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February 25, 2009

**VIA ELECTRONIC FILING  
AND OVERNIGHT MAIL**

The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**RE: Petition for Declaratory Order filed by Northeast Utilities Service Company and  
Nstar Electric Company in Docket No. EL09-20.**

Dear Secretary Bose:

In accordance with Rules 212 and 213 of the Commission's Rules of Practice and Procedure (18 CFR § 385.212 and § 385.213), the Electric Power Supply Association, the New England Power Generators Association, Inc. and the Independent Energy Producers of Maine hereby file their Motion for Leave to Answer and Answer in the above-captioned docket.

Copies of this transmittal letter and pleading are being sent to each person designated on the official service list in the above-captioned docket.

Sincerely,

Christopher P. Sherman  
General Counsel  
New England Power Generators Association, Inc.

Enclosures (1)

cc. Service List

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Northeast Utilities Service Company     )**  
**NSTAR Electric Company                    )**

**Docket No. EL09-20-000**

**ANSWER OF  
ELECTRIC POWER SUPPLY ASSOCIATION,  
NEW ENGLAND POWER GENERATORS ASSOCIATION, INC. AND  
INDEPENDENT ENERGY PRODUCERS OF MAINE**

Pursuant to Rule 212 and 213 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,<sup>1</sup> the Electric Power Supply Association (“EPSA”), the New England Power Generators Association, Inc. (“NEPGA”) and the Independent Energy Producers of Maine (“IEPM”) (hereinafter the “Competitive Suppliers”) provide this Answer to the Answers of the Petitioners and H.Q. Energy Services (U.S.), Inc. (“HQUS”) in the above captioned proceeding.<sup>2</sup> In addition, pursuant to Rules 212 and 213 of the Rules of Practice and Procedure, the Competitive Suppliers move for leave to answer the Answers filed in the above captioned proceeding.

It is now apparent that the Petition is inconsistent with the guidance provided by the Commission in its recent Chinook and Zephyr decisions.<sup>3</sup> In those orders the Commission evidenced a willingness to approve innovative arrangements to finance new transmission infrastructure *so long as* the arrangements are non-discriminatory and transparent.<sup>4</sup> The Petition, however, is flagrantly discriminatory and non-transparent, and the Competitive Suppliers urge

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<sup>1</sup> 18 C.F.R. §§ 385.212, 213

<sup>2</sup> The comments contained in this filing represent the positions of EPSA, NEPGA and IEPM as organizations, but not necessarily the views of any particular member of the individual organizations with respect to any statement, concept, issue or position expressed herein.

<sup>3</sup> Chinook Power Transmission, LLC, and Zephyr Power Transmission, LLC, 126 FERC ¶ 61,134 (2009)

<sup>4</sup> Id.

the Commission to recognize the substantive deficiencies in the transactional structure and deny the Petition.

Further, the Answers filed by Petitioners and HQUS provide no compelling basis for departing from the Commission's open access policies. Rather the Answers claim unsubstantiated promises of ratepayer benefit in an attempt to provide justification for a petition that conflicts with the open-access and non-discriminatory transmission requirements established by the Commission and which would, in fact, transfer substantial costs and risks onto captive ratepayers.

Furthermore, the Answer of HQUS seeks to deflect legitimate concerns about affiliate abuse in the proposed transactions by discussing, at great length, why HQUS and its various affiliates are not engaged in any self-dealing or affiliate abuse. While very interesting, this discussion ignores the true issue at hand. The self-dealing issue that the Commission must investigate and prohibit is that being proposed by NU and NStar, as constructors and owners of the U.S. portion of the transmission facilities, and NU and NStar, as buyers on behalf of their native load customers of substantial quantities, if not all, of the power to be delivered by HQUS over the new facilities.

## **I. MOTION TO ANSWER**

In their Answers, both the Petitioners and HQUS have ineffectually attempted to contradict assertions made by the Competitive Suppliers and other responsive parties concerning the competitive market paradigm in New England. The Competitive Suppliers have been consistently and actively involved in the development of the competitive markets for over ten years because of our collective reliance on a vibrant and transparent marketplace for the

maintenance of existing assets and viability of future resource development to benefit the region's consumers of electricity.

Furthermore, on February 19, 2009, the Commission clarified the framework under which waivers of Commission regulations would be granted to enable the development of transmission projects.<sup>5</sup> The Petition deserves greater scrutiny and analysis based upon the waivers granted and the conditions imposed upon both Chinook and Zephyr. The Competitive Suppliers acknowledge that this Answer cannot be made as of right, but hereby move for leave to answer the Answers of the Petitioners and HQUS to further facilitate the decisional process given the very relevant new information made available to this proceeding. Thus, the Commission should find good cause to permit this Answer given the applicability of recent Commission decisions, the new proposals first raised in the Petitioners' Answer with respect to the funding of the project, the complexity of the instant case and the important precedent this case may set.<sup>6</sup>

## II. BACKGROUND

On December 17, 2008, Northeast Utilities Service Company ("NU") and Nstar Electric ("Nstar") filed a Petition for Declaratory Order pursuant to Rule 217 that the Petitioners may enter into a bilateral transmission services agreement with H.Q. Energy Services, Inc. ("HQUS") for 1,200 MW of firm and exclusive transmission service over a new direct current transmission

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<sup>5</sup> Chinook Power Transmission, LLC, Docket No. ER09-423 and Zephyr Power Transmission, LLC, Docket No. ER09-433

<sup>6</sup> Although an answer to an answer is not authorized by the Rules of Practice and Procedure, the Commission allows such answers when they will aid the Commission's decision-making process and clarify the issues before the Commission. *See, e.g., ISO New England, Inc.*, 119 FERC ¶ 61,239 at P 20 (2007) (accepting answers because "they have provided information that assisted us in our decisionmaking process"); *Entergy Servs., Inc.*, 119 FERC ¶ 61,187 at P 6 (same); *Gulf S. Pipeline Co.*, 118 FERC ¶ 61,262 at P 7 (2007) (accepting answers because they would "aid in the Commission's review of the instant proposal"); *Occidental Power Servs. Inc. v. PJM Interconnection, L.L.C.*, 103 FERC ¶ 61,285 at P 10 (2003) (accepting answer to answer that provided clarification to the Commission).

tie line connecting New England with the Hydro-Quebec system (“the Petition”). Petitioners state that the exclusive firm service over this new tie would allow HQUS to sell and deliver firm “system power” from the Hydro-Quebec system to the Petitioners and other unnamed wholesale purchasers in New England. The Petitioners are thus seeking a waiver of the Order 890 requirement that all new transmission services be provided on an open access, competitive and non-discriminatory basis.

The Petition further sets forth a combination of inter-related transactions, including a Transmission Services Agreement (“TSA”) and long-term Power Purchase Agreement (“PPA”) for 1,200 MW of firm system power to be delivered via a new line from Quebec to southern New Hampshire. The proposed TSA would contain unspecified provisions for “risk sharing” between the parties related to completion of the line, such that it remains unclear who would be responsible for the risk of cost overruns, delays and potential stranded costs.

A number of parties, including the Competitive Suppliers, intervened, protested and filed comments in the proceeding. The protesting comments consistently maintained that the Petition seeks a declaration in direct conflict with the open-access and non-discriminatory transmission requirements established by the Commission, which would ultimately transfer substantial costs and risks onto captive ratepayers and, in doing so, represents a dramatic reversal of federal and state energy policy encouraging the development of competitive energy markets.<sup>7</sup> Comments further urged that Commission approval be subject to subsequent review of actual rates, terms

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<sup>7</sup> See generally, Competitive Suppliers, PSEG, Indicated Generators, NRG and Brookfield Power

and conditions pursuant to §205 of the FPA,<sup>8</sup> and should be subjected to an appropriate level of review under ISO New England's regional system planning process.<sup>9</sup>

### III. ANSWER

#### 1. The Petition is Contrary to the Commission's Recent Orders in Chinook and Zephyr

On December 19, 2008, both Chinook and Zephyr filed requests for authorization to charge negotiated rates for transmission rights on proposed merchant transmission projects, as well as waivers of Commission regulations.<sup>10</sup> In order to ensure commercial viability, Chinook and Zephyr solicited non-binding expressions of interest from a number of potential customers with the result that one customer signed arms-length precedent agreements for 1,500 MW on each line for a term of 25-years. Chinook and Zephyr plan to hold an open season for the remaining 1,500 MW through a transparent process.

The February 19<sup>th</sup> Order granted Chinook and Zephyr negotiated rate authority and also set out new criteria that the Commission would use to evaluate merchant transmission proposals. The new criteria focus on: (1) the justness and reasonableness of rates; (2) the potential for undue discrimination; (3) the potential for undue preference, including affiliate preference; and (4) regional reliability and operational efficiency requirements.<sup>11</sup> The revised criteria are a signal by FERC that it will be more flexible with respect to new transmission projects while maintaining

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<sup>8</sup> National Grid, Massachusetts Attorney General, Brookfield Energy and Competitive Suppliers

<sup>9</sup> National Grid and Competitive Suppliers

<sup>10</sup> Docket Nos. ER09-432 and ER09-433. Chinook proposes to develop a 1,000-mile, 500 kV high voltage DC transmission line originating in Montana, and terminating near Las Vegas, Nevada. Zephyr proposes to develop a 1,100-mile, 500 kV high voltage DC transmission line originating in Wyoming, and terminating near Las Vegas Nevada.

<sup>11</sup> 126 FERC ¶ 61,134 P 37.

adherence to its mandate under Section 205 of the Federal Power Act that rates are just and reasonable.

The February 19<sup>th</sup> Order puts the Petitioners in a difficult position. On the one hand, they have argued both in their Petition and in their Answer that they are not proposing a merchant transmission project and should not be judged accordingly. On the other hand, this flexible approach by the Commission, especially with respect to “anchor shippers,” must be appealing. The Petitioners are asking FERC for similar flexibility in waiving its open access requirement.

In granting the necessary waivers to Chinook and Zephyr, the Commission relied on a number of distinguishing factors in their proposal. The Competitive Suppliers highlight the differences between them and those present in the instant Petition.

In stark contrast to the Petition at hand, no opposing comments or protests were filed regarding either the Chinook or Zephyr proposals, and, in fact, a range of entities filed in support. Other distinctions between Chinook and Zephyr and the Petition illustrate the flawed nature of the Petition and the manner in which it is wholly inconsistent with Commission policy and, therefore, should be rejected.

*First*, unlike the Petition, Chinook and Zephyr have no affiliate issues. Although Chinook and Zephyr are affiliated, the projects have no generation affiliate located or doing business in any state in which the respective projects would be located, neither project will interconnect with any existing facilities owned by an affiliate, and they do not anticipate that any affiliate will subscribe capacity on either project.<sup>12</sup> Contrast the Petition at issue whereby a combination of inter-related transactions would contain unspecified provisions for “risk sharing” between the parties related to completion of the line, such that it remains unclear who would be

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<sup>12</sup> 126 FERC ¶ 61,134 P4

responsible for the risk of cost overruns and delays. While neither the cost nor extent of the transmission facilities, nor the costs of the firm system power, are established in the filing, the Petitioners represent that “HQUS will recover the cost of transmission rights it acquires under the HQUS TSA through the price of power under the HQ PPA”<sup>13</sup> and that the charges for transmission service under the TSA will be negotiated rates based on the cost of the line.<sup>14</sup> Under the proposed combination of inter-related transactions, the Petitioners, both transmission owners, would thus not be disinterested participants. To the contrary, Petitioners in this proceeding are contracting for most, if not all, of the capacity available on the new transmission facility on behalf of their captive ratepayers, and make no guarantees that any additional capacity will be released on a competitive basis.

*Second*, both Chinook and Zephyr have undertaken a significant amount of pre-planning and coordination for projects that are not anticipated to be online until 2014, and have expressly agreed to bear any network upgrade costs the projects may occasion. Both Chinook and Zephyr have completed initial planning and engineering, provided indicative tariffs to potential customers, submitted formal right of way applications to the Bureau of Land Management, have presented plans in several Western Electricity Coordinating Council (WECC) forums, intend to formally initiate the WECC regional planning process in February 2009, and will initiate the WECC 3-phase rating process related to assessing reliability impacts of projects.<sup>15</sup>

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<sup>13</sup> Petition at Page 6

<sup>14</sup> Petitioners describe the DC line, converter terminals and general location of the New England termination point. However, the Petition does not describe the extent of transmission system upgrades that would be required to the existing New England bulk system to accommodate a new injection of this magnitude, the intended character of interconnection (capacity or energy-only), nor the method of recovery of upgrades required beyond the New England converter station .

<sup>15</sup> 126 FERC ¶ 61,134 P5. Both Chinook and Zephyr are also included in the Northern Tier Transmission Group's Annual Report

By contrast, the Petitioners dismiss legitimate questions regarding the ISO-NE regional planning process by claiming that “*to the extent necessary*, the Petitioners will enter into a system impact study with ISO-NE and any affected transmission owner to determine the effect, if any, of the proposed line on the electric grid.”<sup>16</sup> There is no transparency pursuant to this loose commitment such that the Competitive Suppliers can see the same kind of role here that they have in other approved Order No. 890 planning processes.

*Third*, the Chinook and Zephyr proposed lines are completely consistent with open access principles; whereas the line proposed by Petitioners violates open access principles. Both Chinook and Zephyr employ anchor tenants’ structures on 50% of the proposed capacity and will be conducting an open season for the remaining 50%. Both the pre-subscription and open season processes that were undertaken to obtain the anchor tenant employed clear criteria for requirements. Furthermore, the anchor tenant precedent agreement will be a model for the subsequent open season customers. Anchors will have 25-year contract terms, and any open season customer willing to commit to this length will receive the same rate and terms as the anchors. The fact that Chinook and Zephyr have employed clear open season rules and consistent bidding guidelines ensures that transmission rights will be allocated in an “open, fair and transparent manner.”<sup>17</sup>

The Petition at hand proposes a drastically different subscription methodology by ultimately granting undue preference to a contractual affiliate. In seeking a declaration that they are not subject to the established “open access” requirement of Order No. 890, the Petitioners seek to provide HQUS with an exclusive bilaterally-negotiated transmission agreement, with

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<sup>16</sup> Petitioners’ Answer at 23.

<sup>17</sup> 126 FERC ¶ 61,134 at P14-16

pricing up to a Commission-approved cost-based ceiling, and the possibility of an open season only for a possible additional transmission increment. To the extent that HQUS is not using the facilities, however, the Petitioners propose to make transmission services available at rates, terms and conditions consistent with Order No. 890, but not at the rates established for the Petitioners under the TSA, thereby setting the stage for markedly different and discriminatory rates for the very same transmission service. Accordingly, given the vast distinction between the Chinook and Zephyr proposals, and the methodology prescribed by the Petition, the Petitioners should not benefit from the flexibility afforded to transmission developers that do not act in an unduly discriminatory manner in allocating capacity.<sup>18</sup>

*Fourth*, the proposals in Chinook and Zephyr threaten no market power issues because neither entity has captive customers nor are they located in an RTO whose members will absorb any project costs. Rather, the likely customers of Chinook and Zephyr are protected by available service from incumbent transmission providers at cost-based rates. The current Petition, however, indicates that Petitioners will be customers under PPAs with HQUS, effectively placing the costs of the transmission line (constructed and owned by Petitioners) directly on their captive ratepayers. In addition, the proposed arrangements would allow HQUS to sell power broadly under a PPA to other customers in New England, although the Petitioners acknowledge that the mechanism by which power would be made available to load is still under consideration.<sup>19</sup> This arrangement raises concerns that the resulting utility affiliate contract will

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<sup>18</sup> Id. at 45, 50

<sup>19</sup> 126 FERC ¶ 61,134 P17-18

shift costs to captive ratepayers of the affiliate and subsidize the costs of the project inappropriately.<sup>20</sup>

**2. The Petition is Inconsistent with Commission Policy and Precedent Pertaining to the Open Access, Non-Discriminatory Transmission Service Framework Designed to Prevent Lack of Transparency and Undue Discrimination.**

The Competitive Suppliers agree with the Petitioners that the proposed transaction deviates from the standard paradigm of Order No. 890; however, we cannot more forcefully disagree with the Petitioners contention that the structure is based upon the pro-market principles that underlie Order No. 890.<sup>21</sup> According to the Commission, the changes introduced in Order No. 890 were intended to: (1) “strengthen the pro forma ... OATT to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission’s enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.”<sup>22</sup> Even by the loosest interpretation of that summary, the Petition is wholly inconsistent with Order No. 890.

The Petition seeks a waiver of Order No. 890 to facilitate a transaction that was not initiated by a standard OATT request for service, whereby one party seeks to fund a transmission facility in return for firm and exclusive transmission access to the facility, and a long-term power purchase contract. By circumventing the OATT, the Petitioners and HQUS have flagrantly discriminated against other competitive shippers that would likely subscribe to the line. Moreover, the transactional structure lacks transparency, *per se*, in that the ultimate purchaser is

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<sup>20</sup> *Id.* at P49

<sup>21</sup> Petitioners at 1.

<sup>22</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, III FERC Stats. & Regs. Preambles ¶ 31,131 (2007)

a captive ratepayer that is currently unaware of the terms of the transaction. The Petitioners contend that adding supply to the market is pro-competitive; however, the Petitioners fail to acknowledge that forcing supply upon captive ratepayers at undisclosed prices is patently anti-competitive and a *prima facie* violation of Order No. 890.<sup>23</sup>

### **3. The Petition Represents a Functional Re-Bundling of the Market and a Departure from Competitive Market Principles.**

The Competitive Suppliers and their member companies have been involved in the design and development of all of the competitive wholesale markets over the past several years. In that time, markets, especially in New England, have developed the necessary frameworks to support robust competition as a way to incent resource development. The Petition makes the assumption that the proposed transmission investment should be made irrespective of the relative value between the anticipated transmission investment and the alternative increase in generation supply that would render such transmission investment excessive. Until and unless such an evaluation is complete, assuming transmission is a better solution may reflect the business strategy of the Petitioners, but is not a valuable or effective planning tool for the benefit of the consumer. Moreover, demand response is a robust facet of the ISO-NE market, and does not appear to have been part of the analysis in considering possible alternatives to the proposed transmission investment.

The Petition represents a return to a cost-of-service regime that threatens New England's electric consumers with cost overruns and stranded costs. The public policy behind competitive procurement of power supplies financed with private capital is implicitly sensible in that it drives innovation and efficiency in the power sector, more accurately reflects the underlying value of electrical production, including environmental externalities, and encourages the development of

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<sup>23</sup> Petitioners at 5.

new energy infrastructure and necessary environmental improvements to existing energy infrastructure without subjecting ratepayers to the risk of such stranded costs or cost overruns. The Petition ignores the efficient energy infrastructure improvements procured through the competitive market that have led to a decrease in fuel-adjusted electricity prices in New England of approximately 7% from 2000 to 2006,<sup>24</sup> and an increase in generator availability,<sup>25</sup> and in doing so erroneously frames the Petition as a solution to limited alternatives.

Prior to the restructuring of the market, electricity consumers were vulnerable to a persistent market situation where there was only one provider of electricity, as opposed to a vibrant electricity market where providers' survival is based upon superior innovation, risk management and efficiencies. The lack of economic competition for electricity led to cost overruns and stranded costs by utilities that experienced no competitive market pressures. The Petition professes that the proposed transaction will save consumers money despite the fact that it is nothing more than a return to the old regime whereby ratepayers shouldered the risk of cost development overruns and utilities made judgments regarding the costs of power supply that were untested by competition. Despite the vast, but vague, representations that are made in the Petition, ultimately the Petitioners seek to recover their costs from ratepayers regardless of all relevant circumstances that may unfold and change over time. For this very reason alone, the Competitive Suppliers maintain that the benefits of the competitive market will be irreparably compromised if the Commission grants this Petition.

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<sup>24</sup> *2006 Annual Markets Report*, ISO-NE, June 11, 2007 at 40, 41. The fuel-adjusted average electric energy price normalizes the electricity market clearing prices for the variation in the prices of fuels used by price-setting generating units.

<sup>25</sup> *2006 Annual Markets Report*, ISO-NE, June 11, 2007, Page 5.

**4. The Petitioners’ Fail to Commit To Pay the Full Cost Of Upgrades That Would Not Be Constructed But For the Proposed Facility.**

The Competitive Suppliers’ initial protest expressed well-founded concern that Nstar and NU, by virtue of their position as local utilities within ISO-NE, are privy to information concerning future transmission upgrades and other transmission and interconnection-related information for projects within their footprint and could use this information to advance their “participant funded” project by strategically timing requests or studies to shift costs to other entities.

In reply, Petitioners state that they are “planning” to build the proposed Line as a participant-funded project. Thus, they agree that it would be appropriate for them to be responsible for all of the costs of the proposed Line including any upgrades to the existing system that are *solely* required to accommodate the proposed Line.”<sup>26</sup> Competitive Suppliers submit that this limited assurance is insufficient. To the contrary, ISO-NE clearly outlined the potential for significant system impacts resulting from the Petitioners’ proposed facility in its comments:

The Line’s southern terminus could have major impacts on the existing and planned New England transmission network. Choosing a sub-optimal southern terminus could create the need for other, internal transmission upgrades to be constructed to deliver the energy to load. Conversely, choosing a different location might drive the need for additional Reliability Transmission Upgrades that would be eligible for regional cost support.<sup>27</sup>

Based on the inherent interrelated nature of transmission systems, it is likely that few, if any, upgrades will be *solely* attributable to Petitioners’ proposed facility. Rather, as ISO-NE alludes, the impact of the facility will be widely spread throughout the region, which already has a number of transmission upgrade projects underway.

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<sup>26</sup> Answer to Comments and Protests of Petitioners at 24

<sup>27</sup> Motion to Intervene and Comments of ISO-NE at 8 (January 26, 2009).

However, ISO-NE's comments raise an additional concern, i.e., that without guidance from the Commission, ISO-NE may treat the proposed facility as a run-of-the-mill transmission project for purposes of cost responsibility for associated upgrades. Competitive Suppliers strenuously object to the idea that the proposed facility, which Petitioners tout as "participant funded," could necessitate internal transmission upgrades that would be eligible for regional cost support. The proposed facility is not being built to benefit the ISO-NE transmission system. Rather, it will be a dedicated line built for the purpose of supplying power to Nstar and NU. Thus, it is appropriate that NStar and NU shoulder the cost responsibility for upgrades that would not be needed "but for" the proposed facility.

In Order No. 2003, the Commission noted that it would allow the use of participant funding for Network Upgrades triggered by interconnecting facilities. The Commission further noted that it would allow interconnection pricing policies implemented by Transmission Providers "in which the Interconnection Customer bears the costs of all facilities and upgrades that would not be needed *but for* the interconnection of the new [Facility] and receives valuable transmission rights in return. . . ."<sup>28</sup> Petitioners' proposal should not be held to a different standard. Rather, the Commission, if it decides not to deny Petitioners' request in its entirety, should condition approval on Petitioner's cost responsibility extending to system upgrades that would not be needed *but for* the Petitioners' facility.<sup>29</sup>

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<sup>28</sup> *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 Fed. Reg. 49,845 (August 19, 2003), FERC Stats. & Regs. ¶ 31,146 at P 695 (2003)(emphasis added), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15,932 (March 26, 2004), FERC Stats. & Regs. ¶31,160 (2004). *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (January 4, 2005), FERC Stats. & Regs. ¶ 31,171(2004), *order on reh'g*, Order no. 2003-c, 70 Fed. Reg. 37,662 (June 30, 2005), FERC Stats. & Regs. ¶ 31,190(2005), *aff'd sub nom. National Association of Regulatory Utility Commissioners v. FERC*, 475 F.3d 1277 (2007). *See also Southwest Power Pool*, 122 FERC ¶ 61,060 at P. 30 (2008).

<sup>29</sup> The Competitive Suppliers continue to maintain that the Line is subject to all the interconnection requirements consistent with the Forward Capacity Market Rules (MR1 Section 13) for new resources seeking to participate in FCM.

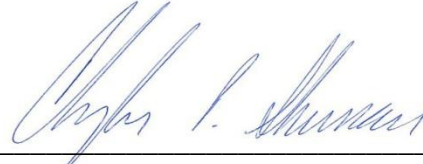
#### IV. CONCLUSION

The Competitive Suppliers respectfully request that the Commission grant this motion to answer the Answers filed in the proceeding and deny the Petition.

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Nancy Bagot  
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**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Northeast Utilities Service Company     )  
NSTAR Electric Company                    )**

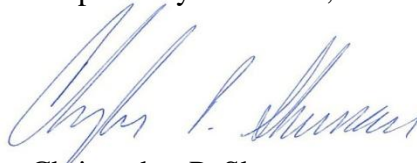
**Docket No. EL09-20-000**

**CERTIFICATE OF SERVICE**

Pursuant to the Commission's Rules of Practice and Procedure, I hereby certify that I have this day served a copy of the foregoing document on all persons designated on the official service list compiled by the Secretary in this proceeding.

Dated at Boston, Massachusetts on this 25<sup>th</sup> day of February 2009.

Respectfully submitted,



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