

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Application of Laidlaw Berlin BioPower, LLC for a Certificate of Site and Facility for a Renewable Energy Facility in Berlin, New Hampshire

SEC Docket No. 2009-02

MOTION FOR REHEARING OF JONATHAN EDWARDS

NOW COMES Jonathan Edwards, pursuant to RSA 541:3 and NH Admin. Rule Site 202.29, and hereby motions the New Hampshire Site Evaluation Committee to rehear and reconsider its Order On Pending Motions which was issued in this proceeding on March 15, 2010, and in support hereof, Jonathan Edwards says as follows:

1. Pursuant to RSA 162-H:11, decisions of the Committee are reviewable in accordance with RSA 541:3. Under RSA 541:3, any party to the action or proceeding before the Committee, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order..."

2. Jonathan Edwards has been directly affected by the Committee's denial of his petition for intervention.

3. The basis for the Committee's denial is that Mr. Edwards "has no substantial interest in this docket that differs from the interests of the public at large. The interests claimed by Mr. Edwards will be adequately represented by counsel for the public." Order at 6. The Committee also found that "allowing intervention by Mr. Edwards would not be consistent with the prompt and orderly disposition of these proceedings." Id

4. According to the Order,

Jonathan Edwards is a citizen and business owner in the City of Berlin. He is a real estate agent and reports that he actively involved in Berlin's real estate market. He argues that he should be permitted to intervene in this docket because it may impact the quality of life in Berlin, and because he does not believe that the popularly elected officials and City of Berlin and Coos County are truly representing the views of the majority of their constituents. In addition, Mr. Edwards asserts that he is a ratepayer who will be affected by the potential construction of the Project.

5. Accordingly, as a citizen and business owner in the City of Berlin, and a PSNH ratepayer, Jonathan Edwards has substantial interest that might be affected by this proceeding.

6. Moreover, there is no basis in administrative law generally, or RSA 541-A specifically, that empowers the Committee to deny the intervention of Jonathan Edwards because the "interest claimed by Mr. Edwards will be adequately represented by counsel for the public." Moreover, the law pertaining to appointment of counsel for the public is contained in RSA 162-H:9. RSA 162-H:9, II explicitly states that "this section shall not be construed to prevent any person from being heard or represented by counsel."

7. The issue before the Committee here is analogous to the circumstance frequently presented to the Public Utilities Commission when dealing with petitions for intervention from residential ratepayers. Those petitions are routinely granted even though the Office of Consumer Advocate is a party with a legislative mandate to represent the interest of residential ratepayers.

8. There is no factual basis in the record of this proceeding for the Committee's finding that intervention by Mr. Edwards "would not be consistent with the prompt and orderly disposition of these proceedings."

9. Additionally, Mr. Edwards' experience and contacts within the local real estate market could be a valuable asset to the citizens of Berlin who own properties, the value of which may not be appropriately within the purview of counsel for the public. Without Mr. Edwards or anyone else knowing that Counsel for the Public will provide expert witness for the impact such a facility could have on the region's tax base, Mr. Edwards and the citizens of Berlin can be directly effected by the value of their most important asset potentially being in jeopardy.

WHEREFORE, Jonathan Edwards respectfully requests the Committee to reconsider it Order and grant his petition for intervention without limitation.

Dated March 26, 2010

RESPECTFULLY SUBMITTED,

Jonathan Edwards