



**Public Service  
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A Northeast Utilities Company

**Robert A. Bersak**  
Assistant Secretary and  
Assistant General Counsel

October 15, 2010

Ms. Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 Fruit Street, Suite 10  
Concord, New Hampshire 03301

**Re: *Docket No. DE 09-067,  
Complaint of Clean Power Development, LLC  
Against Public Service of New Hampshire***

Dear Secretary Howland:

In previous filings made by PSNH in this proceeding, we committed to keep the Commission updated on the status of FERC Docket No. QM10-4, wherein PSNH sought a waiver of the mandate under PURPA to purchase the output from certain Qualifying Facilities.<sup>1</sup>

On October 12, 2010, PSNH filed the attached "Motion to Supplement" with FERC. In that Motion, PSNH asked FERC to include the September 20, 2010, Supplemental Memorandum of Law filed by Clean Power Development, LLC in this docket (DE 09-067) as part of the record in the FERC proceeding. PSNH's Motion for Rehearing that is pending before FERC sought clarification and/or rehearing from the Commission as to whether CPD initiated a state PURPA proceeding that may result in a legally enforceable contract or obligation prior to PSNH filing its Application with the Commission. On the fourth page of CPD's referenced Supplemental Memo, CPD implicitly admits that it has not yet initiated a state PURPA proceeding by stating that it intends to do so in the near future: "CPD intends to initiate a State PURPA proceeding with the NHPUC in the near future seeking a rate order pursuant to the procedure set out in Docket No. DE 83-92."

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<sup>1</sup> See, PSNH letter dated June 14, 2010; PSNH Supplemental Legal Memorandum dated September 20, 2010.

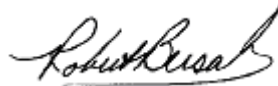
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PSNH informed FERC that inclusion of the Supplemental Memo in that agency's proceeding will aid it in resolving the issues raised by PSNH's Motion.

PSNH again commits to keeping the Commission updated on the status of the FERC proceeding.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Bersak". The signature is fluid and cursive, with a prominent initial "R" and "B".

Robert A. Bersak  
Assistant Secretary and  
Assistant General Counsel

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cc: Service List