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BARRY NEEDLEMAN
Email: barry.needleman@mclane.com
Licensed in NH

March 31, 2011

Thomas S. Burack, Chairman
Site Evaluation Committee
N.H. Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

Re: Laidlaw Berlin BioPower, LLC – SEC Docket No. 2009-02

Dear Chairman Burack:

Pursuant to Committee's Order dated March 21, 2011, I attach the Affidavit of Barry Needleman. This Affidavit relates to the publication of the March 21, 2011 Order and publication of display advertisement regarding the public hearing scheduled for April 22, 2011.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman". The signature is fluid and cursive, written over a light-colored background.

Barry Needleman

BN:CEV
Enclosure
cc: Service List

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2011-01

**Joint Motion of Laidlaw Berlin BioPower, LLC and Berlin Station, LLC
for Transfer and Amendment of the Certificate of Site and
Facility Issued to Laidlaw BioPower, LLC and
Notice of Change of Major Contractor**

AFFIDAVIT OF BARRY NEEDLEMAN

I, Barry Needleman, being duly sworn, do under oath depose and state as follows:

1. I am a director at the McLane Law Firm and I am counsel for Laidlaw BioPower, LLC (“Laidlaw”).
2. On March 21, 2011, the Chairman of the Site Evaluation Committee issued an Order and Notice of Public Meeting (“Order”).
3. That Order required Laidlaw to: (1) publish the Order on or before April 12, 2011 in a newspaper of regular statewide circulation; (2) publish the Order in at least one newspaper of general circulation in Coos County; and (3) publish a display ad in said newspaper advising the public of the date.
4. The Order also required Laidlaw to file an affidavit attesting to said publications of notice with the Chairman of the Committee on or before April 8, 2011.
5. The Order was published in the Union Leader, a newspaper of general statewide circulation, on Thursday, March 24, 2011. A copy of the published notice, as well as an affidavit of publication from the Union Leader is attached to this Affidavit.
6. The Order was also published in the Berlin Daily Sun, a paper of general circulation in Coos County, on March 25, 2011. A copy of the published notice from the Berlin Daily Sun is attached to this Affidavit.


7. A display ad was also published in the Berlin Daily Sun, a paper of circulation in Coos County, on March 28, 2011. A copy of the display ad from the Berlin Daily Sun is attached to this Affidavit.

Date 3/31/11


Barry Needleman

STATE OF NEW HAMPSHIRE
COUNTY OF Merrimack

Personally appeared before me this 31 day of ^{March}~~April~~, 2011, the above-described Barry Needleman, and made oath that the statements contained in the within Affidavit are true and accurate to the best of his knowledge and belief.


Notary Public/~~Justice of the Peace~~
My Commission Expires: _____

CHERYL A. BUCKLER, Notary Public
My Commission Expires September 13, 2011

531882

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MANCHESTER NH 03105

I hereby certify that the legal notice of NH SITE EVALUATION COMM.,
PO number:DOCKET #2011-01 was published in the New Hampshire Union Leader
and/or New Hampshire Sunday News, newspapers printed at Manchester, NH
by the Union Leader Corp.
On :

03/24/2011

State of New Hampshire
Hillsborough County
Subscribed and sworn to before me this

24th day of March, 2011

Phyllis E. Gilbert

Notary Public



Legal Notice

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE ORDER AND NOTICE OF PUBLIC MEETING

March 21, 2011

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a public meeting on April 22, 2011, at 9 AM. The meeting shall be held in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire.

The business of the Site Evaluation Committee at said meeting shall include the following dockets and any other business that is lawfully before the Committee:

Docket Number 2011-01

Joint Motion of Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC, for Transfer and Amendment of the Certificate of Site and Facility Issued to Laidlaw Berlin BioPower, LLC, and Notice of Change of Major Contractor Background

On November 8, 2010, the New Hampshire Site Evaluation Committee (Committee) issued a Certificate of Site and Facility (Certificate) to Laidlaw Berlin BioPower, LLC, for the siting, construction, and operation of a 70 MW biomass fueled power facility located in Berlin, Coos County, New Hampshire (Facility). Further information regarding the Certificate and the Facility is available at the Office of the Chairman of the Committee located at:

New Hampshire Department of
Environmental Services
29 Hazen Drive
Concord, NH 03301

Or at the Committee's website: www.nhsec.nh.gov.

On March 9, 2011, Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC (Joint Applicants), filed a joint motion to amend the Certificate, to transfer the Certificate to Berlin Station, LLC, and to notify the Committee of a change in major contractors (Joint Motion). The Joint Applicants propose to transfer the Certificate to Berlin Station, LLC. Berlin Station, LLC, is a special purpose entity whose members are BBP Holdings 1, LLC (99%) and BBP Holdings 2, LLC (1%). BBP Holdings 1, LLC, is an indirect subsidiary of Newco Energy, LLC. BBP Holdings 2, LLC, is a subsidiary of CSC Group Holdings, LLC. Berlin Station, LLC, intends to execute a right of use agreement with Burgess BioPower, LLC, an indirect subsidiary of Newco Energy, LLC, permitting Burgess BioPower LLC to lease and manage the Facility and all certificates, licenses and contracts pertaining thereto.

In addition, the Joint Applicants seek to amend the Certificate to permit operation at 75 megawatts rather than 70 MW. The increase in output is asserted to be achieved through design efficiencies and will not require additional fuel.

The Joint Applicants further request that the Certificate be amended to per-

in the New Hampshire Union Leader or New Hampshire Sunday News which are newspapers of regular statewide circulation. Laidlaw Berlin BioPower, LLC and Antrim Wind Energy, LLC may share the cost of said publication; and

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Coos County on or before April 1, 2011. In addition, Laidlaw Berlin BioPower, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-01; and

It is hereby further ordered, that Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in the area of Antrim, Hillsborough County, on or before April 1, 2011. In addition, Antrim Wind, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-02; and

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall file affidavits documenting the required publication of this order and notice on or before April 8, 2011.

By Order of the Site Evaluation Committee, this 21st day of March, 2011.

Thomas Burack, Chairman
New Hampshire Site
Evaluation Committee

(UL - Mar. 24)

End

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 5, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Joint Motion will be accepted through the conclusion of the proceedings.

At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Joint Motion or may determine that further proceedings are necessary.

**Docket Number 2011-02
Petition for Jurisdiction Over
Renewable Energy Facility**

Proposed by Antrim Wind Energy LLC

On February 10, 2011, the Committee received a letter from Gordon Webster, Chairman of the Board of Selectmen of the Town of Antrim, Hillsborough County, New Hampshire requesting, on behalf of the Selectmen, that the Committee take jurisdiction of the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of a renewable energy facility proposed to be developed by Antrim Wind Energy, LLC and located in the Town of Antrim. On March 11, 2011, Antrim Wind Energy, LLC (Petitioner) filed a Petition for Jurisdiction Over Renewable Energy Facility Proposed by Antrim Wind Energy LLC (Petition). Antrim Wind Energy, LLC, proposed to site, construct, and operate wind turbine facilities (Facility) to be located in the northwest portion of the Town of Antrim from the east summit of Tuttle Hill to the flank of Willard Mountain to the west. The Petitioner asserts that the Facility will be located on a mostly contiguous ridgeline running east northeast to west southwest, and nearly parallel to New Hampshire Route 9, which is approximately $\frac{3}{4}$ of a mile to the north. The Petitioner also asserts that the Facility may consist of 10 turbines in the 2 megawatts size class. The Facility is expected to have an installed nameplate capacity of greater than 5 MW but less than 30 MW. The Petition also asserts that the Petitioner expects to file a full application for a Certificate of Site and Facility prior to the end of 2011.

Authority for Hearing

The Committee's authority to hear and determine the Petition is set forth at RSA 162-H:2, XII, and RSA 162-H:4, I, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.01.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 15, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Petition will be accepted through the conclusion of the proceedings.

At the Public meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Petition or may determine that further proceedings are necessary.

ORDER AND NOTICE

It is hereby ordered, that the Site Evaluation Committee for the state of New Hampshire, will meet in public session for consideration of matters pending in the above referenced dockets on April 22, 2011, at 9 AM in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, **Suite 10, Concord, N.H. 03301; and**

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to

POLICE LOG

Berlin police log

Monday, March 21

11:17 a.m.- Samantha Labbe, 20, of Berlin, was arrested on an electronic bench warrant. She was released on \$500 personal recognizance bail and given a May 8 court date.

1:15 p.m.- Police received a report of an unruly student at the junior high.

7:04 p.m.- A minor two vehicle accident was reported on High Street.

9:07 p.m.- A man reported seeing someone on the second floor porch of a vacant building on East Mason Street.

10:08 p.m.- A chimney fire was reported on Hutchins Street. The fire department responded.

10:55 p.m.- A woman reported her son left with her car without permission. She asked that officers be on the lookout for the vehicle.

Tuesday, March 22

9:54 a.m.- A man reported his vehicle slid into a telephone pole on Shepard Street. There was no damage to the pole and minor damage to the vehicle.

10:29 a.m.- A man reported someone was using his checks at Wal-Mart. The incident was referred to the Gorham police.

1:30 p.m.- Police checked a vehicle parked near a vacant house and noticed footprints leading to the building. The incident is under investigation.

2:04 p.m.- Police received a report of a domestic incident. The incident is under investigation.

2:51 p.m.- A man reported someone is stealing his medications. The incident is under investigation.

7:34 p.m.- A vehicle hit the side of the Milan Luncheonette. No one was injured but there was damage to both the building and the vehicle.

Wednesday, March 23

9:40 a.m.- A man reported a house was broken into on Riverside Drive and items were stolen. The incident is under investigation.

2:30 p.m.- A caller reported seeing a male subject with a machete on Willard Street.

3:07 p.m.- Daniel Ouellette, 25, of Berlin, was arrested for fraudulent use of a credit card and default or breach of bail conditions. He is being held at the county jail in lieu of \$8,000 cash bail.

3:47 p.m.- A woman reported a male subject vandalized a third floor apartment.

7:58 p.m.- Police received a report of credit card fraud.

8:48 p.m.- Scott Towle, 25, of Berlin, was issued a summons for disorderly actions. He was given a May 10 court date.

11:23 p.m.- Bethany Flint, 20, of Milan, was arrested for unlawful possession of alcohol. She was released on \$500 P.R. bail and given a May 10 court date.

REQUEST from page 12

of having the fire department take over the ambulance service. But he said he is glad that didn't happen. He said the cost of health and retirement benefits, maintaining a fleet of ambulances, liability insurance, and handling all the Medicare and Medicaid reimbursements would be costly for the city.

"I don't think we could do it for that," he said of the subsidy. "I think that's a bargain," he added.

The council takes up the fire and housing department budgets at Monday's work session at city hall.

(Reporter Barbara Tetreault can be reached at barbara@berlindailysun.com)

Got News? Call
752-5858

STATE OF NEW HAMPSHIRE - SITE EVALUATION COMMITTEE

ORDER AND NOTICE OF PUBLIC MEETING

March 21, 2011

PLEASE TAKE NOTICE that the Site Evaluation Committee for the State of New Hampshire will conduct a public meeting on April 22, 2011, at 9 AM. The meeting shall be held in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire.

The business of the Site Evaluation Committee at said meeting shall include the following dockets and any other business that is lawfully before the Committee:

Docket Number 2011-01

Joint Motion of Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC, for Transfer and Amendment of the Certificate of Site and Facility Issued to Laidlaw Berlin BioPower, LLC, and Notice of Change of Major Contractor

Background

On November 8, 2010, the New Hampshire Site Evaluation Committee (Committee) issued a Certificate of Site and Facility (Certificate) to Laidlaw Berlin BioPower, LLC, for the siting, construction, and operation of a 70 MW biomass fueled power facility located in Berlin, Coos County, New Hampshire (Facility). Further information regarding the Certificate and the Facility is available at the Office of the Chairman of the Committee located at:

New Hampshire Department of
Environmental Services
29 Hazen Drive, Concord N.H. 03301

or at the Committee's website: www.nhsec.nh.gov.

On March 9, 2011, Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC (Joint Applicants), filed a joint motion to amend the Certificate, to transfer the Certificate to Berlin Station, LLC, and to notify the Committee of a change in major contractors (Joint Motion). The Joint Applicants propose to transfer the Certificate to Berlin Station, LLC. Berlin Station, LLC, is a special purpose entity whose members are BBP Holdings 1, LLC (99%) and BBP Holdings 2, LLC (1%). BBP Holdings 1, LLC, is an indirect subsidiary of Newco Energy, LLC. BBP Holdings 2, LLC, is a subsidiary of CSC Group Holdings, LLC. Berlin Station, LLC, intends to execute a right of use agreement with Burgess BioPower, LLC, an indirect subsidiary of Newco Energy, LLC, permitting Burgess BioPower LLC to lease and manage the Facility and all certificates, licenses and contracts pertaining thereto.

In addition, the Joint Applicants seek to amend the Certificate to permit operation at 75 megawatts rather than 70 MW. The increase in output is asserted to be achieved through design efficiencies and will not require additional fuel.

The Joint Applicants further request that the Certificate be amended to permit a change in the fuel supply contractor. In the Motion, the Joint Applicants also notify the Committee of a change in major engineering and construction contractors. A copy of the Joint Motion and related filings can be reviewed at the offices of the Chairman set forth above or on the Committee's website: www.nhsec.nh.gov.

Authority for Hearing

Transfer of the Certificate and amendments to the Certificate are required to be approved by the Committee pursuant to RSA 162-H. The Committee's authority to approve or deny the proposed transfer and amendments is set forth at RSA 162-H: 4, RSA 162-H: 5, 1, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 15, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Joint Motion will be accepted through the conclusion of the proceedings.

At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Joint Motion or may determine that further proceedings are necessary.

Docket Number 2011-02

Petition for Jurisdiction Over Renewable Energy Facility

Proposed by Antrim Wind Energy LLC

On February 10, 2011, the Committee received a letter from Gordon Weber, Chairman of the Board of Selectmen of the Town of Antrim, Hillsborough County, New Hampshire requesting, on behalf of the Selectmen, that the Committee take jurisdiction of the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of a renewable energy facility proposed to be developed by Antrim Wind Energy, LLC and located in the Town of Antrim. On March 11, 2011, Antrim Wind Energy, LLC

(Petitioner) filed a Petition for Jurisdiction Over Renewable Energy Facility Proposed by Antrim Wind Energy LLC (Petition). Antrim Wind Energy, LLC, proposes to site, construct, and operate wind turbine facilities (Facility) to be located in the northwest portion of the Town of Antrim from the east summit of Tuttle Hill to the flank of Willard Mountain to the west. The Petitioner asserts that the Facility will be located on a mostly contiguous ridgeline running east northeast to west southwest, and nearly parallel to New Hampshire Route 9, which is approximately 3/4 of a mile to the north. The Petitioner also asserts that the Facility may consist of 10 turbines in the 2 megawatts size class. The Facility is expected to have an installed nameplate capacity of greater than 5 MW but less than 30 MW. The Petition also asserts that the Petitioner expects to file a full application for a Certificate of Site and Facility prior to the end of 2011.

Authority for Hearing

The Committee's authority to hear and determine the Petition is set forth at RSA 162-H: 2, XI I, and RSA 162-H: 4, I, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.01.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 15, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Petition will be accepted through the conclusion of the proceedings.

At the Public meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Petition or may determine that further proceedings are necessary.

ORDER AND NOTICE

It is hereby ordered, that the Site Evaluation Committee for the State of New Hampshire, will meet in public session for consideration of matters pending in the above referenced dockets on April 22, 2011, at 9 AM in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, N.H. 03301; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to be published no later than April 1, 2011, in the New Hampshire Union Leader or New Hampshire Sunday News which are newspapers of regular statewide circulation. Laidlaw Berlin BioPower, LLC and Antrim Wind Energy, LLC may share the cost of said publication; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Coos County on or before April 1, 2011. In addition, Laidlaw Berlin BioPower, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-01; and,

It is hereby further ordered, that Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in the area of Antrim, Hillsborough County, on or before April 1, 2011. In addition, Antrim Wind, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-02; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall file affidavits documenting the required publication of this order and notice on or before April 8, 2011.

By Order of the Site Evaluation Committee, this 21st day of March, 2011.

New Hampshire Site Evaluation Committee
Thomas S. Burnack, Chairman



Members of the Auger Open committee Mike Fodor, Casey Mitchell and Ernie Blais recently met with Walter Nadeau and Odette Leclerc from Berlin Historical Society at the Moffett House on High Street in Berlin. This year's Ice Golf Tournament raised \$2,876.48 in net proceeds which were donated to support the ongoing efforts of restoring two historic buildings located on East Milan Road in Berlin. The 160 year-old structures are the last of the former Brown Company buildings which were originally used as barns for the many horses used in the logging industry in years past.



The Saturday Bumper League recently completed their winter schedule. The top finishing team were the Fireballz. Pictured L-R: Paul Fortier, Cassidy Parker, Madison Fillion, and Wesley Fillion. (COURTESY PHOTO)

BOWLING from page 16

Bouchard +73.
 Wednesday, March 2
 Olympians and Friends: Top teams- #1 Patriots and Celtics both at 15-6, #3 The Horsemen- 13-8, high game- Travis Roy 165, Tom Sweeny 163, high series- Sweeny 317, Roy 310, most over average- Leo Gingras +33, Mike Ruel and Patrick Chaloux +32, most over average series- Dominic Morse +61, Phil Legendre +52.
 Thursday, March 3
 Early Bird League: Top teams- #1 Robins 25.5-14.5, #2 Owls 24.5-15.5, high game- Chris Lavigne 192, Anita Valliere and Claire Sevigny both at 169, high series- Lavigne 498, Sevigny 449.
 Friday, March 4

2-Person League: Top teams- #1 Numba Won! and Spare Change both at 4-0, #3 Strikers 3-1, high game- Ron Langlois 190, Gary Pinette 188, high series- Pinette 497, Guy Labens 456, most over average- Samantha Labens and Ron Langlois +52, most over average series- Luc Perreault +70, Guy Labens +45. Spare Change won round 1 with a record of 20-8.
 Wednesday, March 9
 Senior League: Game 1 "No Tap Winners"- Chuck Dodge and Bob Miller 179, Game 2 "Predict Your Score"- Norm Bouchard, Game 3 "Splits, 9's, X's"- Bob Miller and Lorraine Flibotte 200, Game 4 "Poker Bowling"- Don Springer, Lucky Ticket winner- Henry Bertin.

PARTNERSHIPS from page 16
 SAU 3 Berlin School District, SAU 20 School Districts, Gorham, Shelburne, Milan, Dummer and Errol and New Hampshire Connections.
 To register please contact The

Parent Information Center at 603-224-7005 or by email at admin@picnh.org. NH Connections is a project of the Parent Information Center funded by the NH Department of Education Bureau of Special Education.

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STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

Docket No. 2011-01

Joint Motion of Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC, for Transfer and Amendment of the Certificate of Site and Facility Issued to Laidlaw Berlin BioPower, LLC, and Notice of Change in Major Contractor.

The New Hampshire Site Evaluation Committee will hold a public meeting for consideration of the Joint Motion of Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC, for Transfer and Amendment of the Certificate of Site and Facility Issued to Laidlaw Berlin BioPower, LLC, and Notice of Change in Major Contractor. At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Joint Motion or may determine that further proceedings are necessary. The public meeting will take place on **April 22, 2011**, at 9 AM in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301.