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April 12, 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:

Enclosed is Laidlaw Berlin BioPower, LLC's Objection to Motion for Clarification and/or Rehearing to be filed with the Site Evaluation Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman", written over a horizontal line.

Barry Needleman

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 CLARIFICATION AND/OR REHEARING**

NOW COMES the Applicant, Laidlaw Berlin BioPower, LLC (“Laidlaw”), and submits this Objection to Clean Power Development, LLC’s (“CPD”) Motion for Clarification and/or Rehearing and states as follows:

1. The Committee properly rejected CPD’s argument that it has a substantial interest in the Laidlaw project with respect to Laidlaw’s Power Purchase Agreement and Laidlaw’s ownership structure. Accordingly, the Committee found that to the extent CPD has a substantial interest in this docket at all, those interests are limited to the issue of biomass fuel in the northern forest and the ability to use the Coos loop transmission capacity. March 24, 2010 Order on Pending Motions (“Order”) at 5. As such, the Committee permitted CPD to intervene on a limited basis.

2. CPD now moves for the Committee to “rehear” and/or “clarify” its Order. Specifically, CPD seeks clarification as to whether its limited intervention status permits it to raise issues related to the Power Purchase Agreement (“PPA”) despite the fact that the Committee rejected CPD’s attempt to intervene on this matter. Laidlaw enumerated CPD’s four alleged substantial interests in its Objection to Petition for Intervention of Clean Power Development, LLC and “Laidlaw’s financing and power purchase agreement with PSNH” was clearly a separate interest from “Whether there is enough affordable fuel supply in the region to support both facilities.” Objection at 2. Nevertheless, CPD now tries to shoehorn issues related

to the PPA into issues of biomass fuel. If CPD truly believed the PPA is related to its alleged biomass fuel interest, it should have clarified the record in its Response to Objection to Petition for Intervention. CPD failed to raise that issue in its Response and cannot do so now.

3. Similarly, CPD now moves for the Committee to rehear its Petition to Intervene with respect to its alleged interest in Laidlaw's financing and ownership structure. 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." CPD cannot demonstrate that the Committee's Order limiting the issues for CPD's intervention was unlawful, unjust or unreasonable and therefore its Motion should be denied.

4. Moreover, as Laidlaw argued in its Objection to Petition for Intervention, CPD has no interest other than that of a competitor in Laidlaw's ownership structure. The Committee will fully explore Laidlaw's financial capability and ownership structure and therefore CPD's participation on this issue would be repetitive and interfere with the orderly and prompt conduct of the proceedings. Accordingly, the Committee has properly limited CPD's role as an intervenor.

5. Finally, CPD raised its argument regarding its role as an intervenor in the Granite Reliable Power case in its Response to Objection to Petition for Intervention and the Committee clearly rejected that argument. Here, like in the Granite Reliable Power matter, the Committee granted CPD's Petition for Intervention. Indeed, the Committee simply exercised its discretion to limit the issues on which CPD may intervene.

6. For all of the reasons set forth above and in the Committee's Order, CPD's Motion for Clarification and/or Rehearing should be denied.

Respectfully submitted,

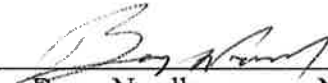
Laidlaw Berlin BioPower, LLC

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,  
PROFESSIONAL ASSOCIATION

Date: April 12, 2010

By:



Barry Needleman NH Bar No. 9446  
Gregory H. Smith NH Bar No. 2373  
Cathryn E. Vaughn NH Bar No. 16508  
Eleven South Main Street  
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**Certificate of Service**

A copy of this Objection to Motion for Clarification and/or Rehearing has been served by electronic mail on this 12th day of April, 2010 to each of the parties on the service list and by first class mail to the New Hampshire Attorney General's Office.

  
Barry Needleman