



Federal Energy Regulatory Commission
April 15, 2010
Open Commission Meeting
Staff Presentation
Item E-13

"The draft order grants the application, filed pursuant to section 210m of by Public Service Company of New Hampshire (PSNH), to terminate the obligation to enter into new contracts or obligations to purchase electric energy from QFs larger than 20 MW but denies without prejudice the request to terminate the obligation to enter into new contracts or obligations to purchase electric energy from QFs between 5 MW and 20 MW.

PSNH has relied on the rebuttable presumption in section 292.309(e) of the commission's regulations, that QFs larger than 20 MW have nondiscriminatory access to the ISO-NE markets and that PSNH, as a member of ISO-NE, should be relieved of the obligation to purchase from QFs larger than 20 MW. On this basis, the draft order grants the request to terminate PSNH's mandatory purchase obligation with respect to QFs larger than 20 MW.

Section 292.309 also provides utilities the opportunity to rebut the presumption that QFs 20 MW and smaller do not have access to markets by showing on an individual, QF-by-QF basis that each QF does have access to markets. PSNH's application is the first in which a utility has attempted to rebut the presumption that QFs 20 MW and smaller do not have nondiscriminatory access to markets. The draft order finds that PSNH's arguments, as presented, do not make the necessary QF-by-QF showing, and its request to terminate its mandatory purchase obligation with respect to QFs 5 MW through 20 MW is denied without prejudice."