA No. 281	10/01/2007	
Covanta Maine, LLC (f/k/a Indeck Maine Energy)	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
CPower, Inc. (f/k/a ConsumerPowerline, Inc. and Webenergy.net)	FERC Electric Tariff, Volume No. 3	MPSA No. 160	01/20/2006	
Credit Suisse Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 175	03/28/2006	05-0325-000
Danvers Electric Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Dartmouth Power Associates LP	FERC Electric Tariff, Volume No. 3	MPSA No. 269	10/01/2007	96-0149-000
DB Energy Trading LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 180	03/28/2006	03-0657-000
DC Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 76	02/01/2005	04-0381-000
Dennis Energy Company	FERC Electric Tariff, Volume No. 3	MPSA No. 122	04/01/2005	
Deutsche Bank AG	FERC Electric Tariff, Volume No. 3	MPSA No. 192	06/14/2006	06-0234-000
Devonshire Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 394	10/23/2009	09-1645-000
DFC-ERG Milford LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 260	10/01/2007	
Direct Energy Business	FERC Electric Tariff, Volume No. 3	MPSA No. 44	02/01/2005	96-3107-000
Dominion Energy Marketing Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	01-0468-000
Dominion Nuclear Connecticut Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	00-3621-000
Dominion Retail Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 54	02/01/2005	04-0249-000
Dragon Energy LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 320	04/14/2008	08-1050-000
DTE Energy Trading Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 33	02/01/2005	97-3834-000
Dynegy Power Marketing Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 106	02/02/2005	94-968-000
East Avenue Energy, LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 314	03/06/2008	
Easy Energy of Massachusetts, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 345	09/26/2008	
ECO Industries, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 386	07/29/2009	
ECP Energy I LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 215	10/11/2006	07-0412-000
Edison Mission Marketing & Trading Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	99-0852-000
eKapital Investments, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 235	04/02/2007	
Elektrisola, Inc.	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 306	01/17/2008	
Emera Energy Services Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 34	02/01/2005	02-0723-000
Emera Energy Services Subsidiary No 1 LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 243	05/21/2007	07-0553-000
Emera Energy Services Subsidiary No 2 LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 249	06/14/2007	07-0554-000
Emera Energy Services Subsidiary No 3 LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 248	06/14/2007	07-0555-000
Emera Energy Services Subsidiary No 4 LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 247	06/14/2007	07-0556-000
Emera Energy US Subsidiary No 1 Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 37	02/01/2005	04-0359-000
Emera Energy US Subsidiary No 2 Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 184	03/28/2006	06-0796-000
EMI Power Systems, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 374	04/30/2009	

Attachment C: ISO-NE Participants

Participant Name	Tariff Reference	Contract Service Agreement No.	Contract Execution Date	MBR
Endure Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 368	03/31/2009	08-0609-000
Energy America LLC	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	02-1632-000
Energy Federation Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 173	03/28/2006	
Energy New England LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 40	02/01/2005	
Energy Plus Holdings, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 380	06/24/2009	
EnerNOC, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 87	02/01/2005	
EnerNOC, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 134	05/23/2005	
Entergy Nuclear Power Marketing LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 177	03/28/2006	06-0653-000
EnvaPower, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 344	09/26/2008	
EPCOR Energy Marketing US Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 370	03/31/2009	08-1135-000
EPIC Merchant Energy NE LP	FERC Electric Tariff, Volume No. 3	MPSA No. 218	10/11/2006	06-1230-000
ESPI New England, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 339	09/26/2008	
Evergreen Wind Power III, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 328	07/09/2008	
Evergreen Wind Power LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 263	10/01/2007	06-1355-000
Evergreen Wind Power V LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 262	10/01/2007	09-0174-000
Exelon Generation Company LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 102	02/01/2005	00-3251-000
Exelon New Boston LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 103	02/01/2005	99-2871-000
Exelon New England Holdings, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 101	02/01/2005	
Exelon New England Power Marketing LP	FERC Electric Tariff, Volume No. 3	MPSA No. 105	02/01/2005	98-0107-000
Fairchild Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 158	01/20/2006	06-1223-000
First Commodities Ltd	FERC Electric Tariff, Volume No. 3	MPSA No. 376	04/30/2009	06-0698-000
Fitchburg Gas and Electric Light Company	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	97-2463-000
Fortis Energy Marketing & Trading GP	FERC Electric Tariff, Volume No. 3	MPSA No. 223	11/21/2006	02-0177-000
FPL Energy Maine Hydro LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 251	07/24/2007	
Franklin Power LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 301	01/17/2008	
Freedom Partners LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 198	04/11/2006	
Fulcrum Power Marketing LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 185	03/28/2006	03-0908-000
Galt Power Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 217	10/11/2006	03-1001-000
Garland Power Company	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 311	03/06/2008	
Gas Recovery Systems, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 142	07/11/2005	
GDF SUEZ Energy Marketing NA Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 7	02/01/2005	94-0142-000
GenConn Energy LLC	ISO-NE Tariff 3, LGIA-ISONE/NEP-05-03, NEP, Fortistar	MPSA No. 329	07/09/2008	
GenPower Trading, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 354	12/17/2008	
Georgetown Municipal Light Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Gexa Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 39	02/01/2005	05-0714-000
Glacial Energy, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 220	11/21/2006	
GLE Trading LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 300	01/17/2008	
Granite Ridge Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 71	02/01/2005	00-1147-000
Granite State Energy, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 31	02/01/2005	
Great Bay Power Marketing Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 35	02/01/2005	03-0479-000
Green Mountain Power Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 89	02/01/2005	01-0989-000
Greenville Steam Company	FERC Electric Tariff, Volume No. 3	MPSA No. 361	01/07/2009	
Groton Electric Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 161	01/20/2006	
Groveland Electric Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 362	01/07/2009	
Hammond Belgrade Energy LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 318	04/14/2008	
Hampshire Council of Governments	FERC Electric Tariff, Volume No. 3	MPSA No. 172	03/28/2006	
Hardwood Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 230	02/26/2007	
Harvard Dedicated Energy Limited	FERC Electric Tariff, Volume No. 3	MPSA No. 97	02/01/2005	05-0658-000
Highland Wind LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 379	06/24/2009	
Hingham Municipal Lighting Plant	FERC Electric Tariff, Volume No. 3	MPSA No. 148	07/11/2005	
Holden Municipal Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 145	07/11/2005	
Holyoke Gas & Electric Department	FERC Electric Tariff, Volume No. 3	MPSA No. 117	02/01/2005	
Horizon Power and Light LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 242	05/21/2007	07-0045-000
HQ Energy Services (US-Inc)	FERC Electric Tariff, Volume No. 3	MPSA No. 67	02/01/2005	97-0851-000
Hudson Energy Services, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 377	06/24/2009	
Hudson Light & Power Department	FERC Electric Tariff, Volume No. 3	MPSA No. 21	02/01/2005	
Hull Municipal Lighting Plant	FERC Electric Tariff, Volume No. 3	MPSA No. 136	05/23/2005	
Indeck Energy-Alexandria, L.L.C.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Industrial Energy Consumer Group	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Industrial Power Services Corp	FERC Electric Tariff, Volume No. 3	MPSA No. 85	02/01/2005	
Invenergy Thermal Connecticut LLC	ISO-NE Tariff 3, LGIA-ISONE/NEP-06-01, NEP, Lowell	MPSA No. 330	07/09/2008	
IPA Charles, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 276	10/01/2007	
IPA Mill, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 277	10/01/2007	
IPA New Haven, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 275	10/01/2007	
Ipswich Municipal Light Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
J Aron & Company	FERC Electric Tariff, Volume No. 3	MPSA No. 72	02/01/2005	02-0237-000
JP Morgan Ventures Energy Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 156	01/20/2006	05-1232-000
JPMorgan Chase Bank NA	FERC Electric Tariff, Volume No. 3	MPSA No. 154	09/03/2005	05-0283-000
Jump Power LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 325	06/04/2008	07-0022-000
Katahdin Paper Energy LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 309	02/08/2008	
Kennebec River Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 171	01/20/2006	
KeyTex Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 268	10/01/2007	07-1031-000
Kimberly-Clark Corporation	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 315	04/14/2008	08-0495-000
Kleen Energy Systems, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 280	10/01/2007	
Koch Supply & Trading LP	FERC Electric Tariff, Volume No. 3	MPSA No. 296	11/20/2007	07-0100-000
LaBree's Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 126	05/01/2005	
Laissez Faire Energy, inc.	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 324	06/04/2008	
Lake Road Generating Company LP	FERC Electric Tariff, Volume No. 3	MPSA No. 91	02/01/2005	99-1714-000
Lavalley Energy LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 305	01/17/2008	
Lavand & Lodge, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 291	10/29/2007	
LDH Energy Funds Trading, Ltd.	FERC Electric Tariff, Volume No. 3	MPSA No. 355	12/17/2008	
Liberty Power Delaware LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 226	01/24/2007	06-1157-000
Liberty Power Holdings LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 222	11/21/2006	06-1243-000
Lighthouse Energy Trading Company Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 294	11/20/2007	01-0174-000
Littleton Electric Light & Water	FERC Electric Tariff, Volume No. 3	MPSA No. 129	05/23/2005	
Littleton Water and Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 18	02/01/2005	
Long Island Lighting Company d/b/a LIPA	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Longfellow Wind, LLC	ISO-NE Tariff No 3, 1st Rev. Agmt No.LGIA-ISONE/NEP-5-02	MPSA No. 331	07/09/2008	
Louis Dreyfus Energy Services LP	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 312	03/06/2008	07-0892-000
Lowell Cogeneration Company LP	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	97-2414-000
Lowell Power Generators, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 279	10/01/2007	
LP and T Energy LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 121	03/14/2005	05-1105-000
Luminescent Systems, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 216	10/11/2006	
MA Bay Transp Auth (MBTA)	FERC Electric Tariff, Volume No. 3	MPSA No. 86	02/01/2005	
Macquarie Cook Power Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 352	10/15/2008	09-1125-000
Madison Electric Works	FERC Electric Tariff, Volume No. 3	MPSA No. 348	10/15/2008	
MAG Energy Solutions Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 189	06/14/2006	04-0839-000
Maine Public Service Company	FERC Electric Tariff, Volume No. 3	MPSA No. 341	09/26/2008	
Manchester Methane	FERC Electric Tariff, Volume No. 3	MPSA No. 238	05/01/2007	
Mansfield Municipal Electric Light Department	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Marblehead Municipal Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 130	05/23/2005	
Massachusetts Development Finance Agency	FERC Electric Tariff, Volume No. 3	MPSA No. 231	02/26/2007	
Massachusetts Electric Company	FERC Electric Tariff, Volume No. 3	MPSA No. 32	02/01/2005	05-1249-0000
Massachusetts Municipal Wholesale Electric Company	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
MASSPOWER	ISO-NE FERC Electric Tariff No. 3 Schedule 21-NU	MPSA No. 333	07/09/2008	06-0745-000
MATEP LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 202	08/01/2006	06-1143-000
Merchant's Plaza Energy, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 170	01/20/2006	
Merrill Lynch Commodities Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 93	02/01/2005	04-0925-000
Merrimac Municipal Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 363	01/07/2009	

Attachment C: ISO-NE Participants

Participant Name	Tariff Reference		Contract Service Agreement No.	Contract Execution Date	MBR
Middleborough Gas & Electric Department	FERC Electric Tariff, Volume No. 3		MPSA No. 61	02/01/2005	
Middleton Municipal Light Department	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Milford Power Company LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 29	02/01/2005	99-4102-000
Milford Power LP	FERC Electric Tariff, Volume No. 3		MPSA No. 94	02/01/2005	93-0493-000
Millennium Power Partners LP	FERC Electric Tariff, Volume No. 3		MPSA No. 3	02/01/2005	98-0830-000
Miller Hydro Group	FERC Electric Tariff, Volume No. 3		MPSA No. 364	01/07/2009	
Mirant Energy Trading LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 132	05/23/2005	02-1213-000
Montgomery Energy Billerica Power Partners LP	FERC Electric Tariff, Volume No. 3		MPSA No. 270	10/01/2007	
Morgan Stanley Capital Group Inc	FERC Electric Tariff, Volume No. 3		MPSA No. 30	02/01/2005	94-1384-000
MxEnergy Electric Inc	FERC Electric Tariff, Volume No. 3		MPSA No. 188	06/14/2006	02-0737-000
NAEA Energy Massachusetts LLC	ISO-NE FERC Electric Tariff No. 3	Schedule 22	MPSA No. 334	07/08/2008	99-3248-000
NAEA Newington Energy LLC	ISO-NE FERC Electric Tariff No. 3	Schedule 22	MPSA No. 335	07/09/2008	01-1526-000
Narragansett Electric Company	FERC Electric Tariff, Volume No. 3		MPSA No. 45	02/01/2005	05-0675-000
Nationwide Energy, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 234	01/24/2007	
New Brunswick Power Generation Corporation	FERC Electric Tariff, Volume No. 3		MPSA No. 356	01/29/2009	08-1439-000
New England Conectionary Company, Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 357	12/17/2008	
New England Power Company	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
New England Wire Technologies	FERC Electric Tariff, Volume No. 3		MPSA No. 141	07/11/2005	
New Hampshire Electric Cooperative, Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 116	03/10/2005	
New Hampshire Industries Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 27	02/01/2005	
New York State Electric & Gas Corporation	FERC Electric Tariff, Volume No. 3		MPSA No. 70	02/01/2005	
NextEra Energy Power Marketing LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 1	02/01/2005	98-3566-000
Noble Environmental Power, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 290	10/29/2007	
North American Energy Credit and Clearing-Delivery LLC	FERC Electric Tariff No. 3	Schedule 22	MPSA No. 310	03/06/2008	
North Attleborough Electric Department	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Northeast Generation Company	FERC Electric Tariff, Volume No. 3		MPSA No. 83	02/01/2005	
Northeast Utilities System Companies	FERC Electric Tariff, Volume No. 3		MPSA No. 43	02/01/2005	
Northeastern Power, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 140	07/11/2005	
Northern States Power Company	FERC Electric Tariff, Volume No. 3		MPSA No. 125	03/29/2005	
Norwood Municipal Light Department	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
NRG Power Marketing LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	97-4281-000
NYSEG Solutions Inc	FERC Electric Tariff, Volume No. 3		MPSA No. 25	02/01/2005	99-0220-000
Old Lane Commodities LP	FERC Electric Tariff, Volume No. 3		MPSA No. 176	03/28/2006	06-0541-000
Ontario Power Generation	FERC Electric Tariff, Volume No. 3		MPSA No. 174	03/28/2006	02-1021-000
PalletOne Energy LLC	FERC Electric Tariff No. 3	Schedule 22	MPSA No. 319	04/14/2008	
Palmco Power CT LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 381	06/24/2009	09-1193-000
Parkview AMC Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 99	02/01/2005	06-1221-000
Pascoag Utility District	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Patriot Partnership LLC	FERC Electric Tariff No. 3	Schedule 22	MPSA No. 313	03/06/2008	08-0325-000
Pawtucket Power Holding Company LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 244	06/14/2007	
Paxton Municipal Light Department	FERC Electric Tariff, Volume No. 3		MPSA No. 150	07/11/2005	
Peabody Municipal Light Plant	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Pepco Energy Services	FERC Electric Tariff, Volume No. 3		MPSA No. 165	01/20/2006	98-3096-000
PER Development , LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 272	10/01/2007	
Pinpoint Power LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 14	02/01/2005	03-0845-000
Plainfield Renewable Energy, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 373	04/30/2009	
Power Bidding Strategies LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 163	01/20/2006	06-0214-000
Powerex Corporation	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	01-0048-000
PPL EnergyPlus LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	98-0046-000
PPL Maine LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	00-2186-000
PPL Wallingford Energy LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	01-1559-000
PPM Energy, Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 120	02/28/2005	
Praxair Inc	FERC Electric Tariff, Volume No. 3		MPSA No. 69	02/01/2005	00-3767-000
Princeton Municipal Light Department	FERC Electric Tariff, Volume No. 3		MPSA No. 256	07/24/2007	
PSEG Energy Resources & Trade LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	97-0837-000
Public Power & Utility Inc	FERC Electric Tariff, Volume No. 3		MPSA No. 298	12/19/2007	07-1161-000
Public Service Company of New Hampshire	FERC Electric Tariff, Volume No. 3		MPSA No. 50	02/01/2005	96-0496-000
Rainbow Energy Marketing Corporation	FERC Electric Tariff, Volume No. 3		MPSA No. 36	02/01/2005	94-1061-000
RBC Energy Services LP	FERC Electric Tariff No. 3	Schedule 22	MPSA No. 317	04/14/2008	07-1088-000
Reading Municipal Light Department	FERC Electric Tariff, Volume No. 3		MPSA No. 63	02/01/2005	
Record Hill Wind LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 336	07/09/2008	
Ridgewood Maine Hydro Partners, L.P.	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Ridgewood RI Generation, LLC (Johnston landfill Expansion)	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
RJF - Morin Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 389	07/29/2009	
Robbins Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 225	12/11/2006	09-0747-000
Rowley Municipal Lighting Plant	FERC Electric Tariff, Volume No. 3		MPSA No. 127	02/01/2005	
Saracen Energy East LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 375	04/30/2009	
Saracen Energy MB L.P.	FERC Electric Tariff, Volume No. 3		MPSA No. 288	10/29/2007	
Saracen Energy, LP	FERC Electric Tariff, Volume No. 3		MPSA No. 124	04/01/2005	
Saracen Power LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 372	03/31/2009	09-0705-000
Select Energy Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 82	02/01/2005	
Sempa Power System, Ltd.	FERC Electric Tariff, Volume No. 3		MPSA No. 387	07/30/2009	
Sempra Energy Solutions	FERC Electric Tariff, Volume No. 3		MPSA No. 13	02/01/2005	96-2372-000
Sempra Energy Trading LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	94-1691-000
Seneca Energy II, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 92	02/01/2005	
SESCO Enterprises LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 15	02/01/2005	03-0295-000
Shell Energy North America (US-LP)	FERC Electric Tariff No. 3	Schedule 22	MPSA No. 322	06/04/2008	08-0656-000
Shipyard Energy, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 265	10/01/2007	
Shrewsbury Electric & Cable Operations	FERC Electric Tariff, Volume No. 3		MPSA No. 149	07/11/2005	
Silverhill Ltd	FERC Electric Tariff, Volume No. 3		MPSA No. 203	08/01/2006	05-1195-000
SJH Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 253	08/08/2007	
Solios Power LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 164	01/20/2006	
South Hadley Electric Light Department	FERC Electric Tariff, Volume No. 3		MPSA No. 5	02/01/2005	
South Jersey Energy Company	FERC Electric Tariff, Volume No. 3		MPSA No. 385	07/29/2009	97-1397-000
Spark Energy, L.P.	FERC Electric Tariff, Volume No. 3		MPSA No. 206	08/01/2006	
StatArb Investment, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 295	11/20/2007	
Sterling Municipal Light Department	FERC Electric Tariff, Volume No. 3		MPSA No. 135	05/23/2005	
Stetson Wind II, LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 337	07/09/2008	
SUEZ Energy Resources NA, Inc. f.k.a. Tractebel Energy Services, Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 75	02/01/2005	
Summit Hydropower, Inc.	FERC Electric Tariff, Volume No. 3		MPSA No. 232	02/26/2007	
Susquehanna Energy Products, LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
Sutton Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 266	10/01/2007	
Swift River Trading Company LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 350	10/15/2008	
Taunton Municipal Lighting Plant	FERC Electric Tariff, Volume No. 3		MPSA No. 64	02/01/2005	
Templeton Municipal Light & Water Plant	FERC Electric Tariff, Volume No. 3		MPSA No. 146	07/11/2005	
The Connecticut Light & Power Company	FERC Electric Tariff, Volume No. 3		MPSA No. 48	02/01/2005	96-0496-000
The Massachusetts Port Authority	FERC Electric Tariff, Volume No. 3		MPSA No. 157	01/20/2006	
The Order of Saint Benedict of New Hampshire	FERC Electric Tariff, Volume No. 3		MPSA No. 78	02/01/2005	
The United Illuminating Company	FERC Electric Tariff, Volume No. 3		MPSA No. 66	02/01/2005	93-0003-000
Towantic Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 338	07/09/2008	
Town of Stowe Electric Department	FERC Electric Tariff, Volume No. 3		MPSA No. 349	10/15/2008	
Town of Wolfeboro Municipal Electric Department	FERC Electric Tariff, Volume No. 3		MPSA No. 365	01/07/2009	
TransAlta Energy Marketing Corporation	FERC Electric Tariff, Volume No. 3		MPSA No. 53	02/01/2005	09-0884-000
TransCanada Power Marketing Limited	FERC Electric Tariff, Volume No. 3		MPSA No. 118	03/24/2005	98-0564-000
Turner Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 204	08/01/2006	
Twin Cities Energy LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 378	06/24/2009	09-0047-000
Twin Cities Power LLC	FERC Electric Tariff, Volume No. 3		MPSA No. 245	06/14/2007	04-0275-000
UAE Lowell Power LLC	FERC Electric Tariff, Volume No. 3		Service Agreement No. 1	02/01/2005	
UBS AG	FERC Electric Tariff, Volume No. 3		MPSA No. 73	02/01/2005	02-0973-000

Attachment C: ISO-NE Participants

Participant Name	Tarriff Reference	Contract Service Agreement No.	Contract Execution Date	MBR
Union Leader Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 239	05/01/2007	
Unitil Energy Systems Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	05-0320-000
Unitil Power Corporation	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	97-3434-000
UPC Vermont Wind, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 261	10/01/2007	
v2g NE	FERC Electric Tariff, Volume No. 3	MPSA No. 382	07/30/2009	
Velocity American Energy Master I LP	FERC Electric Tariff, Volume No. 3	MPSA No. 343	09/26/2008	08-0441-000
Verde Energy USA Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 391	10/23/2009	09-1423-001
Vermont Electric Cooperative Inc	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	04-0694-000
Vermont Electric Power Company, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 8	02/01/2005	
Vermont Energy Investment Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 208	09/27/2006	
Vermont Marble Company	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Vermont Public Power Supply Authority	FERC Electric Tariff, Volume No. 3	MPSA No. 10	02/01/2005	
Vermont Transco LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 201	07/28/2006	
Vermont Yankee Nuclear Power Corporation	FERC Electric Tariff, Volume No. 3	MPSA No. 74	02/01/2005	05-1491-000
Viridian Energy Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 383	06/24/2009	09-1025-000
Viridity Energy, Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 388	07/30/2009	
Wakefield Municipal Gas & Light Department	FERC Electric Tariff, Volume No. 3	MPSA No. 147	07/11/2005	
Waterbury Generation LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 369	03/31/2009	08-0200-001
Waterside Power LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 393	10/23/2009	02-1884-000
Watertown Renewable Power, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 254	08/08/2007	
Wellesley Municipal Light Plant	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
West Boylston Municipal Light	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
West Oaks Energy NY/NE, LP	FERC Electric Tariff, Volume No. 3	MPSA No. 395	10/23/2009	
Westerly Hospital Energy Company LLC	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
Western Massachusettes Electric Company	FERC Electric Tariff, Volume No. 3	MPSA No. 49	02/01/2005	96-0496-000
Westfield Gas & Electric	FERC Electric Tariff, Volume No. 3	MPSA No. 128	05/23/2005	
WFM Intermediary New England Energy, LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 264	10/01/2007	
Wheelabrator Bridgeport LP	FERC Electric Tariff, Volume No. 3	MPSA No. 351	10/15/2008	09-0101-000
Wheelabrator Claremont Company, L.P.	FERC Electric Tariff, Volume No. 3	MPSA No. 257	07/24/2007	
Wheelabrator North Andover Inc	FERC Electric Tariff, Volume No. 3	MPSA No. 151	10/01/2005	05-1288-000
Williams Power Company, Inc.	FERC Electric Tariff, Volume No. 3	Service Agreement No. 1	02/01/2005	
WM Renewable Energy, LLC	FERC Electric Tariff No. 3 Schedule 22	MPSA No. 321	06/04/2008	
WPS Energy Services Inc.	FERC Electric Tariff, Volume No. 3	MPSA No. 52	02/01/2005	
Z-TECH LLC	FERC Electric Tariff, Volume No. 3	MPSA No. 137	07/11/2005	

Energy Sales and Bookouts by Control Area

Summary of Data Reported in the FERC Electric Quarterly Report (EQR), by Seller
(Calculatons based on companies filing EQRs. No adjustments made for non-jurisdictional sales.)

Brookfield Energy Marketing Inc.

Report Period: Qtr. 3 2009

Control		NERC Regio	# of Lines	Quantity (thous.	Total # of Sellers in Ctrl Area	Avg Price	High Price	Low Price
ISO New England Inc.		NPCC	25,341	947	153	31.20	260.68	0.00
All Sellers in Control	ISNE					24.59	421.80	-338.04
New York Independent System Operator		NPCC	7,245	217	141	28.85	150.52	-467.94
All Sellers in Control	NYIS					38.04	3,021.92	-1,607.07
PJM Interconnection		MAAC	3,817	187	262	34.09	144.58	-27.50
All Sellers in Control	PJM					39.55	1,533.38	-960.97
Midwest ISO		ECAR	1,807	164	98	24.92	278.92	-617.51
All Sellers in Control	MISO					31.98	1,028.96	-617.51
Northern States Power Company		MAPP	2,720	12	24	19.21	67.61	-69.27
All Sellers in Control	NSP					22.02	269.75	-100.46

Description of Column Headings:

Control Area: TSIN abbreviation for the control area.
NERC Region: Control Area or Hub identified as point of delivery.
# of Lines: Number of lines of transaction data.
Quantity (thous. MWH): Sum of quantities reported (with kwh units divided by 1000 to convert to MWH).
# of Sellers in Region: Count of sellers reporting sales in the control area.
Price: Avg: Weighted average price (sum of non-transmission revenues weighted by reported quantity) in $/MWH.
High: Highest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)
Low: Lowest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)

All Sellers in Control Area: Applicable reported price for all sellers in the control area including your company. (Prices are calculated from unreviewed data in all EQR filings, and are meant to be merely indicative of prices in the region for the filing period.)

NOTE: Billing adjustments are not included in calculations. Because of the difference in calculation methods (see note on "Price" above) "Average Price" may be outside the range of high and low prices.

Report Date: 12/2/2009 **r_id:** 1095 **Page 1 of 1**

Energy Sales and Bookouts by Control Area

Summary of Data Reported in the FERC Electric Quarterly Report (EQR), by Seller
(Calculatons based on companies filing EQRs. No adjustments made for non-jurisdictional sales.)

Brookfield Renewable Energy Marketing US LLC

Report Period: Qtr. 3 2009

Control		NERC Regio	# of Lines	Quantity (thous.	Total # of Sellers in Ctrl Area	Avg Price	High Price	Low Price
ISO New England Inc.		NPCC	25	85	153	85.18	98.46	21.63
All Sellers in Control	ISNE					24.59	421.80	-338.04
PJM Interconnection		MAAC	17	50	262	87.74	98.46	27.33
All Sellers in Control	PJM					39.55	1,533.38	-960.97

Description of Column Headings:

Control Area: TSIN abbreviation for the control area.
NERC Region: Control Area or Hub identified as point of delivery.
# of Lines: Number of lines of transaction data.
Quantity (thous. MWH): Sum of quantities reported (with kwh units divided by 1000 to convert to MWH).
# of Sellers in Region: Count of sellers reporting sales in the control area.
Price: Avg: Weighted average price (sum of non-transmission revenues weighted by reported quantity) in $/MWH.
High: Highest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)
Low: Lowest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)

All Sellers in Control Area: Applicable reported price for all sellers in the control area including your company. (Prices are calculated from unreviewed data in all EQR filings, and are meant to be merely indicative of prices in the region for the filing period.)

NOTE: Billing adjustments are not included in calculations. Because of the difference in calculation methods (see note on "Price" above) "Average Price" may be outside the range of high and low prices.

Report Date: 12/2/2009 **r_id:** 2039 **Page 1 of 1**

Energy Sales and Bookouts by Control Area

Summary of Data Reported in the FERC Electric Quarterly Report (EQR), by Seller
(Calculatons based on companies filing EQRs. No adjustments made for non-jurisdictional sales.)

TransCanada Hydro Northeast Inc.

Report Period: Qtr. 3 2009

Control		NERC Regio	# of Lines	Quantity (thous.	Total # of Sellers in Ctrl Area	Avg Price	High Price	Low Price
ISO New England Inc.		NPCC	3	390	153	37.39	43.31	33.65
All Sellers in Control	ISNE					24.59	421.80	-338.04

Description of Column Headings:

Control Area: TSIN abbreviation for the control area.
NERC Region: Control Area or Hub identified as point of delivery.
# of Lines: Number of lines of transaction data.
Quantity (thous. MWH): Sum of quantities reported (with kwh units divided by 1000 to convert to MWH).
# of Sellers in Region: Count of sellers reporting sales in the control area.
Price: Avg: Weighted average price (sum of non-transmission revenues weighted by reported quantity) in $/MWH.
High: Highest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)
Low: Lowest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)

All Sellers in Control Area: Applicable reported price for all sellers in the control area including your company. (Prices are calculated from unreviewed data in all EQR filings, and are meant to be merely indicative of prices in the region for the filing period.)

NOTE: Billing adjustments are not included in calculations. Because of the difference in calculation methods (see note on "Price" above) "Average Price" may be outside the range of high and low prices.

Report Date: 12/2/2009 **r_id:** 1548 **Page 1 of 1**

Energy Sales and Bookouts by Control Area

Summary of Data Reported in the FERC Electric Quarterly Report (EQR), by Seller
(Calculatons based on companies filing EQRs. No adjustments made for non-jurisdictional sales.)

TransCanada Power Marketing, Ltd

Report Period: Qtr. 3 2009

Control		NERC Regio	# of Lines	Quantity (thous.	Total # of Sellers in Ctrl Area	Avg Price	High Price	Low Price
ISO New England Inc.		NPCC	20	310	153	72.46	103.07	28.33
All Sellers in Control	ISNE					24.59	421.80	-338.04

Description of Column Headings:

Control Area: TSIN abbreviation for the control area.
NERC Region: Control Area or Hub identified as point of delivery.
# of Lines: Number of lines of transaction data.
Quantity (thous. MWH): Sum of quantities reported (with kwh units divided by 1000 to convert to MWH).
# of Sellers in Region: Count of sellers reporting sales in the control area.
Price: Avg: Weighted average price (sum of non-transmission revenues weighted by reported quantity) in $/MWH.
High: Highest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)
Low: Lowest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)

All Sellers in Control Area: Applicable reported price for all sellers in the control area including your company. (Prices are calculated from unreviewed data in all EQR filings, and are meant to be merely indicative of prices in the region for the filing period.)

NOTE: Billing adjustments are not included in calculations. Because of the difference in calculation methods (see note on "Price" above) "Average Price" may be outside the range of high and low prices.

Report Date: 12/2/2009 **r_id:** 494 **Page 1 of 1**

Energy Sales and Bookouts by Control Area

Summary of Data Reported in the FERC Electric Quarterly Report (EQR), by Seller
(Calculatons based on companies filing EQRs. No adjustments made for non-jurisdictional sales.)

PSEG Energy Resources & Trade LLC

Report Period: Qtr. 3 2009

Control		NERC Regio	# of Lines	Quantity (thous.	Total # of Sellers in Ctrl Area	Avg Price	High Price	Low Price
PJM Interconnection		MAAC	9,887	8,612	262	50.85	144.58	-12.47
All Sellers in Control	PJM					39.55	1,533.38	-960.97
ISO New England Inc.		NPCC	6,056	2,349	153	44.04	177.15	0.08
All Sellers in Control	ISNE					24.59	421.80	-338.04
New York Independent System Operator		NPCC	10,296	1,078	141	33.84	273.69	-1,073.47
All Sellers in Control	NYIS					38.04	3,021.92	-1,607.07

Description of Column Headings:

Control Area: TSIN abbreviation for the control area.
NERC Region: Control Area or Hub identified as point of delivery.
# of Lines: Number of lines of transaction data.
Quantity (thous. MWH): Sum of quantities reported (with kwh units divided by 1000 to convert to MWH).
# of Sellers in Region: Count of sellers reporting sales in the control area.
Price: Avg: Weighted average price (sum of non-transmission revenues weighted by reported quantity) in $/MWH.
High: Highest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)
Low: Lowest reported price in $/MWH. (Does not include sales at "FLAT RATE" or of less than or equal to 1 MWH)

All Sellers in Control Area: Applicable reported price for all sellers in the control area including your company. (Prices are calculated from unreviewed data in all EQR filings, and are meant to be merely indicative of prices in the region for the filing period.)

NOTE: Billing adjustments are not included in calculations. Because of the difference in calculation methods (see note on "Price" above) "Average Price" may be outside the range of high and low prices.

Attachment E: Forward Capacity Auctions Results for New Hampshire

Auction	ID	Resource Name	Type	Generating Fuel Type	State	Status	Approx. Cap (MW)
FCA3	489	MERRIMACK 1	Generating	Anthracite Coal and Bituminous Coal	NH	Existing	112.50
FCA3	490	MERRIMACK 2	Generating	Anthracite Coal and Bituminous Coal	NH	Existing	320.00
FCA3	556	SCHILLER 4	Generating	Anthracite Coal and Bituminous Coal	NH	Existing	47.50
FCA3	558	SCHILLER 6	Generating	Anthracite Coal and Bituminous Coal	NH	Existing	47.94
FCA3	464	LOST NATION	Generating	Distillate Fuel Oil. Including Diesel, No. 2	NH	Existing	14.07
FCA3	382	MERRIMACK CT1	Generating	Jet Fuel	NH	Existing	16.83
FCA3	383	MERRIMACK CT2	Generating	Jet Fuel	NH	Existing	16.80
FCA3	559	SCHILLER CT 1	Generating	Jet Fuel	NH	Existing	17.00
FCA3	619	WHITE LAKE JET	Generating	Jet Fuel	NH	Existing	17.45
FCA3	194	FOUR HILLS LOAD REDUCER	Generating	Landfill Gas	NH	Existing	0.88
FCA3	253	TURNKEY LANDFILL	Generating	Landfill Gas	NH	Existing	2.69
FCA3	942	DUNBARTON ROAD LANDFILL	Generating	Landfill Gas	NH	Existing	0.58
FCA3	943	FOUR HILLS LANDFILL	Generating	Landfill Gas	NH	Existing	0.28
FCA3	767	SES CONCORD	Generating	Municipal Solid Waste	NH	Existing	12.56
FCA3	10404	WHEELABRATOR CLAREMONT U5	Generating	Municipal Solid Waste	NH	Existing	4.53
FCA3	1625	GRANITE RIDGE ENERGY	Generating	Natural Gas	NH	Existing	659.86
FCA3	1640	GROVETON COGEN U5	Generating	Natural Gas	NH	Existing	0.00
FCA3	1641	WAUSAU COGEN U5	Generating	Natural Gas	NH	Existing	0.00
FCA3	1649	NAEA Newington Energy, LLC	Generating	Natural Gas	NH	Existing	505.69
FCA3	12509	UNH Power Plant	Generating	Natural Gas	NH	Existing	2.00
FCA3	555	SEABROOK	Generating	Nuclear Uranium, Plutonium, Thorium	NH	Existing	1245.46
FCA3	715	ROCHESTER LANDFILL	Generating	Other Biomass Gas. Includes digester gas, methane, and other biomass gasses.	NH	Existing	4.50
FCA3	15594	Gilman Biomass Facility	Generating	Other Biomass Solids	NH	New	4.00
FCA3	508	NEWINGTON 1	Generating	Residual Fuel Oil No. 6 020	NH	Existing	400.20
FCA3	327	AMOSKEAG	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	15.82
FCA3	330	AYERS ISLAND	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	7.90
FCA3	335	BELLOWS FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	48.54
FCA3	380	COMERFORD	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	151.63
FCA3	401	EASTMAN FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	5.13
FCA3	427	GORHAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	2.05
FCA3	449	JACKMAN	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	3.46
FCA3	473	MCINDOES	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	9.74
FCA3	496	MOORE	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	191.15
FCA3	539	PONTOOK HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	7.98
FCA3	570	SMITH	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	11.47
FCA3	620	WILDER	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	41.16
FCA3	768	GARVINS/HOOKSETT	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	11.60
FCA3	794	MINIWAWA	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.43
FCA3	795	RIVER MILL HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.05
FCA3	824	BATH ELECTRIC HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.27
FCA3	860	BRIAR HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	2.89
FCA3	861	CANAAN	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.97
FCA3	863	CLEMENT DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	1.51
FCA3	865	ERROL	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	2.01
FCA3	866	GREGGS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	1.16
FCA3	868	MILTON MILLS HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.91
FCA3	869	MINE FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	1.36
FCA3	870	PEMBROKE	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	1.20
FCA3	871	PENNACOOK FALLS LOWER	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	2.81
FCA3	872	PENNACOOK FALLS UPPER	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	1.99
FCA3	875	RIVER BEND	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.52
FCA3	882	FRANKLIN FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.55
FCA3	883	SALMON FALLS HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.37
FCA3	884	SWANS FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.27
FCA3	885	STEVENS MILL	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.16
FCA3	886	COCHECO FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.39
FCA3	887	CHINA MILLS DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.36
FCA3	888	NEWFOUND HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.75
FCA3	889	SUNAPEE HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.25
FCA3	890	NASHUA HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.47

Attachment E: Forward Capacity Auctions Results for New Hampshire

Auction	ID	Resource Name	Type	Generating Fuel Type	State	Status	Approx. Cap (MW)
FCA3	891	HILLSBORO MILLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.19
FCA3	892	LAKEPORT DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.33
FCA3	893	WEST HOPKINTON HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.43
FCA3	894	LISBON HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.30
FCA3	895	LOWER ROBERTSON DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.44
FCA3	897	OLD NASH DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.05
FCA3	898	SUGAR RIVER HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.09
FCA3	899	GREAT FALLS UPPER	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	900	GREAT FALLS LOWER	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.50
FCA3	901	WATERLOOM FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.03
FCA3	902	HOSIERY MILL DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.17
FCA3	903	WYANDOTTE HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.06
FCA3	904	LOCHMERE DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.57
FCA3	905	ASHUELOT HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.39
FCA3	906	ROLLINSFORD HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.70
FCA3	907	BELL MILL/ELM ST. HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.01
FCA3	908	OTIS MILL HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.03
FCA3	909	STEELS POND HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.20
FCA3	910	CAMPTON DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.18
FCA3	911	KELLEYS FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.20
FCA3	912	SUNNYBROOK HYDRO 1	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	913	GOODRICH FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.24
FCA3	914	CHAMBERLAIN FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.02
FCA3	915	MONADNOCK PAPER MILLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	917	EXETER RIVER HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	919	HOPKINTON HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.09
FCA3	921	HADLEY FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.05
FCA3	922	NOONE FALLS	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.04
FCA3	924	FRESHWATER HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	925	OTTER LANE HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.04
FCA3	926	PETERBOROUGH LOWER HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.07
FCA3	928	SALMON BROOK STATION 3	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.10
FCA3	931	AVERY DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.18
FCA3	932	WATSON DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.15
FCA3	933	WESTON DAM	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.30
FCA3	935	SUNNYBROOK HYDRO 2	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.02
FCA3	941	PETERBOROUGH UPPER HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.05
FCA3	951	BALTIC MILLS - QF	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.05
FCA3	1061	MASCOMA HYDRO	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.52
FCA3	10401	CELLEY MILL U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.06
FCA3	10402	PETTYBORO HYDRO U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.00
FCA3	10403	EASTMAN BROOK U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.03
FCA3	10406	LOWER VALLEY HYDRO U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.32
FCA3	10407	WOODSVILLE HYDRO U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.17
FCA3	10408	LOWER VILLAGE HYDRO U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.12
FCA3	10409	SWEETWATER HYDRO U5	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	0.30
FCA3	10424	Great Lakes - Berlin Incremental	Generating	Water at a Conventional Hydroelectric Turbine	NH	Existing	13.00
FCA3	11530	BERLIN WIND	Generating	Wind	NH	Existing	0.00
FCA3	14595	Granite Reliable Power	Generating	Wind	NH	Existing	38.57
FCA3	14660	Lempster Wind	Generating	Wind	NH	New	8.16
FCA3	337	BETHLEHEM	Generating	Wood/Wood Waste Solids.	NH	Existing	15.52
FCA3	342	BIO ENERGY	Generating	Wood/Wood Waste Solids.	NH	Existing	0.00
FCA3	357	BRIDGEWATER	Generating	Wood/Wood Waste Solids.	NH	Existing	15.36
FCA3	436	HEMPHILL 1	Generating	Wood/Wood Waste Solids.	NH	Existing	14.28
FCA3	557	SCHILLER 5	Generating	Wood/Wood Waste Solids.	NH	Existing	45.60
FCA3	592	TAMWORTH	Generating	Wood/Wood Waste Solids.	NH	Existing	20.88
FCA3	618	DG WHITEFIELD, LLC	Generating	Wood/Wood Waste Solids.	NH	Existing	12.79
FCA3	973	CONCORD STEAM	Generating	Wood/Wood Waste Solids.	NH	Existing	0.00
FCA3	1631	Indeck-Energy Alexandria, LLC	Generating	Wood/Wood Waste Solids.	NH	Existing	15.20
FCA3	14666	Concord Steam_1	Generating	Wood/Wood Waste Solids.	NH	Existing	14.00

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Attachment F: PSNH State-Jurisdictional Agreements

Asset Id	Station Name & Number	Summer	Winter	State	County	RSP Area	Lead Participant	Asset Type	On-Line Year
10424	GREAT LAKES - BERLIN	25.0	25.0	33	7	NH	BEM	Hydro	1965
915	MONADNOCK PAPER MILLS	0.3	1.1	33	11	NH	PSNH	Hydro	1975
883	SALMON FALLS HYDRO	1.0	0.8	33	17	NH	PSNH	Hydro	1980
885	STEVENS MILL	0.2	0.2	33	13	NH	PSNH	Hydro	1980
921	HADLEY FALLS	0.2	0.3	33	11	NH	PSNH	Hydro	1981
901	WATERLOOM FALLS	0.1	0.1	33	11	NH	PSNH	Hydro	1981
912	SUNNYBROOK HYDRO 1	0.0	0.0	33	17	NH	PSNH	Hydro	1981
868	MILTON MILLS HYDRO	1.2	1.5	33	17	NH	PSNH	Hydro	1982
893	WEST HOPKINTON HYDRO	0.7	1.3	33	13	NH	PSNH	Hydro	1982
908	OTIS MILL HYDRO	0.1	0.1	33	11	NH	PSNH	Hydro	1982
935	SUNNYBROOK HYDRO 2	0.1	0.1	33	17	NH	PSNH	Hydro	1982
917	EXETER RIVER HYDRO	0.0	0.0	33	15	NH	PSNH	Hydro	1982
10403	EASTMAN BROOK U5	0.1	0.1	33	9	NH	PSNH	Hydro	1982
906	ROLLINSFORD HYDRO	1.5	1.5	33	17	NH	PSNH	Hydro	1983
886	COCHECO FALLS	0.6	0.5	33	17	NH	PSNH	Hydro	1983
903	WYANDOTTE HYDRO	0.1	0.2	33	17	NH	PSNH	Hydro	1983
914	CHAMBERLAIN FALLS	0.1	0.1	33	11	NH	PSNH	Hydro	1983
907	BELL MILL/ELM ST. HYDRO	0.1	0.1	33	11	NH	PSNH	Hydro	1983
863	CLEMENT DAM	1.1	2.4	33	1	NH	PSNH	Hydro	1984
899	GREAT FALLS UPPER	0.9	2.1	33	17	NH	PSNH	Hydro	1984
869	MINE FALLS	0.8	1.8	33	11	NH	PSNH	Hydro	1984
900	GREAT FALLS LOWER	1.7	1.7	33	17	NH	PSNH	Hydro	1984
888	NEWFOUND HYDRO	2.0	1.3	33	9	NH	PSNH	Hydro	1984
902	HOSIERY MILL DAM	0.4	1.0	33	11	NH	PSNH	Hydro	1984
909	STEELS POND HYDRO	0.4	1.0	33	11	NH	PSNH	Hydro	1984
890	NASHUA HYDRO	1.0	0.8	33	11	NH	PSNH	Hydro	1984
897	OLD NASH DAM	0.1	0.2	33	5	VT	PSNH	Hydro	1984
925	OTTER LANE HYDRO	0.1	0.1	33	13	NH	PSNH	Hydro	1984
10401	CELLEY MILL U5	0.1	0.1	33	9	NH	PSNH	Hydro	1984
919	HOPKINTON HYDRO	0.2	0.3	33	13	NH	SMED	Hydro	1984
342	BIO ENERGY	11.0	11.0	33	13	NH	PSNH	Wood	1985
866	GREGGS	2.1	2.1	33	11	NH	PSNH	Hydro	1985
875	RIVER BEND	1.0	1.8	33	13	NH	PSNH	Hydro	1985
887	CHINA MILLS DAM	0.7	0.7	33	13	NH	PSNH	Hydro	1985
892	LAKEPORT DAM	0.5	0.7	33	1	NH	PSNH	Hydro	1985
931	AVERY DAM	0.5	0.5	33	1	NH	PSNH	Hydro	1985
889	SUNAPEE HYDRO	0.6	0.4	33	19	NH	PSNH	Hydro	1985
911	KELLEYS FALLS	0.4	0.4	33	11	NH	PSNH	Hydro	1985
928	SALMON BROOK STATION 3	0.3	0.3	33	13	NH	PSNH	Hydro	1985
932	WATSON DAM	0.2	0.3	33	17	NH	PSNH	Hydro	1985
910	CAMPTON DAM	0.4	0.2	33	9	NH	PSNH	Hydro	1985
924	FRESHWATER HYDRO	0.2	0.2	33	9	NH	PSNH	Hydro	1985
922	NOONE FALLS	0.1	0.1	33	11	NH	PSNH	Hydro	1985
824	BATH ELECTRIC HYDRO	0.4	0.8	33	9	NH	PSNH	Hydro	1985
10402	PETTYBORO HYDRO U5	0.0	0.0	33	9	NH	PSNH	Hydro	1985
904	LOCHMERE DAM	0.9	1.0	33	1	NH	PSNH	Hydro	1985
539	PONTOOK HYDRO	8.2	10.2	33	7	NH	BEM	Hydro	1986
865	ERROL	2.6	3.0	33	7	NH	PSNH	Hydro	1986
905	ASHUELOT HYDRO	0.8	0.9	33	5	VT	PSNH	Hydro	1986
895	LOWER ROBERTSON DAM	0.9	0.9	33	5	VT	PSNH	Hydro	1986
882	FRANKLIN FALLS	0.7	0.8	33	13	NH	PSNH	Hydro	1986
933	WESTON DAM	0.5	0.5	33	7	NH	PSNH	Hydro	1986
894	LISBON HYDRO	0.3	0.5	33	9	NH	PSNH	Hydro	1986
941	PETERBOROUGH UPPER HYDRO	0.4	0.4	33	11	NH	PSNH	Hydro	1986
926	PETERBOROUGH LOWER HYDRO	0.3	0.3	33	11	NH	PSNH	Hydro	1986
898	SUGAR RIVER HYDRO	0.2	0.2	33	19	NH	PSNH	Hydro	1986
618	DG WHITEFIELD, LLC	18.0	18.2	33	7	NH	CCG	Wood	1987
14211	INDECK ALEXANDRIA	15.2	15.2	33	9	NH	IEA	Wood	1987
592	TAMWORTH	21.1	21.1	33	3	NH	PSNH	Wood	1987
337	BETHLEHEM	15.8	15.7	33	7	NH	PSNH	Wood	1987
15201	FISKE HYDRO	N/A	N/A	33	5	VT	PSNH	Hydro	1987
10404	WHEELABRATOR CLAREMONT U5	5.3	5.3	33	19	NH	PSNH	MSW	1987
436	HEMPHILL 1	14.1	14.5	33	19	NH	PPLEP	Wood	1988
942	DUNBARTON ROAD LANDFILL	1.0	1.2	33	11	NH	PSNH	LFG	1988
891	HILLSBORO MILLS	0.4	0.6	33	11	NH	PSNH	Hydro	1988
794	MINIWAWA	0.4	1.0	33	5	VT	LELWD	Hydro	1992
253	TURNKEY LANDFILL	3.3	3.3	33	17	NH	PSNH	LFG	1992
870	PEMBROKE	0.5	1.7	33	13	NH	PSNH	Hydro	1993
194	FOUR HILLS LOAD REDUCER	2.1	2.1	33	11	NH	PSNH	LFG	1995
943	FOUR HILLS LANDFILL	0.9	0.9	33	11	NH	PSNH	LFG	1995
715	ROCHESTER LANDFILL	5.0	5.0	33	17	NH	NHEC	LFG	1997
1640	GROVETON COGEN U5	0.9	0.9	33	7	NH	PSNH	Cogen	2000
1641	WAUSAU COGEN U5	0.9	0.9	33	7	NH	PSNH	Cogen	2001
15115	Lempster Wind	0.0	0.0	33	11	NH	PSNH	Wind	2005
15488	Middleton Building Supply	N/A	N/A	33	17	NH	PSNH	Cogen	2005
11530	BERLIN WIND	0.6	0.6	33	7	NH	PSNH	Wind	2006
14919	ZBE-001	N/A	N/A	33	5	VT	PSNH	Cogen	2007
12509	UNH Power Plant(2)	2.0	2.0	33	17	NH	USNH	LFG	2009

ALL-STATE LEGAL 800-222-0510 EDS11 RECYCLED

Attachment G: Results of Financial Transmission Rights Auction for New Hampshire's North Country

Term	Customer ID	Customer Name	Source Location Id	Source Location Name	Source Location Type	Sink Location Id	Sink Location Name	Sink Location Type	Buy/Sell	Class Type	Award FTR MW	Award FTR Price	Auction Dollars
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	OFFPEAK	0.8	1.66	1.33
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	OFFPEAK	1.6	1.66	2.66
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	OFFPEAK	0.4	1.66	0.66
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.03	0.81
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.03	0.81
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.03	0.81
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.03	0.81
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.03	0.41
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.03	0.41
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.03	0.41
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.03	0.41
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.03	0.81
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.03	1.62
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.03	1.62
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.03	1.62
Dec 2009	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.03	1.62
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1.6	2.69	4.3
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1.6	2.69	4.3
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	0.38	0.38
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	0.38	0.76
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	4	0.38	1.52
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	8	0.38	3.04
Dec 2009	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	8	0.38	3.04
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.29	0.46
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.29	0.92
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.29	0.46
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.29	0.46
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.29	0.46
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.29	0.92
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.29	0.92
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.29	0.92
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.29	0.92
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.29	1.83
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.29	1.83
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.29	1.83
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.2	0.38	0.46
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.6	0.38	0.23
Dec 2009	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.3	0.38	0.11
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.69	0.54
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.69	0.54
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.69	0.54
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.2	2.69	0.54
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.8	2.69	2.15
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	0.4	2.69	1.08
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	7.6	0	0
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	1	0	0
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	9.6	0	0
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	3.8	0	0
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	1.9	0	0
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.2	1	2.2
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.2	1	2.2

Attachment G: Results of Financial Transmission Rights Auction for New Hampshire's North Country

Term	Customer ID	Customer Name	Source Location Id	Source Location Name	Source Location Type	Sink Location Id	Sink Location Name	Sink Location Type	Buy/Sell	Class Type	Award FTR MW	Award FTR Price	Auction Dollars
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.2	1	2.2
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.2	1	2.2
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.8	1	2.8
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.8	1	2.8
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	2.8	1	2.8
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	OFFPEAK	1.1	0.4	0.44
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	OFFPEAK	0.9	0.4	0.36
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.4	1	1.4
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.4	1	1.4
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1.4	1	1.4
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.3	1	0.3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.3	1	0.3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.3	1	0.3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.3	1	0.3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	OFFPEAK	1	0.2	0.2
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	OFFPEAK	0.5	0.2	0.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	4.4	1	4.4
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	2.2	1	2.2
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	1.1	1	1.1
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	0.6	1	0.6
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	OFFPEAK	0.9	0.66	0.59
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	0.7	1	0.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	0.7	1	0.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	0.7	1	0.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	0.7	1	0.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3.7	1	3.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3.7	1	3.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3.7	1	3.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3.7	1	3.7
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3	1	3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3	1	3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3	1	3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	3	1	3
Dec 2009	50690	DC Energy_ LLC	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	1.5	1	1.5
Dec 2009	50811	J.P. Morgan Ventures Energy Co	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4330	LD.BELLWSFL115	NETWORK NODE	BUY	OFFPEAK	6	2.19	13.14
Dec 2009	51028	Lighthouse Energy Trading Comp	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	5	2.29	11.45
Dec 2009	51028	Lighthouse Energy Trading Comp	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	5	2.29	11.45
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	OFFPEAK	1	1.66	1.66
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	OFFPEAK	2	1.66	3.32
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	ONPEAK	1	4.17	4.17
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4447	LD.IRASBURG48	NETWORK NODE	BUY	ONPEAK	2	4.17	8.34
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	2	2.03	4.06
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1	2.03	2.03
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1	2.03	2.03
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	0.38	0.76
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	0.38	0.38
Dec 2009	50086	NextEra Energy Power Marketing	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	0.38	0.38
Dec 2009	50086	NextEra Energy Power Marketing	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	2	2.69	5.38
Dec 2009	50086	NextEra Energy Power Marketing	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1	2.69	2.69
Dec 2009	50086	NextEra Energy Power Marketing	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	0.38	0.76
Dec 2009	50086	NextEra Energy Power Marketing	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	0.38	0.38
Dec 2009	50086	NextEra Energy Power Marketing	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	2	2.29	4.58

Attachment G: Results of Financial Transmission Rights Auction for New Hampshire's North Country

Term	Customer ID	Customer Name	Source Location Id	Source Location Name	Source Location Type	Sink Location Id	Sink Location Name	Sink Location Type	Buy/Sell	Class Type	Award FTR MW	Award FTR Price	Auction Dollars
Dec 2009	50086	NextEra Energy Power Marketing	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1	2.29	2.29
Dec 2009	50086	NextEra Energy Power Marketing	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	0.38	0.76
Dec 2009	50086	NextEra Energy Power Marketing	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	0.38	0.38
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	1	2.69	2.69
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	OFFPEAK	2	2.69	5.38
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	1.38	2.76
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	1.38	1.38
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	OFFPEAK	1	0.4	0.4
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	ONPEAK	1	1	1
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	OFFPEAK	4	0.66	2.64
Dec 2009	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	ONPEAK	4	1	4
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.4	681.99	954.79
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.7	681.99	477.39
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.7	681.99	477.39
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.7	681.99	477.39
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.4	681.99	954.79
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.4	681.99	954.79
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.4	681.99	954.79
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1.4	681.99	954.79
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	0.7	681.99	477.39
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	380	UN.COMERFRD230 COMF	NETWORK NODE	BUY	OFFPEAK	0.4	4.09	1.64
Jan-Dec 2010	50690	DC Energy_ LLC	337	UN.WHITEFLD34.5BETH	NETWORK NODE	496	UN.MOORE 13.8MOOR	NETWORK NODE	BUY	OFFPEAK	0.2	3.66	0.73
Jan-Dec 2010	50690	DC Energy_ LLC	427	UN.BERLN_NH34.5GORH	NETWORK NODE	539	UN.PONTOOK 34.5PONT	NETWORK NODE	BUY	ONPEAK	84.7	0.05	4.24
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	681.97	1363.94
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	681.97	1363.94
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	681.97	1363.94
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	681.97	1363.94
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	681.97	681.97
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	681.97	681.97
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	681.97	681.97
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	1	681.97	681.97
Jan-Dec 2010	50690	DC Energy_ LLC	464	UN.LOSTNATN34.5LOST	NETWORK NODE	4446	LD.STJHNSBY115	NETWORK NODE	BUY	ONPEAK	2	681.97	1363.94
Jan-Dec 2010	54	Edison Mission Marketing & Tr	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	7	122.9	860.3
Jan-Dec 2010	54	Edison Mission Marketing & Tr	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	8	122.9	983.2
Jan-Dec 2010	54	Edison Mission Marketing & Tr	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	8	122.9	983.2
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	427	UN.BERLN_NH34.5GORH	NETWORK NODE	4091	LD.PRSPCTBE13.8	NETWORK NODE	BUY	OFFPEAK	1	219.04	219.04
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	427	UN.BERLN_NH34.5GORH	NETWORK NODE	452	UN.KENDALL 13.8KDJ1	NETWORK NODE	BUY	OFFPEAK	1	213.38	213.38
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4530	LD.SCITICO 115	NETWORK NODE	BUY	OFFPEAK	3	290.82	872.46
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	618	UN.WHITEFLD34.5WFPL	NETWORK NODE	4007	.Z.WCMASS	LOAD ZONE	BUY	OFFPEAK	1	160.89	160.89
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	618	UN.WHITEFLD34.5WFPL	NETWORK NODE	4007	.Z.WCMASS	LOAD ZONE	BUY	ONPEAK	3	1255.2	3765.6
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	618	UN.WHITEFLD34.5WFPL	NETWORK NODE	4379	LD.PEMIGWAS34.5	NETWORK NODE	BUY	OFFPEAK	3	42.82	128.46
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4381	LD.LOSTNATN34.5	NETWORK NODE	4376	LD.AMHERST 34.5	NETWORK NODE	BUY	OFFPEAK	3	-6.24	-18.72
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4382	LD.BERLN_NH22	NETWORK NODE	4859	LD.HIGH_ST 115 511 LD	NETWORK NODE	BUY	OFFPEAK	1	212.39	212.39
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4382	LD.BERLN_NH22	NETWORK NODE	4874	LD.KNGSTNAB115 110A LD	NETWORK NODE	BUY	OFFPEAK	1	213.15	213.15
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4382	LD.BERLN_NH22	NETWORK NODE	10348	UN.KENDALL 13.8KND2	NETWORK NODE	BUY	OFFPEAK	1	213.38	213.38
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4383	LD.BERLN_NH34.5	NETWORK NODE	4390	LD.ASHLAND 34.5	NETWORK NODE	BUY	OFFPEAK	3	19.74	59.22
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	4384	LD.WHITEFLD34.5	NETWORK NODE	4376	LD.AMHERST 34.5	NETWORK NODE	BUY	OFFPEAK	3	-22.76	-68.28
Jan-Dec 2010	50811	J.P. Morgan Ventures Energy Co	10424	UN.BERLN_NH22 BERP	NETWORK NODE	11136	LD.E_CAMBRG13.8	NETWORK NODE	BUY	OFFPEAK	1	213.38	213.38
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	427	UN.BERLN_NH34.5GORH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	OFFPEAK	3	25.46	76.38
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	427	UN.BERLN_NH34.5GORH	NETWORK NODE	464	UN.LOSTNATN34.5LOST	NETWORK NODE	BUY	OFFPEAK	6	25.46	152.76
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	427	UN.BERLN_NH34.5GORH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	OFFPEAK	3	41.98	125.94
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	427	UN.BERLN_NH34.5GORH	NETWORK NODE	337	UN.WHITEFLD34.5BETH	NETWORK NODE	BUY	OFFPEAK	0.9	41.98	37.78
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4382	LD.BERLN_NH22	NETWORK NODE	BUY	OFFPEAK	3	27.98	83.94
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4382	LD.BERLN_NH22	NETWORK NODE	BUY	ONPEAK	6	122.9	737.4
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4382	LD.BERLN_NH22	NETWORK NODE	BUY	ONPEAK	3	122.9	368.7
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4385	LD.N_WODSTK115	NETWORK NODE	BUY	OFFPEAK	10	59.9	599
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4385	LD.N_WODSTK115	NETWORK NODE	BUY	OFFPEAK	5	59.9	299.5
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4384	LD.WHITEFLD34.5	NETWORK NODE	BUY	ONPEAK	3	122.92	368.76
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	OFFPEAK	1	27.98	27.98
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	427	UN.BERLN_NH34.5GORH	NETWORK NODE	BUY	ONPEAK	3	122.9	368.7
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	618	UN.WHITEFLD34.5WFPL	NETWORK NODE	BUY	OFFPEAK	5	69.96	349.8
Jan-Dec 2010	51078	Louis Dreyfus Energy Service L	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	618	UN.WHITEFLD34.5WFPL	NETWORK NODE	BUY	OFFPEAK	10	69.96	699.6
Jan-Dec 2010	50086	NextEra Energy Power Marketing	570	UN.SMITH_HY6.9 SMTH	NETWORK NODE	4385	LD.N_WODSTK115	NETWORK NODE	BUY	OFFPEAK	1	59.9	59.9

H

ATTACHMENT H

SYSTEM IMPACT STUDIES

The information in Attachment H is exempt from the mandatory public disclosure requirements of the Freedom of Information Act as critical energy infrastructure information, confidential and proprietary commercial and financial information. *See* 5 U.S.C. § 522(b)(4); 18 C.F.R. §§ 388.112 and 388.113. Thus, PSNH respectfully requests that Attachment H be treated as privileged, confidential and non-public by the Commission and its staff, and that the information be withheld from public disclosure. *See* 18 C.F.R. §§ 388.112 and 388.113.

In accordance with 18 C.F.R. §§ 388.112 and 388.113 and Commission guidance, PSNH is filing Attachment H in a sealed envelope as part of Volume III of III to the "Application of Public Service Company of New Hampshire to Terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with Net Generating Capacity of Five Megawatts or Greater."

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Public Service Company of New Hampshire	)	Docket No. QM10-__-000

VERIFICATION

STATE OF Connecticut)
COUNTY OF Hartford)

I, Lisa J. Thibdaue, being duly sworn upon oath, attest that I am Vice President – Rates and Regulatory of Northeast Utilities, and that I have authority to verify the foregoing application. I have read the foregoing application and I affirm that the facts, representations, and statements set forth therein are true and correct to the best of my knowledge, information, and belief.

Lisa J. Thibdaue
Vice President – Rates and Regulatory

Subscribed and sworn before me
This 19 day of January, 2010

Notary Public

My commission expires on December 31, 2013

EVELYN RIVERA
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 31, 2013

Appendix 2

"Public Service Company of New Hampshire's Request for Leave to Answer and Answer to Motions to Intervene and Protests"

February 18, 2010

FERC Docket No. QM10-4-000

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Public Service Company of New Hampshire	)	Docket Nos. QM10-4-000
	)	QM10-4-001
	)	QM10-4-002
	)	QM10-4-003
	)	
	)	February 18, 2010

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S REQUEST FOR LEAVE TO ANSWER AND ANSWER TO MOTIONS TO INTERVENE AND PROTESTS

Northeast Utilities Service Company ("NUSCO"), on behalf of its affiliate Public Service Company of New Hampshire ("PSNH"), respectfully requests leave to answer the two Protests filed in the above-captioned dockets pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC" or the "Commission"), 18 C.F.R. §§ 385.212 and 385.213. As demonstrated below, the two parties that have filed protests in this proceeding failed to provide any basis for rejecting PSNH's request for relief from the mandatory power purchase obligations of Section 292.303(a) of the Commission's regulations for qualifying cogeneration facilities and qualifying small power production facilities (collectively, "QFs") with a net generating capacity of 5 megawatts ("MW") or greater.

I. BACKGROUND

A. PSNH's Application and Supplemental Filings

On January 7, 2010, PSNH submitted its Application for Authorization to Terminate the Mandatory Power Purchase Obligation from QFs with Net Generating Capacity of 5 MW or Greater (the "Application"). In the Application, PSNH requested relief, on a service territory-wide basis, from the mandatory power purchase obligations of Section 292.303(a) of the

Commission's regulations (the "Mandatory Purchase Requirement") for the following two categories of QFs:

1. QFs with a net generating capacity greater than 20 MW ("Large QFs"); and

2. QFs with a net generating capacity between 5 MW and 20 MW ("Small QFs").

For Large QFs, PSNH relied on the rebuttable presumption set forth in Section 292.309(e) of the Commission's regulations that Large QFs in so-called "Day 2" markets have nondiscriminatory access to those markets. For Small QFs, PSNH overcame the rebuttable presumption set forth in Section 292.309(d)(1) of the Commission's regulations that Small QFs do not have nondiscriminatory access to markets.

To satisfy the notice requirement in Section 292.310(b) of the Commission's regulations and Order No. 688-A,[1] PSNH provided the Commission the names and addresses of the Large QFs and of the Small QFs between 5 MW and 20 MW who may be potentially affected by the Application ("Potentially Affected QFs"), as defined in Section 292.310(c) of the Commission's regulations.[2] In addition, PSNH served a copy of the Application on all Potentially Affected QFs via First Class U.S. mail, postage pre-paid, on January 7, 2010 – the same day PSNH filed the Application with the Commission.[3]

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1 *See New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*, Order No. 688-A, FERC Stats. & Regs. ¶ 31,250, at P 111 (2007) (hereinafter, "Order No. 688-A").

2 In the Application, PSNH provided the Commission the names and addresses of the Potentially Affected QFs identified in Attachment A to the Application and the names of the Potentially Affected QFs identified in Confidential Attachment B to the Application. PSNH subsequently provided the Commission the addresses of the confidential Potentially Affected QFs as Supplement #1 to the Application in a separate filing, dated January 11, 2010.

3 At the time it filed the Application, PSNH believed that Groveton Cogen, Turnkey Landfill, and Wausau Cogen were under 5 MW based on their respective summer claimed capabilities reported by ISO-NE. However, the FERC Form 556 filings for these projects indicate net capacities over 5 MW. Therefore, PSNH served a copy of the Application on these three projects on January 21, 2010. In addition, upon receipt of corrected addresses, PSNH served a second copy of the Application on a confidential Small QF on January 19, 2010, and on Groveton Cogen and Wausau Cogen on January 25, 2010.

On January 8, 2010, Commission Staff requested that PSNH provide the information specified in Sections 292.310(b) and (c) of the Commission's regulations for QFs and other projects in New Hampshire with net generating capacities below 5 MW. In response to the Commission Staff's request, PSNH filed the names and addresses of certain confidential QFs and other projects in New Hampshire under 5 MW as Supplement #2 to the Application on January 14, 2010. In addition, on January 15, 2010, PSNH electronically filed the names, QF numbers, and addresses of the public QFs and other projects in New Hampshire with net generating capacities less than 5 MW as Supplement #3 to the Application. Further, on January 22, 2010, PSNH submitted the additional information listed in Section 292.310(c) of the Commission's regulations for the public QFs and other projects in New Hampshire under 5 MW as Supplement #4 to the Application. As agreed upon by Commission Staff, PSNH did not provide the requested information for net metering projects in New Hampshire under 5 MW that are subject to the New Hampshire Public Utility Commission's ("NHPUC") retail jurisdiction.

B. The Commission's Notice to QFs and Other Projects in New Hampshire

On January 21, 2010, the Commission notified the public QFs and other projects in New Hampshire of PSNH's Application via general correspondence, directing that all interventions, protests and comments in response to PSNH's Application must be filed on or before February 12, 2010. Similarly, the Commission provided the confidential QFs and other projects in New Hampshire notice of the Application and intervention/protest deadline via individual correspondence on January 21, 2010. Upon receipt of corrected addresses from PSNH, the Commission provided notice of the Application and intervention/protest deadline a second time to Wausau Cogen and Groveton Cogen on January 27, 2010.

C. Motions to Intervene and Protest

On February 3, 2010, Clean Power Development, LLC ("CPD") submitted a Motion to Intervene and Protest opposing PSNH's Application.[4] Specifically, CPD argued that "the Commission should decline to consider PSNH's request for authorization to terminate the Mandatory Power Purchase Obligation from Qualifying Facilities with respect to CPD" because PSNH's request is "patently inconsistent" with PSNH's prior "representations to the NHPUC that there is no requirement for it to enter into a long-term power purchase agreement with CPD."[5]

On February 11, 2010, Indeck Energy-Alexandria, LLC ("Indeck") submitted a Motion to Intervene and Protest in opposition to PSNH's Application.[6] Indeck argued that "[t]he additional costs and resources imposed on Small QF's through the termination of the Mandatory Purchase Requirement would be a significant burden on Small QF's, especially a stand-alone Small QF like the Indeck facility."[7] In support of its protest, Indeck argued that there are "significant costs associated with participating in Day 2 markets for Small QFs," and explained that "[t]here are administrative costs associated with the trading and settlement of energy and capacity in the relevant market and the significant encumbrance associated with further integration with the Independent System Operators of the relevant service area."[8]

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[4] Motion to Intervene and Protest of Clean Power Development, LLC, Docket No. QM10-4-000 (February 3, 2010).

[5] *Id.* at 2, 4.

[6] Motion to Intervene and Protest of Indeck Energy-Alexandria, LLC, Docket No. QM10-4-000 (February 11, 2010).

[7] *Id.* at 2.

[8] *Id.*

Additionally, the following parties filed Motions to Intervene in this proceeding: Brookfield Energy Marketing Inc.;[9] Consolidated Hydro New Hampshire, Inc.;[10] Mascoma Hydro Corporation;[11] Somersworth Hydro Co., Inc.;[12] Sweetwater Hydroelectric, Inc.;[13] and WM Renewable Energy, L.L.C.[14] Granite State Hydropower Association, Inc. ("GSHA") filed a Motion to Intervene and Comments.[15]

II. MOTION FOR LEAVE TO FILE ANSWER

Rule 213(a)(2) of the Commission's Rules of Practice and Procedure generally prohibits the filing of an answer to a protest.[16] The Commission, however, accepts answers where they: (1) aid the Commission in understanding the issues;[17] (2) provide additional information to assist the Commission in the decision-making process;[18] or (3) help to ensure a complete and accurate record in the case.[19] Recently, the Commission allowed Xcel Energy Services, Inc. to file an

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9 Motion to Intervene of Brookfield Energy Marketing Inc., Docket No. QM10-4-000 (January 28, 2010).

10 Motion to Intervene of Consolidated Hydro New Hampshire, Inc., Docket Nos. QM10-4-000, QM10-4-001, and QM10-4-002 (February 1, 2010).

11 Motion to Intervene of Mascoma Hydro Corporation, Docket Nos. QM10-4-000, QM10-4-001, and QM10-4-002 (February 1, 2010).

12 Motion to Intervene of Somersworth Hydro Co., Inc., Docket Nos. QM10-4-000, QM10-4-001, and QM10-4-002 (February 1, 2010).

13 Motion to Intervene of Sweetwater Hydroelectric, Inc., Docket Nos. QM10-4-000, QM10-4-001, and QM10-4-002 (February 1, 2010).

14 Motion to Intervene of WM Renewable Energy, L.L.C., Docket Nos. QM10-4-000, QM10-4-002, and QM10-4-003 (February 12, 2010).

15 Motion to Intervene and Comments of Granite State Hydropower Association, Inc., Docket Nos. QM10-4-000, QM10-4-001, and QM10-4-002 (February 12, 2010).

16 18 C.F.R. § 385.213(a)(2)(2009).

17 *See Duke Energy Corporation*, 100 F.E.R.C. ¶ 61,251 at P 10 (2002).

18 *See New York Independent System Operator, Inc.*, 121 F.E.R.C. ¶ 61,112 at P 4 (2007); *Entergy Services, Inc.*, 101 F.E.R.C. ¶ 61,289 at P 6 (2002).

19 *See Delmarva Power & Light Company*, 93 F.E.R.C. ¶ 61,098, slip op. at 2 (2000).

answer in response to motions to intervene and protests opposing its application for relief from PURPA's Mandatory Purchase Requirement for QFs over 20 MW on a territory-wide basis.[20] As set forth below, PSNH's Answer provides valuable information and assistance, will facilitate the decision-making process, and will aid in the explication of issues in this proceeding. Accordingly, PSNH respectfully submits that good cause exists for the Commission to waive the Rule 213(a)(2) prohibition and accept PSNH's Answer.

Further, PSNH expects that other Potentially Affected QFs or other interested parties may submit motions to intervene, protests or comments after the February 12, 2010 due date set by the Commission for all motions to intervene, comments, and protests related to the Application. To avoid unnecessary and unwarranted delay, PSNH respectfully requests that the Commission reject any and all untimely motions to intervene, protests or comments related to the Application on procedural grounds due to their lateness. Moreover, PSNH reserves the right to request leave to file answers to any untimely motions to intervene, comments, and protests filed in this proceeding.

III. ANSWER

A. Answer to CPD's Protest

CPD's protest failed to provide any basis for rejecting PSNH's request for relief from PURPA's Mandatory Purchase Requirement for QFs with a net generating capacity of 5 MW or greater. In its Motion to Intervene and Protest, dated February 3, 2010, CPD argued that PSNH should be estopped from requesting relief from PURPA's Mandatory Purchase Requirement because PSNH previously represented to the NHPUC that it is not required to enter into a long-

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20 *Xcel Energy Services, Inc.*, 122 F.E.R.C. ¶ 61,048, at P 21 (2008)("Rule 213 (a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R.§ 385.213(a)(2) (2007), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept the answers because they have provided information that assisted us in our decision-making process.").

term purchase agreement with CPD.[21] As demonstrated below, CPD's estoppel argument is both meritless and irrelevant to the single issue in this proceeding: whether New Hampshire QFs (including CPD) have nondiscriminatory access to ISO-NE's markets.

As explained in the Application, because PSNH is a member of ISO-NE, it is entitled to the rebuttable presumption in Section 292.309(e) of the Commission's regulations that Large QFs have nondiscriminatory access to ISO-NE's markets through the Commission-approved ISO-NE OATT and related interconnection rules ("Large QF Presumption").[22] A Large QF can, however, rebut the Large QF Presumption by providing specific and credible evidence that it does not have nondiscriminatory access to wholesale markets.[23]

Because the CPD facility will be capable of generating 29 MW of electricity according to its filing, it is subject to the Large QF Presumption. CPD based its protest solely on estoppel grounds and did not even attempt to rebut the Large QF Presumption or otherwise address whether it has nondiscriminatory access to ISO-NE's markets. Therefore, since CPD failed to rebut the Large QF Presumption in its Motion to Intervene and Protest, PSNH is entitled to relief from the Mandatory Purchase Requirement with respect to CPD.

Similarly, PSNH's interpretation of its long-term purchase obligations under PURPA has no bearing or impact on whether CPD has nondiscriminatory access to ISO-NE's markets. In

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21 Motion to Intervene and Protest of Clean Power Development, LLC, Docket No. QM10-4-000, at 2, 4.

22 18 C.F.R. § 292.309(e)(2009) ("ISO New England, Inc. (ISO–NE)...qualif[ies] as markets described in § 292.309(a)(1)(i) and (ii), and there is a rebuttable presumption that qualifying facilities with a capacity greater than 20 megawatts have nondiscriminatory access to those markets through Commission-approved open access transmission tariffs and interconnection rules, and that electric utilities that are members of such regional transmission organizations or independent system operators (RTO/ISOs) should be relieved of the obligation to purchase electric energy from the qualifying facilities.").

23 *New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities,* Order No. 688, FERC Stats. & Regs. ¶ 31,233, at P 27 (2006) (hereinafter, "Order No. 688"); *See* 18 C.F.R. §§ 292.309(c) and (e) (2009).

Orders No. 688 and 688-A, the Commission identified many factors that could prevent a QF from accessing ISO-NE's markets, including:

- Operational characteristics or transmission limitations that prevent QFs from effectively participating in wholesale energy and capacity markets on the same basis as any other resources;[24]
- Transmission constraints that prevent access to markets;[25]
- Lack of access to a mechanism to schedule transmission service and make sales in advance on a consistent basis;[26]
- Inability to obtain non-discriminatory access to distribution facilities;[27]
- Unreasonable interconnection, transmission, or distribution charges associated with delivering power to the QF's customers;[28] and
- Jurisdictional differences, pancaked delivery rates, or other administrative burdens that prevent the QF from obtaining access to buyers other than the interconnected utility.[29]

These factors focus on a QF's access to ISO-NE's markets and its ability to deliver power to the ISO-NE system, not on the willingness of a utility to negotiate with a QF for the sale of its output. Moreover, nothing in the applicable PURPA regulations, Orders No. 688 and 688-A, or Commission case law indicates that a QF does not have nondiscriminatory access to ISO-NE's markets when a utility is reluctant to enter into a long-term power purchase agreement absent a regulatory commission order requiring it to do so. Accordingly, CPD's estoppel theory is

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24 *See* Order No. 688 at P 9, fn. 7, 83; Order No. 688-A at P 66.

25 *See* Order No. 688 at P 83.

26 *See* Order No. 688 at P 83; Order No. 688-A at P 66.

27 *See* Order No. 688 at P 89.

28 *See id.* at P 90.

29 *See* Order No. 688 at P 89; Order No. 688-A at P 96, 103.

immaterial and unrelated to whether CPD can meaningfully participate in and access the ISO-NE markets.

In addition to being wholly irrelevant to whether CPD has nondiscriminatory access to ISO-NE's markets, the premise of CPD's estoppel argument is fatally flawed. First, CPD incorrectly alleged that PSNH previously denied it has long-term power purchase obligations under PURPA. To support its argument, CPD inappropriately quoted a NHPUC Order of Notice in a vacuum without providing the proper context of the Order or sufficient background information concerning the record of that NHPUC proceeding.

Contrary to CPD's assertions, PSNH fully recognizes its power purchase obligations under PURPA. In a letter to the NHPUC, dated June 1, 2009, PSNH committed in writing to fulfill its power purchase obligations if CPD asserted its rights under PURPA:

> If CPD desires to assert rights under PURPA as a QF to "put" its output to PSNH, the company stands ready to comply with that legally-imposed purchase obligation. Otherwise, there simply is no requirement for PSNH, or any other utility or potential purchaser, to enter into long-term power purchase negotiations with CPD or any other generator.[30]

Further, in an even earlier letter to the NHPUC, dated April 28, 2009, PSNH recognized that CPD can assert its rights under PURPA as a QF:

> PSNH reminded CPD that unless CPD chose to assert rights as a qualifying facility under PURPA, no utility or other market participant had a legal mandate to enter into a power purchase agreement with CPD or with any other merchant generator.[31]

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30 Letter from PSNH to NHPUC, *Complaint of Clean Power Development, LLC against Public Service Company of New Hampshire,* NHPUC Docket No. DE 09-067 (June 1, 2009) (citations omitted), *available at*: http://www.puc.nh.gov/Regulatory/CaseFile/2009/09-067/LETTERS,%20MEMOS/09-067%202009-06-01%20PSNH's%20Response%20to%20Complaint.PDF.

31 Letter from PSNH to NHPUC, *Complaint of Clean Power Development, LLC against Public Service Company of New Hampshire,* NHPUC Docket No. DE 09-067 (April 28, 2009), *available at*: http://www.puc.nh.gov/Regulatory/CaseFile/2009/09-067/LETTERS,%20MEMOS/09-067%202009-04-28%20Cvr%20Ltr%20to%20PSNH's%20response%20to%20the%20Complaint%20of%20Clean%20Power%20Development.PDF.

Moreover, CPD had actual notice as early as March 2009 that PSNH reserved the right to file an application with the Commission for relief from the Mandatory Purchase Requirement of PURPA.[32] CPD was again informed of PSNH's right to seek relief from the Mandatory Purchase Requirement of PURPA during a hearing before the NHPUC on November 3, 2009.[33]

CPD was well aware of the options available to it under PURPA. During the referenced November 3, 2009 NHPUC hearing, counsel for CPD stated:

> There's a long-term PURPA obligation, and there are these rebuttable presumptions you heard about. They're [PSNH] required to go in and get a waiver. Those are like a preliminary finding. If they really want to get out of their long-term obligations, they got to go in and ask for the exemption. That much is clear. They didn't do it.[34]

Despite CPD's express knowledge of its rights under PURPA, and having been put on actual notice repeatedly by PSNH of the company's right to seek relief from PURPA's Mandatory Purchase Requirement, CPD did not make any effort to exercise PURPA rights as a QF or to establish long-term avoided cost rates pursuant to Section 292.303 of the Commission's regulations.[35] Thus, CPD's estoppel argument is baseless.

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[32] Letter from PSNH to CPD, dated March 16, 2009, included as Attachment 5 to Letter from PSNH to NHPUC, *Complaint of Clean Power Development, LLC against Public Service Company of New Hampshire,* NHPUC Docket No. DE 09-067 (April 28, 2009), *available at:* http://www.puc.nh.gov/Regulatory/CaseFile/2009/09-067/LETTERS,%20MEMOS/09-067%202009-04-28%20PSNH's%20response%20to%20the%20Complaint%20of%20Clean%20Power%20Development.PDF.

[33] Transcript of Prehearing Conference, *Complaint of Clean Power Development, LLC against Public Service Company of New Hampshire,* NHPUC Docket No. DE 09-067, at 80-82, 88-89 (November 3, 2009), *available at*: http://www.puc.nh.gov/Regulatory/CaseFile/2009/09-067/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/09-067%202009-11-13%20Transcript%20of%2011-3-09%20hearing.pdf.

[34] *Id.* at 89-90.

[35] *See JD Wind* 1, *LLC*, 129 F.E.R.C. ¶ 61,148 (2009).

B. Answer to Indeck's Protest

Like CPD, Indeck failed to provide any basis for denying the relief sought in PSNH's Application. In its Motion to Intervene and Protest, dated February 11, 2010, Indeck argued that absent the Mandatory Purchase Requirement, the administrative costs and other encumbrances associated with trading power in ISO-NE's markets and integrating with ISO-NE's system are significantly burdensome on a "stand-alone" QF like Indeck.[36] However, Indeck is hardly a "stand-alone" QF and failed to show that the costs associated with participating in "Day 2" markets prevent Indeck's nondiscriminatory access to the ISO-NE markets. Further, as discussed below, Indeck's active participation in ISO-NE's markets and its affiliation with a large, prosperous parent company (as touted on its parent's website) demonstrate that Indeck is not burdened or hampered in any way by ISO-NE related costs and other alleged market encumbrances.

Indeck has the financial resources necessary to fully participate in ISO-NE's markets. Indeck is a subsidiary of Indeck Energy Services, Inc. ("Indeck Energy"), which according to its website is a sophisticated, full-service energy company that has "developed, financed, managed the construction, owned and operated numerous power generation facilities across the United States and abroad" for approximately 25 years.[37] Indeck Energy touts its financial success on its website, stating that "over the years [Indeck Energy] enjoyed long-term partnerships with several Fortune 100 companies and some of the largest financial institutions in the world."[38]

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36 Motion to Intervene and Protest of Indeck Energy-Alexandria, LLC, Docket No. QM10-4-000, at 2.

37 Indeck Energy Services, Inc., *About Us/Experience*, available at http://indeckenergy.com/experience.php.

38 *Id.*

Based on Order No. 688, in evaluating whether the administrative costs to participate in ISO-NE's markets are burdensome to Indeck, the Commission should treat Indeck as part of a larger, prosperous enterprise, not as an isolated "stand-alone" Small QF as portrayed by Indeck. Specifically, in Order No. 688, the Commission stated that utilities can offer evidence of "the extent to which the QF has been participating in the market or is owned by, or is an affiliate of, an entity that has been participating in the relevant market," to demonstrate that the QF has nondiscriminatory access to energy and capacity markets.[39] Therefore, in determining whether a cost would be burdensome on a QF, the Commission should also consider whether the QF's parent company or affiliate has the resources necessary to participate in the ISO-NE markets. With such a successful and sophisticated parent company, Indeck can readily bear the reasonable and non-burdensome costs associated with participating in ISO-NE's markets.

Moreover, Indeck would not incur significant additional costs or be subject to other administrative burdens if the Commission terminated PSNH's Mandatory Purchase Requirement. Indeck is already a NEPOOL Participant, an ISO-NE Market Participant, the Lead Participant in ISO-NE for its facility, and a successful bidder in the most recent ISO-NE Forward Capacity Market Auction.[40] As the Lead Participant in ISO-NE for its facility, Indeck is already responsible for bidding and scheduling its energy and ancillary products in ISO-NE's market. Indeck does not have market-based rate authority from the Commission, but given its QF status, does not need that authority. Indeck's participation in the ISO-NE markets belies its concern that the granting of PSNH's requested waiver would result in administrative costs that are burdensome to Indeck because Indeck has historically incurred the costs of ISO-NE market

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[39] Order No. 688 at P 78; *See* Order No. 688-A at P 84.

[40] Indeck signed the ISO-NE Market Participant Service Agreement on February 1, 2005.

participation since at least February 1, 2005 – the date it signed the ISO-NE Market Participant Service Agreement.

In addition, Indeck's 25 MW affiliate Indeck Maine Energy, LLC ("Indeck Maine"), a renewable facility, actively participates in ISO-NE's markets. In fact, Indeck Maine is a NEPOOL Participant, has market-based rate authority, and sold 79,000 MWH in ISO-NE's markets in the second quarter of 2009.[41] Accordingly, the costs associated with trading power in the ISO-NE markets have not historically, nor do they currently, hinder Indeck, its affiliates, or other Small QFs from accessing these markets.[42]

Further, Indeck does not distinguish itself from smaller New Hampshire renewable projects, such as McIndoes (13.0 MW) and Pontook Hydro (10.7 MW), who bear the costs associated with ISO-NE markets as evident by their status as NEPOOL Participants and ISO-NE Market Participants.[43]

As demonstrated above, Indeck claims that the costs associated with participating in ISO-NE's markets are burdensome without providing any proof or analysis as to how the costs are unreasonable or onerous for its 16.5 MW facility. Further, Indeck failed to argue that the alleged burdensome costs effectively prevent Indeck from meaningfully participating in ISO-NE's markets or from effectively delivering its power to those markets. Thus, PSNH should be relieved from purchasing Indeck's output because Indeck failed to demonstrate that it lacks nondiscriminatory access to the ISO-NE markets.

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41 *See* Electronic Quarterly Report for Indeck Maine Energy, LLC for the second quarter of 2009 (Energy Sales and Bookouts by Control Area), *accessible at:* http://eqrdds.ferc.gov/eqr2/frame-summary-report.asp.

42 *See* Order No. 688 at P 78; Order No. 688-A at P 84.

43 These Small QFs are NEPOOL Participants and ISO-NE Market Participants through their respective parents or affiliates.

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IV. REQUEST FOR WAIVERS

PSNH requests that the Commission grant any waivers of its rules and regulations as may be necessary to grant the relief requested in the Application and this Answer.

V. CONCLUSION

For the foregoing reasons, PSNH respectfully requests that the Commission: (1) grant PSNH leave to file this Answer; (2) reject any untimely motions to intervene, protests, or comments submitted in this docket; (3) reject the protests set forth in the CPD and Indeck filings; and (4) grant PSNH the relief requested in the Application.

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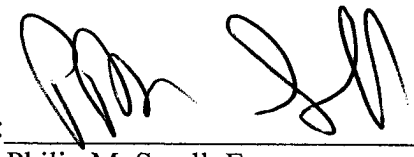
Respectfully submitted,

NORTHEAST UTILITIES SERVICE COMPANY and
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding

Dated at Hartford, Connecticut this 18th day of February, 2010.

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FILING INSTRUCTIONS:

a) **Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
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21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

b) **Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**

c) **Serve a written copy on each person on the service list not able to receive electronic mail.**