

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

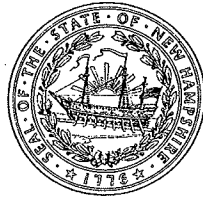
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

ENVIRONMENTAL SERVICES

APR 20 2011

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MICHAEL A. DELANEY
ATTORNEY GENERAL



April 18, 2011

Thomas S. Burack, Chairman
NH Site Evaluation Committee
Dept. of Environmental Service
29 Hazen Drive
Concord, New Hampshire 03301

Re: Application of Laidlaw Berlin BioPower, LLC, et al.
Docket No. 2011-01

Dear Chairman Burack:

Enclosed for filing with reference to the above-captioned matter is an original plus 18 copies of a Response of Counsel for the Public to Joint Motion for Transfer and Amendment.

Thank you for your attention to this matter.

Sincerely,

Colleen L. McDuffie
for K. Allen Brooks
Senior Assistant Attorney General
Chief, Environmental Protection Bureau
(603) 271-3679

✓ Enclosure
cc: Service List

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

RE: Application of Berlin Station, LLC)
for Certificate of site and)
Facility)
_____)

Docket No. 2011-01

**RESPONSE OF COUNSEL FOR THE PUBLIC
TO JOINT MOTION FOR TRANSFER AND AMENDMENT**

Counsel For The Public, K. Allen Brooks, (“Counsel”) hereby responds to the Joint Motion of Laidlaw Berlin Biopower, LLC and Berlin Station, LLC for Transfer and Amendment of the Certificate of Site and Facility, and Notice of Change In Major Contractor (the “Joint Motion”):

The Joint Motion describes a new operation that is significantly different from what was proposed and certificated last fall. As such, without appropriate procedural protections and the development of a complete record, it would not be within the Sub-Committee’s discretion to grant the Joint Motion prior to providing Counsel for the Public an opportunity to retain expert witnesses pursuant to RSA 162-H:9 to the extent it deems necessary, providing all the parties discovery opportunities – including data requests and technical sessions – and conducting appropriate evidentiary hearings.¹

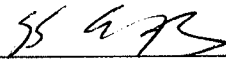
WHEREFORE, Counsel for the Public respectfully requests that the Sub-committee deny the Joint Motion at this time and instead, order the parties to work with counsel to the SEC to devise a procedural order for adjudicating the requests made in the Joint Motion.

Respectfully submitted,

COUNSEL FOR THE PUBLIC

By his attorneys

MICHAEL A. DELANEY
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¹ Counsel for the Public fully expects that the parties will work together to ensure that any evidentiary hearings proceed as efficiently as possible and that discovery and examination would be limited to those issues impacted by the proposed changes.