

DG10-034

CONFIDENTIAL
MATERIAL
IN COMM FILE

Susan S. Geiger
sgeiger@orr-reno.com
Direct Dial 603.223.9154
Direct Fax 603.223.9054

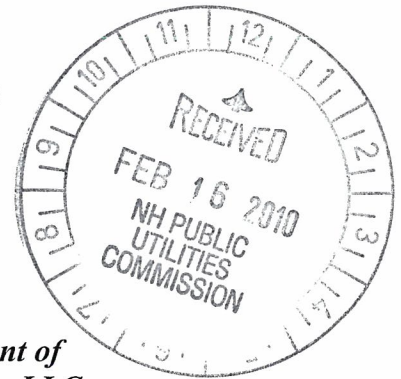
Orr&Reno
Professional Association

One Eagle Square, P.O. Box 3550
Concord, NH 03302-3550
Telephone 603.224.2381
Facsimile 603.224.2318
www.orr-reno.com

February 12, 2010

Via Electronic and U.S. Mail

Debra A. Howland, Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301



***Re: Petition for Approval of Fourth Amendment of
Agreement with Foss Manufacturing Company, LLC***

Dear Ms. Howland:

On behalf of Northern Utilities, Inc. enclosed for filing and docketing please find an original and 7 copies of a Petition for Approval of Fourth Amendment to Special Contract with Foss Manufacturing Company, LLC. The purpose of this Fourth Amendment is to extend Northern's existing special contract with Foss for two years. Submitted in support of the Petition are the Prefiled Testimony of Michael Smith and accompanying schedules (NU-1-1 through NU-1-9)(redacted versions).

Also enclosed is an original and 7 copies of a Motion for Protective Order and Confidential Treatment seeking protection for the unredacted versions of the following documents which have been marked "Confidential" and which are submitted herewith: Prefiled Testimony of Michael Smith; Schedules NU-1-1, NU-1-4, NU-1-6, and NU-1-9.

Northern notes that the existing special contract will expire on February 28, 2010 and that the Fourth Amendment of Agreement has an effective date of March 1, 2010. In the event that the Commission does not approve the Fourth Amendment, Foss has agreed to pay Northern's applicable tariff rates for service provided from March 1, 2010 forward. *See Letter Agreement (Schedule NU-1-8).*

As an additional matter, this letter is submitted pursuant to Puc 202.01(d) to obtain a waiver of Puc 1606.02 (a)(1) which provides that a utility which proposes a special contract shall file the terms of the proposed agreement at least 30 days before its proposed effective date. Although it is arguable that the foregoing rule does not apply to an extension of an existing special contract, out of caution, Northern respectfully requests that the Commission waive the rule with respect to the instant filing. Northern submits that a waiver will not disrupt the orderly and efficient resolution of this matter. The parties' Letter Agreement permits their contractual arrangement to continue pending Commission action on this filing. In addition, in the event that the Commission denies the contract extension request, Foss will be required to pay applicable

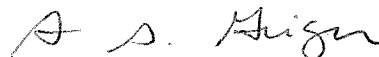
Debra A. Howland, Executive Director and Secretary
February 12, 2010
Page Two

tariff rates for service provided from March 1, 2010 forward. In these circumstances, a waiver of Puc 1602.02 (a)(1), to the extent one is necessary, is in the public interest.

Northern appreciates the short time frame for review and approval of this filing and is prepared to provide any additional information that is necessary to enable the Commission and its Staff to complete their review as soon as possible.

Please do not hesitate to contact me if you have any questions concerning this filing. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. S. Geiger".

Susan S. Geiger

cc: Meredith A. Hatfield, Esq.

604403_1.DOC