

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
Docket No. 2009-02**

Re: Application of Laidlaw Berlin BioPower, LLC, for a Certificate of Site and Facility for a 70 MW Biomass Fueled Energy Facility in Berlin, Coos County, New Hampshire

July 21, 2010

ORDER AND NOTICE OF FINAL PREHEARING CONFERENCE AND PUBLIC ADJUDICATIVE PROCEEDINGS

IT IS HEREBY ORDERED in the above entitled docket, that the duly designated Subcommittee of the Site Evaluation Committee for the State of New Hampshire shall hold a Public Adjudicative Hearing on August 23, 2010, commencing at 10 A.M. at the Offices of the Public Utilities Commission, 21 South Fruit Street, Suite 110, Concord, New Hampshire and each day thereafter and at such further times and places as the Chairperson of the Subcommittee may announce.

The Application

On December 16, 2009, Laidlaw Berlin BioPower, LLC, (Applicant) filed an Application for a Certificate of Site and Facility (Application). The Applicant petitions the Site Evaluation Committee (Committee) for a Certificate of Site and Facility (Certificate) in order to site, construct and operate a renewable energy facility (Facility) in Berlin, Coos County, New Hampshire. The Applicant proposes to site, construct and operate a biomass fueled Facility nominally capable of generating 70 MW of electric power. On January 26, 2010, the Chairman of the Committee accepted the Application as administratively complete and appointed a Subcommittee to review the Application as provided in NHRSA 162-H: 6-a, III, and NHRSA 162-H: 4, V (Subcommittee).

Nature and Location of the Facility and Ancillary Facilities

The Facility is located in Berlin at the site of the former Fraser Pulp Mill and was also sometimes referred to as the Burgess Mill. The site contains existing structures and encompasses approximately 62 acres comprising the southern half of a 120 acre site formerly used as a pulp production facility. The Facility is proposed to be located on the northern side of Community Street, Coos Street and Hutchins Street in Berlin (Site). The Androscoggin River runs along the northwest boundary of the Site. The northeast border of the Site abuts the remaining portion of the former Fraser Mill.

The Applicant proposes to convert and upgrade the Site and to develop a biomass fueled energy generating facility nominally capable of generating 70 MW of electric power. The Facility, as proposed, will use whole tree wood chips and other low grade clean wood as fuel. The Applicant proposes to convert an existing boiler,

(manufactured by Babcock and Wilcox) at the Site to a bubbling fluidized bed boiler that will use whole tree wood chips as its primary fuel and ultra low sulfur diesel oil as auxiliary fuel. In addition to the boiler, the Facility will consist of a steam turbine generator, wood handling system (including a round wood chipping facility), ash handling system, storm water management systems, two re-circulating water systems for steam generation and cooling, air pollution control systems, including a flue gas recirculation system, an upgraded electrostatic precipitator, and a selective catalytic reduction system. The Applicant also proposes to renovate an existing 50,000 gallon ultra low sulfur diesel fuel tank to store the auxiliary fuel. In addition, the Applicant seeks to construct a new switchyard adjacent to the turbine building consisting of a step up transformer and single breaker.

The new switchyard is proposed to be connected to the existing East Side Substation 300 operated by Public Service Company of New Hampshire (PSNH). A new 115kV transmission line will be installed. Portions of the transmission line will run both underground and overhead. The underground portion of the transmission line will be installed inside an existing 18 inch diameter fiberglass reinforced pipe formerly used to transport pulp from the Site to Fraser's Paper Mill in Gorham, Coos County, New Hampshire. The underground portion of the transmission line will leave the Site near the intersection of Coos and Community Street and generally follow the route of the former rail bed from the south end of the Site to the north end of Shelby Street. The underground portion of the transmission line will then travel within an existing easement along Shelby Street and Devent Street. The transmission line will then transition to overhead conductors from the east side of Devent Street and terminating at the PSNH East Side Substation 300. The underground portion of the transmission line is proposed to run for an estimated length of 3,200 feet and the overhead portion of the transmission line is estimated to be 800 feet.

The Application contains a series of site plans, maps, figures, photographs and drawings that detail the nature and location of various aspects of the Facility.

Parties to the Adjudicative Proceedings

The public will be represented in these proceedings by duly appointed Counsel for the Public, K. Allen Brooks, Senior Assistant Attorney General. The parties to the adjudicative proceedings are: the Applicant represented by Barry Needleman of McLane Graf Raulerson & Middleton; the City of Berlin represented by Peter Van Oot of Downs Rachlin & Martin; Clean Power Development, LLC, represented by James Rodier, Esq.; the Coos County Commissioners; Wagner Forest Management Ltd; and the New Hampshire Sierra Club represented by Arthur Cunningham, Esq.

Public Comment

At the commencement and conclusion of the adjudicative hearing the Subcommittee shall reserve time to hear comments from the public pertaining to the Application and the proposed facility. Written public comment may also be filed with the

Subcommittee, until the conclusion of the proceedings, at the office of Jane Murray, Secretary to the Committee located at the Department of Environmental Services, 29 Hazen Drive, Concord, N.H.

Time Date and Place: Final Pre-Hearing Conference

A final Pre-Hearing Conference shall be held on Friday August 20, 2010 at 10 AM at the office of the Public Utilities Commission, 21 South Fruit Street, Suite 110, Concord N.H. At the Final Pre-Hearing Conference all parties shall have final exhibit lists and exhibits with sufficient copies for all other parties and the Subcommittee. Argument on any outstanding motions or requests may be heard at the final Pre-Hearing Conference. Michael J. Iacopino, Counsel to the Committee, shall serve as presiding officer at the Final Pre-Hearing Conference.

Time Date and Place: Commencement of Adjudicatory Proceeding

The adjudicatory hearing shall commence on Monday, August 23, 2010, at 10 A.M. at the office of the Public Utilities Commission, 21 South Fruit Street, Suite 110, Concord N.H. and shall continue each day thereafter at such times and places as determined by the Chair of the Subcommittee. In addition the hearing may be recessed subject to the call of the Chair.

The authority for these proceedings is NHRSA 162-H:4, II, NHRSA 162-H:6-a, VII and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 202.01

Inspection of the Application

The aforementioned Application and all other correspondence and records regarding this matter are available for public inspection at the Office of the Chairman listed above.

IT IS FURTHER ORDERED that a copy of this Order and Notice of Public Meeting shall be served via First Class Mail to each of the parties and that the Applicant shall cause this Notice of Public Adjudicative Proceedings to be published on or before August 2, 2010, in a newspaper of regular statewide circulation and also in a newspaper of general circulation in Coos County. The Applicant shall file an affidavit attesting to said publication of notice with the Chairman of the Subcommittee on or before August 19, 2010.

By **ORDER** of the Site Evaluation Committee, this 21st day of July, 2010.


New Hampshire Site Evaluation Committee
Thomas S. Burack, Chairman