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May 17, 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:

I enclose for filing with the Committee the Applicant's Partially Assented-to Motion for Protective Order and Confidential Treatment for Certain Confidential, Commercial and Financial Documents. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Needleman".

Barry Needleman

Enclosure

cc: Service List

STATE OF NEW HAMPSHIRE  
BEFORE THE  
SITE EVALUATION COMMITTEE

APPLICATION OF LAIDLAW BERLIN BIOPOWER, LLC FOR A CERTIFICATE OF SITE  
AND FACILITY

DOCKET NO. SEC 2009-02

**PARTIALLY ASSENTED-TO MOTION FOR PROTECTIVE ORDER AND  
CONFIDENTIAL TREATMENT FOR CERTAIN CONFIDENTIAL, COMMERCIAL  
AND FINANCIAL DOCUMENTS**

Applicant Laidlaw Berlin Biopower, LLC ("LBB"), respectfully requests that the Site Evaluation Committee (the "Committee") issue a protective order to maintain the confidentiality of certain confidential, commercial and financial documents. In support of its motion, LBB states as follows:

1. LBB seeks confidential treatment pursuant to RSA 91-A for certain confidential, commercial and financial documents. Specifically, LBB seeks a protective order under which the following documents are treated confidentially and *only the Committee and Counsel for the Public* are permitted to review copies of the documents. The confidential, commercial and financial documents in this category include:

- LBB's Business plan/financial model (to be provided in response to First Technical Session Data Requests; Public Counsel Request Number 9); and
- Information pertaining to firms expressing interest in providing debt and equity financing for the project (to be provided in response to First Technical Session Data Requests; Public Counsel Request Number 10);

2. These documents contain confidential, commercial and financial information which is highly sensitive in nature and would not normally be disclosed to the public. It is therefore exempt from public disclosure under the New Hampshire Right to Know Act. RSA 91-A:5, IV.; *Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540

((1997). Anything more than the limited disclosure contemplated herein would likely cause substantial harm to the Applicant's competitive position. *Id.* at 554. The Committee has the authority pursuant to RSA 91-A:5, IV to protect this information.

3. LBB understands that access to these documents may be necessary for the Committee and Counsel for the Public to assess LBB's Application. Therefore, LBB seeks a protective order that balances these needs in such a manner that these documents will be treated confidentially and only the Committee and Counsel for the Public shall be permitted to view them. Pursuant to the protective order, neither the Committee nor Counsel for the Public shall copy or disclose the contents of the confidential, commercial and financial documents.

4. LBB also seeks a protective order, for the same reasons articulated above, under which the following documents are treated confidentially and *only the Committee, Counsel for the Public and Counsel for the City of Berlin* are permitted to review copies of the documents.

The confidential, commercial and financial documents include:

- Documents pertaining to ownership interests and relationships among the various entities in the project (To be provided in response to First Technical Session Data Requests; Public Counsel Request Number 12; and First Set of Data Requests filed by City of Berlin; Request 13(d)).

5. The Applicant sought assent from all parties. Counsel for the Public, the City of Berlin and CPD assented to this Motion. Wagner Forest Management could not be reached. New Hampshire Sierra Club did not assent.

WHEREFORE, LBB respectfully requests that the Committee:

- A. Issue an order protecting the confidential, commercial and financial documents as described above, and such other materials of a similar nature as the Committee and Counsel for the Public may hereafter request;
- B. Allow for disclosure of the protected material in a closed hearing; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

LAIDLAW BERLIN BIOPOWER, LLC

By Its Attorneys

MCLANE, GRAF, RAULERSON &  
MIDDLETON, P.A.

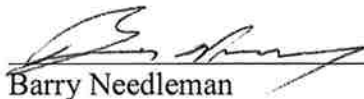
Date: May 17, 2010

By: 

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Cathryn E. Vaughn  
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**Certificate of Service**

A copy of this Motion for Protective Order and Confidential Treatment of Confidential, Commercial and Financial Documents has been served by electronic mail this 17th day of May, 2010 to each of the parties on the attached service list and by first class mail to the New Hampshire Attorney General's Office.

  
Barry Needleman