

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
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**

APRIL 6, 2010

REPORT OF PREHEARING CONFERENCE AND PROCEDURAL ORDER

On March 11, 2010, I presided over a prehearing conference in this docket. After taking appearances and addressing preliminary issues with the participants, I designated Committee Counsel to preside over the balance of the prehearing conference. On March 12, 2010, Counsel prepared the attached Report of Prehearing Conference. Having reviewed the report, it is hereby adopted as the official report of the prehearing conference. However, due to the scheduling commitments of Subcommittee members, I have adjusted some of the dates that were discussed at the prehearing conference. Those adjustments are set forth in the procedural order below.

On March 24, 2010, I issued an Order that resolved all motions that were pending at the time of the prehearing conference.

Procedural Order

The proceedings in this docket shall occur in accordance with the following deadlines:

April 12, 2010	Intervenors to propound data requests to Applicant
April 16, 2010	Counsel for the Public to propound data requests to Applicant
April 26, 2010	Applicant to answer Intervenor data requests
April 30, 2010	Applicant to answer Counsel for the Public's data requests
April 26, 2010	State Agency progress reports due
May 5, 2010	Tech Session No.1, Applicant's witnesses 10:00 AM Berlin City Hall Auditorium 168 Main Street Berlin, N.H.

May 17, 2010	Applicant's answers to Tech Session Data Requests due
May 26, 2010	Intervenors and Counsel for the Public's pre-filed testimony due
June 3, 2010	Applicant to propound data requests to Intervenors and Counsel for the Public
June 17, 2010	Counsel for the Public and Intervenors' to answer data requests
June 25, 2010	Tech. Session No. 2 – Counsel for the public and Intervenor witnesses 10:00 AM Berlin City Hall Auditorium 168 Main Street Berlin, N.H.
July 7, 2010	Counsel for the Public and Intervenors Answers to Tech Session No. 2 data requests due
July 9, 2010	Deadline for all parties to file supplemental pre-filed testimony
July 26, 2010	State agency final determinations due
August 20, 2010	Final Pre-Trial Conference Concord N.H. (Room to be determined) (Counsel to the Committee will preside)
August 23 – 26, 2010	Adjudicatory Hearings Concord N.H. (Room to be determined) (Formal Order of Notice to issue and be published)
September 23, 2010	Final Written Decision

Due to other scheduling commitments and vacation commitments, motions to continue or re-schedule will be disfavored and will only be granted for good cause.

The following procedures will apply to all parties and filings:

1. All data requests propounded must be copied to all parties in order to avoid duplication of requests. One copy shall be copied to counsel to the Committee. Data requests shall not be filed with the Committee.

2. Responses to data requests will be copied to all parties in the proceeding with one copy to counsel for the Committee. However, answers to data requests shall not be filed with the Committee.

3. All pleadings, petitions, motions, exhibits, memoranda or other documents filed by any party with the Committee shall be filed with the office of Commissioner Burack. The filer shall file the original and 12 copies.

4. Service of all documents relating to the proceeding upon parties shall be made by electronic mail unless a party or person listed on the service list has indicated an inability to receive service by electronic mail, in which case service shall be made by first class mail, postage prepaid. See, N.H. Code of Administrative Regulations, Site 202.07(c).

5. If a party serving documents does not have the ability to serve them by electronic mail, service shall be made by first class mail, postage prepaid, in the United States mail. See, N.H. Code of Administrative Regulations, Site 202.07(d).

6. All parties and persons to be noticed shall, upon receipt of this report, provide their complete service information, including regular address and electronic mail address to Jane Murray at the Department of Environmental Services (Jane.Murray@des.nh.gov). Any party wishing to be excused from the requirements of electronic service shall provide a statement indicating whether or not they are able to receive documents and send documents in this docket via electronic mail.

7. All filings (whether filed electronically or conventionally) shall contain a certification that the filing has been copied to all parties on the service list. The service requirements in this docket and under the rules shall apply to parties only. The term "parties" as used herein includes all intervenors.

8. Data requests and responses to data requests shall not be published on the Committee's website unless they are subsequently admitted as exhibits in this proceeding.

9. All pleadings, motions, petitions, and other formal requests for action by the Committee in this docket, as well as all Orders in this docket, will, as time permits, be posted to the Committee's website.

10. All parties shall comply with N.H. Code of Administrative Regulations, Site 202 to the extent that such regulations are consistent with this Procedural Order.



Thomas S. Burack, Presiding Officer
Chair, Site Evaluation Committee