

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE PUBLIC UTILITIES COMMISSION**

**DE-09-174**

**RE: PUBLIC SERVICE COMPANY'S PETITION FOR  
DECLARATORY RULING RE: PENACOOK LOWER FALLS PRICING**

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**BRIAR HYDRO ASSOCIATES' PETITION TO INTERVENE**

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Briar Hydro Associates, a New Hampshire limited partnership with a principal place of business at 2 Commercial Street, Boscawen, New Hampshire 03303 ("Briar") petitions to intervene in the above-captioned matter in accordance with the Commission's Order of Notice dated November 6, 2009. In support of its petition, Briar respectfully says:

1. Briar is the successor-in-interest to New Hampshire Hydro Associates ("NHHA") with respect to its rights and interests under the 1982 "Contract for the Purchase and Sale of Electric Energy" between NHHA and PSNH ("the Contract") which is the subject of PSNH's September 18, 2009 Petition for Declaratory Ruling. Briar purchased the 4.1 MW Penacook Lower Falls Project, together with the rest of NHHA's tangible and intangible assets, on June 28, 2002.

2. Because PSNH's Petition raises issues about the correct pricing of energy sold to PSNH by NHHA and its successor Briar under the Contract, the rights and interests of Briar as counter-party to PSNH are directly and immediately affected.

WHEREFORE, Briar respectfully petitions for leave to intervene and be represented in this proceeding.

Respectfully submitted,

BRIAR HYDRO ASSOCIATES

By its Attorneys,  
ORR & RENO, P.A.  
One Eagle Square  
P.O. Box 3550  
Concord, NH 03302-3550  
(603) 224-2381

Dated: December 2, 2009

By: Howard M. Moffett  
Howard M. Moffett

CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused copies of the foregoing Petition to Intervene to be delivered to Gerald M. Eaton, Esq. of Public Service Company of New Hampshire and to Meredith Hatfield at the Office of the Consumer Advocate.

Dated: December 2, 2009

Howard M. Moffett  
Howard M. Moffett

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