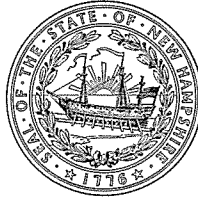


THE STATE OF NEW HAMPSHIRE

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**PUBLIC UTILITIES COMMISSION**  
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September 30, 2008

David J. Shulock, Esq.  
Brown, Olson & Gould, PC  
2 Delta Drive, Ste. 301  
Concord, NH 03301

Re: DE 08-051, Pinetree Power - Tamworth, Inc.  
Tamworth Biomass Facility  
Application for Certification as an Eligible Facility  
Eligibility Date

Dear Mr. Shulock:

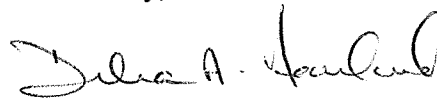
On April 1, 2008, Pinetree Power - Tamworth, Inc. (Pinetree) submitted an application requesting certification for the Tamworth Biomass facility (Tamworth facility) as a Class III facility pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard Legislation. By secretarial letter dated May 30, 2008, the Commission notified Pinetree that the Tamworth facility was eligible for conditional certification as a Class III facility pending receipt of verification of compliance with emissions standards from the Department of Environmental Services (DES). On July 8, 2008, DES notified the Commission that test results indicate that the Tamworth facility meets the emission requirements. On July 18, by secretarial letter, the Commission designated the Tamworth facility as eligible to produce Class III renewable energy certificates (RECs) effective July 17, 2008. On August 7, 2008, Pinetree filed a motion for rehearing requesting the Commission revise the eligibility date for Pinetree to produce Class III RECS from July 17, 2008 to May 17, 2008.

In its motion, Pinetree notes that while RSA 362-F:11, I requires the Commission to certify the classification of an existing facility with 45 days of receiving sufficient information to make a determination, it is silent on the issue of when certification of a facility is effective. According to Pinetree, the facility was in compliance with all the substantive criteria for a Class III certification as of April 2, 2008 and the Commission should have issued its conditional certification on May 17, 2008, the last day of the 45-day determination period established in RSA 362-F:11, III.

Please be advised that consistent with its determination in DE 08-044, PSNH's application for Class I certification for Schiller Unit 5, the Commission has determined that the appropriate effective date for biomass facilities is the date on which the Commission receives notification from DES that the facility meets the emission requirements, thereby completing an application in accordance with N.H. Code Admin. Rules Puc 2505.01(c) and 2505.02. Accordingly, the Commission revises the effective date of Pinetree's eligibility to produce renewable energy certificates to July 8, 2008.

To the extent Pinetree is aggrieved by the Commission's action on Pinetree's application, it should file an appropriate petition pursuant to Puc 2505.13.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being more prominent.

Debra A. Howland  
Executive Director

HENRY BERGERON  
NH PUBLIC UTILITIES COMMISSION  
21 SOUTH FRUIT ST STE 10  
CONCORD NH 03301

DAVID J SHULOCK  
BROWN OLSON & GOULD PC  
2 DELTA DR STE 301  
CONCORD NH 03301-7426

Docket #: 08-051      Printed: October 01, 2008

**FILING INSTRUCTIONS:    PURSUANT TO N.H. ADMIN RULE PUC 203.02(a),**  
**WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**  
DEBRA A HOWLAND  
EXEC DIRECTOR & SECRETARY  
NHPUC  
21 SOUTH FRUIT STREET, SUITE 10  
CONCORD NH 03301-2429

**PURSUANT TO N.H. ADMIN RULE 203.09 (d), FILE DISCOVERY**

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