

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

Docket No. DE 08-053

**Public Service Company of New Hampshire
Class IV Renewable Energy Certificate Eligibility Application
for PSNH Existing Small Hydroelectric Facilities**

PETITION TO INTERVENE OF FPL ENERGY MAINE HYDRO LLC

FPL Energy Maine Hydro LLC (“FPL Energy”) respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for leave to intervene as a full party in the above-captioned proceeding under Rule Puc 203.17 and RSA 541-A:32. In support of this petition, FPL Energy represents that:

1. On October 28, 2008, the Commission issued an Order Commencing Adjudicative Proceeding and Scheduling a Prehearing Conference (“Order”) in the above-captioned docket concerning the application filed by Public Service Company of New Hampshire (“PSNH”) on April 2, 2008 in which it requested the Commission’s approval for Renewable Energy Certificate (“REC”) eligibility for eight existing small hydroelectric facilities it owns and operates in New Hampshire, pursuant to N.H. RSA 362-F, the Electric Renewable Portfolio Standard law. In the Order, the Commission, among other things, set a prehearing conference for November 7, 2008 and established a deadline of November 4, 2008 for the submission of petitions to intervene.

2. FPL Energy, a Delaware limited liability company, owns and operates hydroelectric facilities located in the State of Maine, with an operating capacity of approximately 360 MW. FPL Energy is a wholly-owned indirect subsidiary of FPL

Energy, LLC (“FPLE”), a Delaware limited liability company, which owns a number of wholesale generators in New England, including FPL Energy Seabrook, LLC, located in Seabrook, New Hampshire. FPLE is a wholly-owned indirect subsidiary of FPL Group, Inc., a Florida corporation. FPL Group also owns Florida Power & Light Company (“FPL”), a franchised public utility that provides wholesale and retail electric service to customers in the State of Florida. FPL is also a New Hampshire public utility company, as FPL through its New England Division (“FPL-NED”) owns a single transmission asset, the Seabrook Substation.

3. On September 25, 2008, FPL Energy submitted (i) an application in Docket No. DE 08-123 requesting certification for its North Gorham Project hydro facility (“North Gorham”) as eligible to produce Class IV RECs pursuant to RSA 362-F, and (ii) an application in Docket No. DE 08-124 requesting certification for its Bar Mills Project hydro facility (“Bar Mills”) as eligible to produce Class IV RECs pursuant to RSA 362-F.

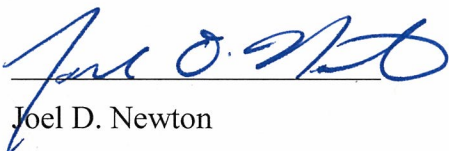
4. On October 30, 2008, the Commission issued letter orders finding that FPL Energy’s applications for the North Gorham and Bar Mills facilities provided all the necessary information to demonstrate that each of the facilities is eligible for certification as a Class IV facility, effective September 25, 2008. The Commission, however, advised FPL Energy of the pending certifications of the PSNH small hydro facilities in the instant docket, and stated that the outcome of the PSNH proceeding could affect the certifications of the FPL Energy facilities.

5. Given the Commission’s finding in DE 08-123 and DE 08-124 that the instant PSNH proceeding may affect the certifications of FPL Energy’s facilities, FPL Energy’s rights, duties, privileges or substantial interests may be affected by this proceeding. FPL

Energy seeks to intervene in this proceeding to protect these rights. Granting FPL Energy's petition for intervention would be in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.

WHEREFORE, FPL Energy respectfully requests that the Commission grant it full intervenor status in the proceeding or grant such other relief as the Commission deems just and equitable.

Respectfully submitted,



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Dated: November 4, 2008

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 4th day of November, 2008 been sent via email and mailed first class postage to the Office of Consumer Advocate and have served copies of the foregoing Petition on service list.

By:



Joel D. Newton