



State of New Hampshire

HOUSE OF REPRESENTATIVES

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8 Crawford Lane
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August 20, 2008

Debra A. Howland
Executive Director
Public Utilities Commission
8 Old Suncook Road
Concord, NH 03301-7319



Re: Docket Number DE 08-053, PSNH Small Hydroelectric Facilities Applications for Class IV Certification pursuant to RSA 362-F

Dear Ms. Howland:

As prime sponsor of the Renewable Energy Act (Electric Renewable Portfolio Standard), I would like submit the following comments relative to Class IV certification of small hydroelectric facilities (RSA 362-F).

The bill's sponsors, along with DES, stakeholders and the PUC all worked together over a period of many months on House Bill 873, which passed and was adopted as RSA 362-F. In testimony to the Senate Committee on Energy, Environment, and Economic Development on HB 873, DES clarified that the Class IV facilities in HB 873 were small hydroelectric facilities that had both upstream and downstream fish ladders. The intention was for these facilities to warrant economic incentive through the mechanisms in HB 873. The reference in the final statute (RSA 362-F) to "approved under its FERC license or exemption" was intended to set a standard for the construction of the required fish ladders.

Some stakeholders voiced a concern that without that language, a facility could add a substandard structure, claim it to be a fish ladder and, thereby qualify as a Class IV facility. Both House and Senate Committees ultimately focused on limiting Class IV facilities to those with existing fish ladders.

I hope you will consider the legislative intent described above as you deliberate on Class IV certifications.

Sincerely,

Rep. Suzanne Harvey
Vice Chair
Science, Technology & Energy Committee