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April 1, 2010

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 rules, I have enclosed an original and eighteen (18) copies of Laidlaw Berlin BioPower's Objection to Motion for Rehearing of Jonathan Edwards for filing in the above matter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "C Vaughn". The signature is fluid and cursive.

Cathryn E. Vaughn

Enclosure
cc: Service List

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2009-02

**Application of Laidlaw Berlin BioPower, LLC, for a Certificate of Site and Facility for a
70MW Biomass Fueled Energy Facility in Berlin, Coos County, New Hampshire**

OBJECTION TO MOTION FOR REHEARING OF JONATHAN EDWARDS

NOW COMES the Applicant, Laidlaw Berlin BioPower, LLC (“Laidlaw”), and submits this Objection to Motion for Rehearing of Jonathan Edwards and states as follows:

1. The Committee properly denied Jonathan Edwards’ Petition to Intervene on March 24, 2010, because it found that Mr. Edwards “has no substantial interest in this docket that differs from the interests of the public at large.” March 24, 2010 Order on Pending Motions (“Order”) at 6. The Committee also correctly concluded that Mr. Edwards should not be allowed to intervene as a party where the interests he seeks to represent “will adequately be represented by counsel for the public.” *Id.* Nothing in RSA 162-H:9 alters these well established rules of standing. Nevertheless, Mr. Edwards now moves for rehearing of his Petition to Intervene.

2. Pursuant to Site 202.29(e), a motion for rehearing “shall be granted in writing if it demonstrates that the committee’s decision is unlawful, unjust or unreasonable.” Mr. Edwards’ Motion for Rehearing fails to demonstrate or even allege that the Committee’s finding is unlawful, unjust or unreasonable. Nor could he in this instance. Mr. Edwards has no basis to argue that the Committee’s Order was unlawful, unjust or unreasonable where it was based on its finding that Mr. Edwards’ alleged interest in the Laidlaw project will be adequately represented by Counsel for the Public. Mr. Edward instead argues, incorrectly in this case, that the Committee had the discretion to grant his Petition to Intervene, and he believes it should have done so. Mr. Edwards’ Motion for Rehearing should be denied because the Committee’s Order

denying him standing was clearly correct, and he has failed to meet his burden to demonstrate that the Committee's Order is unlawful, unjust or unreasonable.

3. Moreover, to the extent Mr. Edwards argues Counsel for the Public does not have sufficient knowledge regarding the local real estate market in Berlin to adequately protect the interests of all surrounding property owners in the Laidlaw project, both the City of Berlin and Coos County Commissioners, are, no doubt, thoroughly knowledgeable about the economy and real estate market in Berlin, and both were granted intervenor status in this case. The City of Berlin and Coos County Commissioners therefore will represent his alleged interest.

4. Finally, Mr. Edwards' argument that "there is no factual basis in the record of this proceeding for the Committee's finding that intervention ... 'would not be consistent with the prompt and orderly disposition of these proceedings'" is simply incorrect. Mr. Edwards' alleged interests are those of the general public and will be represented by Counsel for the Public. Accordingly, the Committee correctly concluded his participation in these proceedings would be duplicative, and therefore inconsistent with the prompt and orderly disposition of these proceedings.

5. In sum, the Committee properly denied Mr. Edwards' Petition for Intervention. Mr. Edwards has not, and it cannot be demonstrated that the denial was unlawful, unjust or unreasonable, and accordingly his Motion for Rehearing should be denied.

Respectfully submitted,


Laidlaw Berlin BioPower, LLC

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION


Date: April 1, 2010

By: _____


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Certificate of Service

A copy of this Objection to Motion for Rehearing of Jonathan Edwards has been served by electronic mail this 1st day of April, 2010 to each of the parties on the attached service list.



Cathryn E. Vaughn