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October 17, 2008

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



Re: DE 07-108  
PSNH 2007 LCIRP

Dear Ms. Howland:

I am writing on behalf of Intervenor Freedom Logistics, LLC (“Freedom”) and Halifax-American Energy Company, LLC (“HAEC”) on whose behalf we appeared at the hearing on October 14, 2008. During closing arguments, and in support of position of Freedom and HAEC in the above referenced docket, I requested that the Commission take administrative notice, pursuant to Puc 203.27 of the following:

- 1) Environmental Protection Agency Clean Air Mercury Rule, 70 Fed. Reg. 28606, 28617 (May 18, 2005);
- 2) State of New Jersey, et al., v. Environmental Protection Agency, 517 F.3d 574 (D.C. Cir. 2008);
- 3) Clean Air Act §112(d), 42 U.S.C. § 7412(d);
- 4) Clean Water Act § 316(b), 33. U.S.C. §1326(b);
- 5) Riverkeeper v. U.S.E.P.A., 475 F.3d 83 (2<sup>nd</sup> Cir. 2007);
- 6) National Pollutant Discharge Elimination System (“NPDES”) Permit MA0004928, issued to Mirant Canal Station by EPA Region 1, August 1, 2008, <http://www.epa.gov/ne/npdes/mirantcanal/> ;

- 7) NPDES Permit MA0003654, issued to USGen New England Brayton Point Station by EPA Region 1 <http://www.epa.gov/region1/braytonpoint/index.html> ;
- 8) Massachusetts v. EPA, 549 U.S. 497 (2007);
- 9) Friends of the Chattahoochee, Inc. v. Georgia Department of Natural Resources and Longleaf Energy Associates, LLC, Docket No. 2008CV146398, (Fulton County GA Superior Court, June 30, 2008) ;
- 10) In the Matter of Deseret Power Electric Cooperative, US EPA Environmental Appeals Board, Docket PSD 07-03, [http://yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/c38150f6c4bba3608525736900687af4!OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/c38150f6c4bba3608525736900687af4!OpenDocument) .

A copy of this letter has been sent to all parties of record in this proceeding. Please add this firm to the Service List for the above referenced docket.

Respectfully submitted,



N. Jonathan Peress

cc: James T. Rodier, Esq.  
Service List

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