

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2011-01**

**CITY OF BERLIN'S UNOPPOSED PETITION TO INTERVENE**

NOW COMES the City of Berlin (the "City") New Hampshire, by and through its attorneys, Downs Rachlin Martin PLLC, and hereby petitions for intervention in the above-captioned proceeding pursuant to RSA 541-A:32 and N.H. Admin. R. Site 202.11. Counsel for Laidlaw Berlin BioPower, LLC ("Laidlaw") and Berlin Station LLC has indicated that they do not oppose the City's Petition. In support of its Petition, the City states the following:

1. The City is a steward of the economic, environmental, public health and welfare interests of the City and its residents. Without limitation, such interests include the appropriate uses of land within the City and the orderly development of the region, including employment, timber harvesting, and traffic in the City and surrounding areas.

2. Laidlaw Berlin BioPower, LLC ("Laidlaw") has received a Certificate of Site and Facility ("the Certificate") to construct a biomass-fueled electricity generating facility at the former Fraser Pulp Mill located in the City. The construction and operation of the proposed facility will directly impact the City and substantially implicates one or more of the foregoing interests of the City and its residents.

3. Laidlaw now proposes to make significant changes in the construction and operation of the facility pursuant to the Certificate, including transferring its rights and obligations under the Certificate to a new entity, Berlin Station, LLC; replacing the lead contractors responsible for construction and operation services at the facility; replacing its lead fuel supplier and trucking contractor; and increasing the facility's electrical output. *See generally* 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.

4. In reviewing Laidlaw's initial application for the Certificate, the Site Evaluation Committee was required to evaluate and make findings relative to a number of factors, including the effect of the proposed facility on the "orderly development of the region with due consideration [] to the views of municipal and regional planning commissions and municipal governing bodies." See RSA 163-H:16. The City submits that its views continue to merit consideration here, where Laidlaw proposes to change terms that were essential to the Site Evaluation Committee's decision to grant the Certificate. In addition, the Site Evaluation Committee's Order and Certificate of Site and Facility with Conditions ("Order") recognizes the City's ongoing interest in the fulfillment of the Certificate conditions and, *inter alia*, the employment, timber harvesting, and truck-traffic issues implicated by the construction and operation of the facility. See Order at 3-4 and Appendix II.

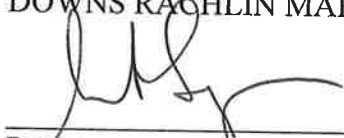
5. As the host municipality for the facility, the City's rights and interests are directly and substantially affected by the Joint Motion to transfer and amend the Certificate and to replace major contractors. Because the proposed changes and amendments relate to terms and conditions in which the City has a recognized interest, the City has a substantial stake in the outcome of this matter and a unique position that will not be protected by other parties to the proceeding. The City submits, pursuant to N.H. Admin R. 202.11(b)(3), that the interests of justice and orderly and prompt conduct of the proceedings in this case will not be impaired by allowing its intervention.

WHEREFORE, the City respectfully requests that the Site Evaluation Committee grant the City full intervenor status, without limitation, in this proceeding.

Respectfully submitted,

THE CITY OF BERLIN

By its Attorneys,  
DOWNS RACHLIN MARTIN PLLC



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