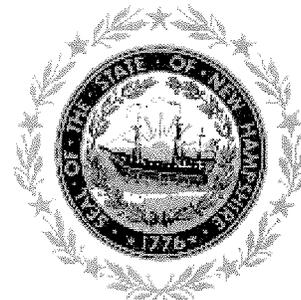


State of New Hampshire  
**Site Evaluation Committee**

<http://www.nhsec.nh.gov>

P. O. Box 95  
29 Hazen Drive  
Concord, New Hampshire  
03302-0095  
Telephone (603) 271-3503  
Fax (603) 271-2867



Thomas S. Burack, Esquire  
Chairman

Thomas B. Getz, Esquire  
Vice-Chairman

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November 17, 2011

Barry Needleman, Esquire  
McLane Graf Raulerson & Middleton  
11 So. Main St., Suite 500  
Concord, NH 03301

**Re: Joint Application of Berlin Station and Laidlaw Berlin Biopower**

Dear Mr. Needleman:

The New Hampshire Site Evaluation Committee hereby acknowledges receipt from your office of two binders of documents and a flash drive containing electronic copies of documents on September 27, 2011. The documents received by the Committee include the following:

1. Financial closing documents including Note Purchase Agreement and various security and ancillary agreements.
2. A revised Power Purchase Agreement approved by the Public Utilities Commission.
3. An executed Fuel Supply Agreement.
4. An executed Engineering, Procurement and Construction Contract (EPC).
5. An executed Operation and Maintenance Contract.
6. An executed Master Services Agreement.
7. An executed Large Generator Interconnection Agreement.
8. Decommissioning Plan.
9. Informal Complaint Resolution Plan.

10. A Soil Management Work Plan.

11. A letter executed by NewCo Energy and Burgess Biopower indicating that both entities intend "to comply fully with all obligations and conditions set forth in said decision". The letter also indicates that both entities "reasonably guarantee their best efforts to apply and commitment to all decisions rendered in the above referenced certificate." Finally, the letter contains the agreement of both entities to "comply with all conditions, requirements and liabilities as expressed in brownfield documents identified as Ex. PC 1 and Ex. PC 2."

12. Final approval of the City of Berlin for the landscaping plan.

Additionally, on November 1, 2011, the Committee received the following documents:

13. Landscaping plans.

The foregoing documents have been reviewed by counsel for the Committee. It appears that the filing of the aforementioned documents satisfies the pre-construction conditions required by the Certificate in the above captioned matter.

Having reviewed the aforementioned documents, there does not appear to be a need for any further proceedings in this regard. However, please note that the Site Evaluation Committee maintains jurisdiction to monitor and enforce the conditions of the Certificate of Site and Facility that was issued in this docket.

Should you have any questions regarding the foregoing, please contact counsel for the Committee, Michael J. Iacopino, Esq., at (603) 668-8300.

Very truly yours,



Thomas S. Burack, Chairman  
NH Site Evaluation Committee

TB/tm