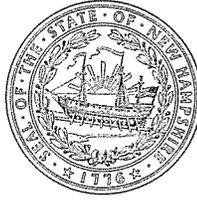


THE STATE OF NEW HAMPSHIRE

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Thomas B. Getz

COMMISSIONERS  
Graham J. Morrison  
Clifton C. Below

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**

21 S. Fruit Street, Suite 10  
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TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

June 26, 2009

Richard D. Ely  
Avery Hydro LLC  
27264 Meadowbrook Drive  
Davis, California 95618

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

Dear Mr. Ely:

On July 28, 2008, you submitted on behalf of Avery Hydro LLC (Avery Hydro) an application requesting the Commission grant approval for the Avery hydroelectric facility in Laconia, New Hampshire (Avery facility) to produce Class IV renewable energy certificates pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard law. On July 30, 2008, Staff sent you a deficiency letter to which you did not respond. Since then, Staff has determined that the Avery facility does not meet the requirements of RSA 362-F:4 IV 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, you stated that you had no further intention to pursue your request for certification.

The Commission considers your application withdrawn and has closed the above referenced docket without prejudice.

Sincerely,

A handwritten signature in cursive script, appearing to read "ChristiAne G. Mason".

ChristiAne G. Mason  
Assistant Executive Director and Secretary

RICHARD D ELY  
AVERY HYDRO LLC  
27264 MEADOWBROOK DR  
DAVIS CA 95618

Docket #: 08-096      Printed: June 26, 2009

**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

DIRECTLY WITH THE FOLLOWING STAFF

RATHER THAN WITH THE EXECUTIVE DIRECTOR

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CONCORD NH 03301-2429

BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

SUZANNE AMIDON  
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21 SOUTH FRUIT ST, SUITE 10  
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