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December 13, 2015

Debra A. Howland  
Executive Director and Secretary State  
of New Hampshire  
Public Utilities Commission 21  
South Fruit Street, Suite 10  
Concord, NH 03301-2429

**RE: PETITION FOR AUTHORIZATION PURSUANT TO RSA 362-A:2-A, II  
FOR A PURCHASE OF LEEPA OUTPUT BY THE PRIVATE SECTOR**

**DE 15-068**

**WITHDRAWAL OF PETITION**

Dear Ms. Howland:

On behalf of Freedom Logistics, LLC d/b/a Freedom Energy Logistics ("FEL"), I am writing to withdraw FEL's Petition in this proceeding.

In 1978, the New Hampshire General Court enacted the Limited Electrical Energy Producers Act (LEEPA), codified at RSA chapter 362-A, to encourage "small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain." RSA 362-A:1. In 1979, the legislature added RSA 362-A:2-a to LEEPA to further that same objective. RSA 362-A:2-a allows a facility that produces not more than 5 megawatts of power by means of renewable resources or cogeneration to sell power directly to not more than 3 end users.

In 1995, the Commission issued a declaratory ruling that RSA 362-A:2-a is a valid exercise of state police powers which is not preempted by federal law. Re Cabletron Systems, Inc., DR 95-095, Order No. 21,850, 80 NH PUC 620, (October 3, 1995).

It has been 36 years since the legislature enacted RSA 362-A:2-a, and 20 years since the Commission issued its Order that RSA 362-A:2-a is a valid exercise of state police powers not

preempted by Federal law. During this extended period, no LEEPA facility has been able to determine the potential benefits of RSA 362-A:2-a, much less avail itself of the benefits that may be available under RSA 362-A:2-a. The opposition to implementation of RSA 362-A:2-a has been steadfast.

There are a number of issues of law that have been raised by the parties to this proceeding including whether RSA 362-A:2-a has been impliedly repealed (i.e., “superseded”) by the enactment of RSA 374-F, and whether the transmission facilities that may be involved are subject to Federal jurisdiction. Beyond this, there are no clear, bright lines in the statute that aid in its construction and interpretation by a LEEPA facility.

Notwithstanding all of the foregoing, FEL is preparing a revised petition possibly be filed later this year should circumstances change.

I have provided a copy of this withdrawal to all parties on the service list for this proceeding.

Sincerely,

/s/James T. Rodier

A handwritten signature in black ink, appearing to be 'JR' with a stylized flourish.