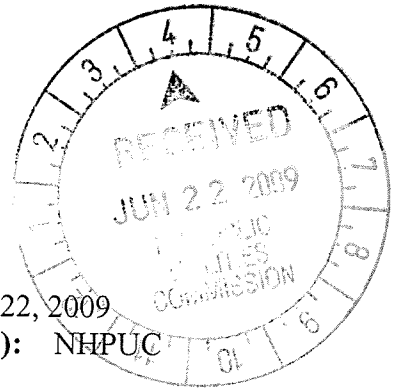


# STATE OF NEW HAMPSHIRE

Inter-Department Communication



DATE: June 22, 2009

AT (OFFICE): NHPUC

**FROM:** Maureen L. Reno *MLR*  
Utility Analyst

**SUBJECT:** DM 08-096 Avery Hydro LLC's  
Application for Class IV Certification pursuant to RSA 362-F  
Staff Recommendation

**TO:** Commissioners  
Debra A. Howland, Executive Director and Secretary

**CC:** Jack K. Ruderman, Director of the Sustainable Energy Division *JKR*  
Suzanne Amidon, Staff Attorney

On July 28, 2008, Avery Hydro LLC filed an application requesting the Commission grant approval for its Avery hydroelectric facility (Avery facility) in Laconia, New Hampshire to produce Class IV renewable energy certificates pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard law. Staff sent a deficiency letter on July 30, 2008 to which the applicant did not respond. Since then, Staff has determined that the Avery facility does not meet the requirements of RSA 362-F:4, IV which at the time of the filing required that a facility "has installed upstream and downstream diadromous fish passages that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission". When informed of this requirement, during a recent telephone conversation with Staff, the company stated that it had no further intention to pursue its request for certification. Given that development, Staff recommends the Commission close this docket without prejudice.