

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

MICHAEL A. DELANEY
ATTORNEY GENERAL

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

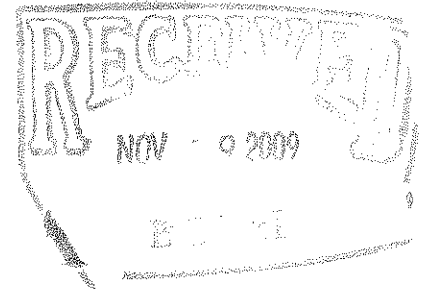


ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

November 3, 2009

Michael J. Iacopino, Esquire
Brennan, Caron, Lenehan & Iacopino
85 Brook Street
Manchester, New Hampshire 03104

Re: New Hampshire Site Evaluation Committee
Docket No. 2009-01
Counsel For The Public Appointment



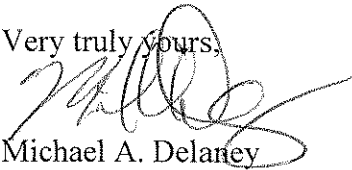
Dear Attorney Iacopino:

On September 21, 2009, you forwarded to me a Motion for Rehearing & Petition presented to the Site Evaluation Committee by Peter Bonanno and a group of others in the proceeding captioned Motion of Campaign for Ratepayers Rights et al., for Declaratory Ruling Regarding Modification to Merrimack Station Electric Generating Facility (the "Proceeding").

Under RSA 162-H:9, I, I am required to appoint counsel for the public "upon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7". I have not thus far been notified that anyone has filed an application in the Proceeding. While Mr. Bonanno has presented a petition with 100 or more signatures seeking review of the Proceeding, I cannot conclude that his petition is sufficient under RSA 162-H:2 to give rise to the appointment of counsel for the public. Mr. Bonanno would need to submit evidence that two or more petition categories requested jurisdiction before the SEC could consider the project as an "energy facility" that might require an application. Mr. Bonanno appears only to have shown one such category. As a result, I do not believe that I am compelled to appoint counsel for the public by the express terms of the statute.

I hope that this provides a satisfactory response to your inquiry. Please feel free to contact me should you have any other questions. Thank you for your attention.

Very truly yours,


Michael A. Delaney
Attorney General

cc: Mr. Peter Bonanno
#410908