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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

August 24, 2010 - 1:31 p.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

DAY 2

AFTERNOON SESSION ONLY

RE: Application of Laidlaw Berlin
BioPower for a Certificate of
Site and Facility for a 70 MW
Biomass Fueled Energy Facility
in Berlin, Coos County, New
Hampshire. (Hearing on the merits)

PRESENT:
Thomas Burack, Cmsr.
(Presiding as Chairman)

SITE EVALUATION SUBCOMMITTEE:
Dept. of Environmental Services

Amy Ignatius, Cmsr.
William Janelle, Asst. Dir.
Elizabeth Muzzey, Dir.
Harry Stewart, Dir.
Craig Wright, Asst. Dir.
Donald Kent, Administrator
Christopher Northrop
Michael Harrington

Public Utilities Commission
Dept. of Transportation
N.H. Div. of Historical Res.
Water Division - DES
Air Resources Division - DES
Dept. of Resources & Econ. Dev.
Office of Energy & Planning
Public Utilities Commission

* * *

Counsel for the Committee: Michael Iacopino, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

1

2 ALSO PRESENT:

3 REPTG. THE APPLICANT:
4 (Laidlaw Berlin BioPower)Barry Needleman, Esq.
Gregory H. Smith, Esq.
Cathryn E. Vaughn, Esq.
(McLane, Graf, Raulerson
& Middleton)

5

6 REPTG. CITY OF BERLIN:

Merritt Schnipper, Esq.
(Downs Rachlin Martin)

7

8 REPTG. CLEAN POWER DEVELOPMENT:

James T. Rodier, Esq.

9

10 COUNSEL FOR THE PUBLIC:

K. Allen Brooks, Esq.
Peter C. L. Roth, Esq.
Senior Asst. Attys. General
N.H. Dept. of Justice

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I N D E X

PAGE NO.

WITNESS PANEL: LOUIS T. BRAVAKIS
STEPHEN J. MONGAN
CURTIS RICHMOND

Cross-examination by Mr. Iacopino 4

INTERROGATORIES FROM SUBCOMMITTEE BY: PAGE NO.

Chairman Burack 83, 142

Dr. Kent 117

Dir. Muzzey 136

Mr. Northrop 140

Mr. Harrington 144

* * *

E X H I B I T S

EXHIBIT NO. DESCRIPTION PAGE NO.

63 Biomass Fuel Supply Agreement 79
(Redacted version but
remains CONFIDENTIAL)

1 P R O C E E D I N G

2 (Hearing resumed at 1:31 p.m.)

3 CHAIRMAN BURACK: We're going to go
4 ahead and get started. I note that Mr. Rodier is not back
5 yet, but, Mr. Gabler, I feel we need to proceed. I hope
6 you understand that.

7 MR. GABLER: Yes.

8 CHAIRMAN BURACK: Okay. I'm going to
9 turn things to Attorney Iacopino to ask questions
10 initially of this panel, and then we'll open it up to the
11 Subcommittee.

12 MR. IACOPINO: Thank you.

13 BY MR. IACOPINO:

14 Q. First, I have some questions that have come up during
15 this morning's testimony. I'm going to go through
16 those first. But then I'm going to ask if you would
17 all please have a copy of Clean Power Development
18 Exhibit 1 available. That's the prefiled testimony of
19 Mr. Liston. Okay. So, I'm going to ask you some
20 questions based on that in a few minutes. Okay.

21 But my first question stemming from what
22 was testified to this morning goes to Mr. Richmond.
23 During your examination by counsel for the City, you
24 indicate that, essentially, the way that you work is

1 that you develop a protocol, the protocol involves
2 sourcing from the local area, as was in this case, you
3 made provisions for that is what you -- is what you
4 testified to.

5 And, I guess my question is, when you
6 say "you make provisions for that", what are you
7 talking about? What kind of provisions do you make?

8 A. (Richmond) I believe that's of a confidential nature in
9 our supply agreement.

10 Q. How about generally in your business?

11 A. (Richmond) That we will focus on the local suppliers
12 first, and we do that with all of our accounts. All of
13 our accounts come in with some favorites, some local
14 in-town suppliers or maybe the municipality in town or
15 something, and we always accommodate them, and it's no
16 different with this contract.

17 Q. And, it appeared to me from your direct testimony that
18 you had an amount of business that stemmed from
19 something called "BCAP" --

20 A. (Richmond) Correct.

21 Q. -- that you don't -- no longer have. Can you please
22 explain what "BCAP" is?

23 A. (Richmond) "BCAP" was the federal "Biomass Crop
24 Assistance Program". It was a subsidy to biomass

1 providers, such as us, to the -- what they call then a
2 "BCF", a "Biomass Conversion Facility". It's a program
3 that's still running. It's idled right now. They're
4 looking at it. It's run by the USDA. It was paid out
5 by the FSA, the Farm Service Agency. And, we were
6 hired by the two Boralex facilities in Maine, the
7 Whitefield facility, and the Springfield facility, in
8 addition to our current markets, to run their BCAP
9 Program for them. So, for the life of the Program, we
10 were handling 100 percent of the procurement at those
11 additional facilities.

12 Q. And, they received subsidies?

13 A. (Richmond) The supplier received the subsidies. No
14 money from BCAP goes to the BCF, the Biomass Conversion
15 Facility, which is the burning plant.

16 Q. So, it goes to you?

17 A. (Richmond) It went to us, and then it was disbursed to
18 the suppliers.

19 Q. And, when you say "suppliers", you mean the "loggers"?

20 A. (Richmond) The loggers, correct.

21 Q. All right. You also mentioned, Mr. Richmond, in your
22 testimony, you mentioned the phrase, when you were
23 talking about the wood basket, that "Schiller is
24 limited, because of 180 degrees, they don't have --

1 because they're on the East Coast", you also indicated,
2 "and they're seeing quotas everyplace". Can you please
3 explain to us what you mean by the "quotas" that
4 they're seeing?

5 A. (Richmond) That they are -- it's not an open-door
6 policy on deliveries. Each individual supplier, us
7 included, cannot simply deliver as much as we want to
8 any market in New England today. They all restrict how
9 much each supplier can put in. So, you're on quota.
10 You might make 100 loads a week, yet you can only get
11 rid of 20.

12 Q. Who sets the quotas?

13 A. (Richmond) The facilities. Some facilities, if we're
14 just a supplier, such as the Springfield facility, for
15 instance, would tell us "you have X amount of loads
16 this week", and we would disperse that among the
17 suppliers. If we are handling the procurement, then we
18 know how many loads the facility is going to allow us
19 to bring in, and we disburse that among all of the
20 suppliers to the facility.

21 Q. And, finally, Mr. Richmond, the last -- well, one of
22 the last things that you testified about was if you --
23 well, actually, what you said was that you did not see
24 that your suppliers would "change their logging

1 practices in a way that they are chasing down every
2 twig and branch." I might understand they might not
3 "chase down every twig and branch", but if there is a
4 new demand from, say, a Laidlaw plant, do you believe
5 that there would be any change in the amount of tops
6 and branches that are, in fact, taken off of these
7 sites to satisfy that new demand?

8 A. (Richmond) Absolutely. There's -- a site today would,
9 if they were end of quota and couldn't get rid of all
10 the loads, they would be prone to leave that biomass
11 right in the woods or around the landing. And, that
12 dead tree over there, they might not take it, because
13 they don't have a market to get rid of it. If you had
14 open markets, then, yes, they would grab that tree, and
15 they might bring that top out along with that log,
16 because they have a market to get rid of it. So, right
17 now, they very well could be leaving good biomass on
18 the ground because they don't have a market to get rid
19 of it.

20 Q. Do you, because of your experience and history in the
21 industry, especially in the northern forest, do you
22 have any idea on how we could maybe estimate what that
23 increased usage of the tops and branches might be?

24 A. (Richmond) Well, when we need information from our

1 loggers, we simply do a poll. So, if we had a question
2 such as that, we wanted an answer, we would put it in
3 with their checks every week and ask them to please
4 fill it out and send it back, so --

5 Q. In your history, have you ever asked such a question or
6 polled your loggers on that sort of question?

7 A. (Richmond) We have two licensed foresters on the
8 payroll at Cousineau that go out and monitor the jobs.
9 I never personally have asked that question. If we
10 were running short on fiber, and one of my foresters
11 saw excess fiber being left, he would ask the question.
12 But, no, I have never had an opportunity to.

13 Q. And, in your company, when those questions are asked,
14 is there any follow-up with any kind of documentation,
15 memos or some kind of tally sheets or anything like
16 that?

17 A. (Richmond) We have internal tracking on a number of
18 things. And, yes, that would be one of them; potential
19 supply from a logger -- how much were curtailed in the
20 output of a single logger, yes, we track that, their
21 potential.

22 Q. And, obviously, I understand these are internal
23 business records that belong to Cousineau. But is
24 there any opportunity for the industry to profit from

1 that by allowing, you know, studies to be done on those
2 questions that are raised and tracked through your
3 company, and likely through other companies that do the
4 same as you?

5 A. (Richmond) Yes. I mean, there's other places besides
6 us to get that information. An outfit such as the New
7 Hampshire Timberland Owners Association would readily
8 have that available and they deal with the loggers and
9 other entities such as that. That information is out
10 there.

11 Q. All right. Mr. Bravakis, before I get into the
12 testimony of Mr. Liston with you, I just want to go
13 over your background a little bit, okay? Because I
14 know that you've answered a lot of the wood supply
15 questions for the Applicant, and I just want to
16 understand exactly what -- I mean, I've read your
17 testimony. But I want to sort of understand a little
18 more about what your actual roles were, starting with
19 Chiptec.

20 A. (Bravakis) Okay.

21 Q. Okay. If I understand it correctly, you created
22 Chiptec Corporation?

23 A. (Bravakis) Well, let's -- we can back up a little
24 further, if I may. As I explained in my testimony, I

1 graduated with a BA in Economics, but it was at a time
2 when it was pretty fashionable for folks like myself to
3 buy pieces of land in the "back to the land" movement,
4 if you will. So, my wife and I bought a farm in
5 Vermont. And, I actually started a firewood business,
6 to the chagrin of my parents, but I did. And, that
7 quickly, in a couple of years, I had a little business,
8 with three or four people working, I realized that
9 there are a lot of people in that business, and they're
10 willing to work for less money than we were. So, I
11 investigated, I learned about chipping technology and
12 chipping gasification technology, and I became the
13 first small-scale chipper contractor in the State of
14 Vermont.

15 Q. Okay. Let me stop you there for a minute, because I
16 want to ask you about each of those experiences.

17 A. (Bravakis) Okay.

18 Q. When you say you "began with a firewood business", were
19 you actually in woods, --

20 A. (Bravakis) Yes.

21 Q. -- cutting the trees, --

22 A. (Bravakis) Yes.

23 Q. -- and preparing the firewood?

24 A. (Bravakis) I had a pair of horses, actually, and I

1 skidded the logs. And, I had three men that worked for
2 me, and I had gotten a truck. And, my father wasn't
3 pleased, but I did it.

4 Q. When I ask you questions, let me finish my question
5 before you answer, so that the stenographer can get it
6 all down. Okay. And, then, Chiptec is a -- as you
7 just explained, is a small chipping contractor,
8 basically?

9 A. (Bravakis) No.

10 Q. No. Okay.

11 A. (Bravakis) In my agricultural efforts, I had -- the
12 firewood went into making wood chips, because I bought
13 a farm that had land that had small trees on it that
14 needed to be cleared that wasn't suitable for firewood. I
15 learned of a company that made -- a Vermont company
16 that made a wood gasifier to go for home heating. And,
17 I was also a maple sugar maker. So, I managed -- and I
18 was part of the Tree Farm System as well, my farm was.
19 And, I entered into the Current Use Program. So, I was
20 involved in forestry practices, from producing
21 firewood, wood chips, making maple syrup, and managing
22 our woodlands under the Current Use, under a Tree Farm
23 System.

24 Q. And, again, up to this point, are you in the woods

1 pretty much every day?

2 A. (Bravakis) I was pretty much doing the physical work.
3 And, then, what happened was, I discovered this company
4 in White River Junction that was making a small wood
5 chip heating appliance that goes in a house. And, I
6 said "well, if I sell those for you, I'll have a market
7 for my wood chips", which I thought was a good thing.
8 And, so, we made an arrangement, and I sold too many,
9 they couldn't keep up with it. So, I basically bought
10 the company and started Chiptec.

11 Q. And, then, I understand that you grew Chiptec to over
12 \$2 million in sales?

13 A. (Bravakis) Uh-huh. I started it in 1986, and left in
14 the year 2000.

15 Q. And, then, you got involved with Novus Energy, LLC?

16 A. (Bravakis) I started Novus Energy.

17 Q. And, can you tell us a little bit more about what Novus
18 was or is?

19 A. (Bravakis) Basically, I did project development,
20 consulting project development, biomass energy, a lot
21 of combined heat and power projects under NYSERDA, for
22 clients that were getting NYSERDA grants or grants in
23 New Jersey, Clean Energy Fund. Typically, it would be
24 businesses such as sawmills, that would want to convert

1 their wood waste into energy and make electricity out
2 of it, and then use the steam for the dry kilns. So,
3 that's what we did. We did project development,
4 consulting work.

5 Q. And, then, from there, you joined Laidlaw?

6 A. (Bravakis) I was hired by Laidlaw, I was referred to
7 Laidlaw through NYSERDA, because of my experience.
8 And, I got hired by Laidlaw to help them procure a
9 NYSERDA grant for a project they had, a combined heat
10 and power project they had. And, we were successful,
11 got a pretty significant grant, a million dollar grant
12 for that. And, then, we just started working together.

13 Q. At what point, I mean, would you say that at some point
14 your career sort of shifted from the forest to the
15 boardroom?

16 A. (Bravakis) When I had children.

17 Q. Good. But how about in terms of when -- when was that,
18 in terms of the history that you just explained to us?

19 A. (Bravakis) That was early to mid '80s.

20 Q. Okay. All right. Do you have in front of you CPD
21 Exhibit Number 1, the Testimony of Mel Liston?

22 A. (Bravakis) I do.

23 Q. Okay. What I'm going to do, and these questions are
24 for the panel, I expect that Mr. Bravakis and

1 Mr. Mongan will have more of the answers than
2 Mr. Cousineau [Richmond?], only because it involved the
3 Laidlaw study, a lot of it. What I'm going to do is
4 I'm basically going to go through Mr. Liston's
5 testimony, and give you an opportunity to respond to a
6 number of his assertions that are in that testimony.
7 And, the first part of his testimony I'd like you to
8 look at is on Page 3. And, again, this is Clean Power
9 Development Exhibit Number 1.

10 A. (Bravakis) Okay.

11 Q. Line 12. Do you have a --

12 A. (Bravakis) Yes.

13 Q. Okay. At Line 12, Mr. Liston states in his testimony
14 that "LandVest noted that", and he's talking about the
15 prior study done for the North Country -- for the
16 Division of Forests & Lands in 2008, that "LandVest
17 noted that the lack of available low grade wood in the
18 region may well have contributed, in fact, to the
19 shutdown of the mills in Berlin and Groveton." And, I
20 just -- and then he sites to a number of different
21 newspaper articles and to LandVest's report from 2008.
22 And, I would just ask, first of all, is that a correct
23 conclusion to draw, that "the lack of available low
24 grade wood may have contributed to the shutdown of

1 those mills"?

2 A. (Bravakis) I'm going to take a first stab at this, and
3 then Mr. Mongan can chime in. I think there's a little
4 bit of a disconnect. The way it's portrayed by Mr.
5 Liston is that there's a lack of available wood. But,
6 if you read what they said, it's -- one of them is most
7 likely due to the competition for low grade wood. I
8 recently spoke extensively with one of the procurement
9 foresters that was hired by Fraser to buy wood when the
10 mill started up again. And, he said he was given a
11 task to buy wood that was well below market. He
12 advised his employer that he wouldn't be able to fuel
13 the plant at that price. Not that there wasn't enough
14 wood, but at the price that they needed. So, they
15 basically worked with him. He worked, struggled
16 through the first year. But he said, "by the second
17 year, there was more wood than -- that the supply had
18 increased, even at a lower price." And, he talked
19 about "800,000 tons a year". So that, I think that's
20 -- the perception that "there isn't wood available" has
21 to be tempered with the fact that "at what price".
22 And, if you pay too little for it, you won't get,
23 obviously.

24 Q. That raises two new questions for me. Okay. The first

1 one, you say you spoke with somebody?

2 A. (Bravakis) Yes.

3 Q. And, this is one of the reasons why I sort of went
4 through your background to see what your experience in
5 the woods actually was, because -- do you have any
6 documentation of these interviews and conversations?
7 Because you've testified a number of times about "we
8 went out and we interviewed or we went out and we spoke
9 to people." Is there any documentation of that
10 conversation that you have?

11 A. (Bravakis) No. But --

12 Q. A memo, --

13 A. (Bravakis) I'm sorry.

14 Q. -- you know, some kind of e-mail or a memo or anything?

15 A. (Bravakis) No. The gentleman was here yesterday, it's
16 Mr. Ed Witt. And, I could get him to send a memo, if
17 you like?

18 Q. I'm just trying to get a handled on what --

19 A. (Bravakis) I don't.

20 Q. -- what it's based on. Whether we're getting sort of
21 it filtered through your perception of your
22 conversation, or if there might be something that can
23 give us, you know, a more direct view of the
24 conversation. And, if I understand now what you're

1 saying is that, in Mr. Liston's testimony, beginning at
2 Line 12 on Page 3, you believe that he's conflating the
3 competition causing the shutdown of the mills, as
4 opposed to the lack of wood, of low grade wood causing
5 the shutdown of the mills?

6 A. (Bravakis) Maybe Mr. Mongan can answer that.

7 A. (Mongan) Sure. I can. I mean, I think that paragraph
8 is as we meant it to state. It said "many factors
9 caused the closure of the Groveton and Berlin mills,
10 one of them likely due to the competition for low grade
11 wood", which means "cost". Those mills were clearly
12 not making money, and having to pay more than the
13 bottom-of-the-barrel price for wood was a contributing
14 factor, we think.

15 Q. Okay. The next page I'm going to ask you to go to is
16 Page 4 of CPD Exhibit 1. And, at Line 19 through Line
17 25, Mr. Liston essentially states in his testimony that
18 "For a long period of time the largest size forest
19 derived biomass energy facility generally considered
20 for development by the industry has been 50 megawatts."
21 Do you agree with that statement?

22 A. (Bravakis) No.

23 Q. Why not?

24 A. (Bravakis) I'm going to start with this, and I'd like

1 Mr. Richmond also to -- and Mr. Mongan to join in. As
2 I understand it, in reading Mr. Liston's background,
3 his experience is based on developing the biomass
4 plants in the early '80s, what we call the "PURPA
5 plants". And, when those were developed, it's my
6 understanding that there wasn't a wood chip market.
7 They were guaranteed a very high price for their energy
8 for a very long time. The construction costs were, to
9 get back to what we were talking about yesterday,
10 around 12 to \$1,500 per kilowatt, rather than the 4 to
11 \$5,000 per kilowatt now. And, wood prices, and you can
12 confirm, were \$14 to \$15 all day long, you could buy as
13 much wood. So, it's very simple for somebody to say "I
14 want to buy a plant -- build a plant, a 15-megawatt
15 plant", which most of them were, "and I can get all the
16 wood I need from right around me."

17 As Mr. Richmond said before, when they
18 go out and procure fuel, they get it as close to the
19 plant as they can. So, it makes sense that, if you can
20 get all of your fuel as close to the plant, you
21 wouldn't go any further. That's the old model.

22 Today, I think it's a whole different
23 situation. You have construction costs, high; energy
24 costs, low; wood costs, volatile. They go up, they go

1 down, but they're higher relative to everything else.
2 And, you have trucks that are all linked by computers
3 to try to get as much efficiency out of their hauls as
4 they can.

5 So, having said that, I'd like Mr.
6 Richmond to describe today how wood flows in and around
7 the markets around the Northeast.

8 A. (Richmond) Well, we get inquiries weekly on people
9 wanting to build burning plants around the country, not
10 just in New England. And, the first thing I notice in
11 this paragraph is the constriction of 50 miles. Nobody
12 has every told us, in this day and age, to buy wood
13 within 50 miles. It's "is the wood there? How much am
14 I going to pay on average? And, what do you got to do
15 to get it?"

16 When fuel prices started going up years
17 ago, people, first of all, bought new trucks. The
18 average truck was getting 3, 4 miles a gallon; they
19 went and bought the over-the-road trucks that get 6 to
20 8 miles a gallon. And, the economy of moving the
21 product changed, from the local logger owning the truck
22 and delivering it, to the local logger that owns the
23 truck going to the shortest distance to a concentration
24 yard or something. And, then, the over-the-road trucks

1 come in with their back hauls and haul it the greater
2 distance.

3 Also about that time, the disposal costs
4 of wood waste down south changed, the tipping fees at
5 the landfills changed. How you could dispose of wood
6 waste changed, you couldn't throw it down in your
7 backyard anymore. So, you also at the same time got a
8 big economic driver in what we call the "push economy",
9 people paying to get rid of wood waste. So, that,
10 coupled with the over-the-road trucks, lent us to the
11 obvious, to look at the push economy, where they're
12 paying to get rid of it, and cheaper forms of
13 transportation to supplement the supply to these bigger
14 facilities. So, no. People do not look in a 50-mile
15 radius, and it goes longer distances for those reasons.

16 Q. Okay. But what about in terms of the size of the
17 plant? I mean, he actually references a number of
18 articles following that statement. And, importantly,
19 on Page 6 of his testimony he asserts that this will be
20 the "largest merchant owned wood plant in the
21 Northeast". I assume you agree with that fact, is that
22 correct?

23 A. (Bravakis) Yes, sir.

24 Q. Okay. Are there any other plants existing in our

1 region between the 50 and the 70 megawatts?

2 A. (Bravakis) Schiller and Burlington [sic] Electric and
3 our facility --

4 A. (Richmond) That's it.

5 A. (Bravakis) -- would be the three.

6 Q. And, do you attribute all of that to the past practices
7 and the past model that you say the industry has worked
8 on?

9 A. (Bravakis) You mean the development of the size?

10 Q. Yes. I'm talking about the size in megawatts right
11 now.

12 A. (Bravakis) Yes. You have to keep in mind a couple of
13 things. There hasn't been a new Greenfield project
14 built in the Northeast since the '80s, simply because
15 the economics don't line up. As I've described before,
16 the PURPA plants allowed for long-term power purchase
17 agreements, coupled with the lower construction cost,
18 coupled with the lower wood cost. So, all of our
19 research indicates that, since there hasn't been a new
20 Greenfield project built in the last 25, 30 years, it's
21 probably not likely going to be built now. And, that's
22 why our business model is to reuse equipment, try to
23 get the capital costs down. So, to simply say that the
24 plant size is somehow predicated on wood fuel, I think

1 it goes beyond that. You have to look at how they
2 develop -- what was the development of the plants and
3 who's developing plants now? There is a recent plant
4 in Nacogdoches, Texas, that I believe was an 80 or 100
5 megawatt plant. One hundred. And, others proposed
6 that are large and some are smaller. The European
7 model is to try to capture some efficiencies of scale.
8 And, in Sweden and Denmark, they have 80 megawatt
9 plants. So, I don't think there's one-size-fits-all.

10 I truly believe that developing a power
11 plant, a biomass power plant, in this day and age, is
12 almost a niche effort. You have to put a lot of pieces
13 together to make it happen. Berlin just happens to be
14 the stars line up; the facility's there, the workforce
15 is there, and the resource is there. We've always
16 maintained that Burlington -- we're in Burlington for
17 three reasons: The physical resource, the human
18 resource, and the natural resource. They're all there.

19 CHAIRMAN BURACK: I'm sorry, if I can
20 just clarify. Did you say you're "in Berlin" or you're
21 "in Burlington"?

22 WITNESS BRAVAKIS: In Berlin.

23 CHAIRMAN BURACK: "In Berlin". Thank
24 you.

1 WITNESS BRAVAKIS: Yes. Sorry.

2 BY MR. IACOPINO:

3 Q. I know that you just explained to me why you're in
4 Berlin. But, on Page 7 of Mr. Liston's testimony, he
5 draws the conclusion that the reason why you're in
6 Berlin is that you're "trying to make everything else
7 fit for an existing facility that does not lend itself
8 well for size reduction to match the fuel availability
9 constraints and other issues."

10 A. (Bravakis) I'm sorry, could you --

11 Q. The very first line.

12 A. (Bravakis) Okay.

13 Q. It's the last sentence of that paragraph. "Quite to
14 the contrary" it starts.

15 A. (Bravakis) Do you want me to respond to that sentence?

16 Q. Well, as I understand what he's saying, is you found a
17 plant that can be converted at a cheaper price, and
18 that you're just "trying to make everything else fit"
19 that plant. And, that's why you have a wood study that
20 says what it says, and that's why you take the
21 positions that you take. That's what I understand Mr.
22 Liston to be saying in this portion of his testimony.
23 And, I guess what I what to do is give you an
24 opportunity to respond to that.

1 A. (Bravakis) Okay. Thank you. Development work,
2 developing a project like this goes through phases, and
3 there's money associated with every phase. The highest
4 risk money is in the earliest phases. And, we
5 typically refer to this phase as a "fatal flaw
6 analysis". Where you look at what are the major --
7 what are the major pieces of this project that could
8 kill it outright? And, if you discover that, and you
9 don't think you can overcome that, in spite of how good
10 a project you think it is, the most prudent thing is to
11 cut your losses and move on, because that money is
12 one-way money, you never get it back. Very hard to
13 get, it's usually out of your own pocket.

14 The history from us, as we developed, we
15 started developing this project, is not as Mr. Liston
16 portrays it. The history is, we, like Mr. Liston,
17 identified the Burgess site and that boiler as an
18 asset. But that's only one piece of the puzzle. We
19 then needed to say "is there enough wood to fire?"
20 Well, first, we needed to talk to contractors who could
21 convert that boiler into a biomass boiler, and how much
22 output that could give. Could we maximize the
23 utilization of that asset? Once we had that, we said
24 "Okay. Can we fuel this plant?" And, without spending

1 a lot of money, we had information that said "Over a
2 million tons came into this place, we need 750. Sounds
3 reasonable that we can fuel it." "Can we sell the
4 power out of this place?" So, we researched the power
5 markets. I and my colleagues are very familiar with
6 the REC markets in the Northeast and the power markets,
7 and we looked at that. And, we understood the
8 challenges to it, but we thought, you know, we could --
9 that wouldn't kill it. We can look towards that.
10 Then, we looked at "Can we get public acceptance for
11 this facility?" Because we have been in projects where
12 the public opposition is so overwhelming, it's just no
13 worth going down that road. We had extensive outreach
14 in the community. We came into a community that
15 apparently on -- superficially didn't seem welcoming.
16 But we dug a little deeper and found out that a lot of
17 the people were mill people and loggers and workers,
18 and they were, if you will, the silent majority that
19 really wanted this, but weren't the ones who would get
20 on the e-mails and the blogs and the Internet. They
21 were hard-working people. So, we said we think we can
22 get -- we won't get a big public outcry, there's going
23 to be work. And, so, we put those pieces together and
24 said "this is a project that we can then take to the

1 next level." So, it isn't simply a matter of trying to
2 fit the round hole into the square peg, as Mr. Liston
3 is trying to portray it. It's really a careful and
4 thoughtful analytical process of all the pieces that
5 are required to develop a project. And, that's what we
6 went through. And, we took step by step by step, and
7 dealt with the challenges as they came along, all the
8 while knowing that the project could die, but it
9 didn't. So, it isn't as simple -- it isn't as simple
10 as it's being portrayed here.

11 Q. I guess the next question is for Mr. Mongan. On Line 6
12 on Page 7, Mr. Liston, in his testimony, questions "the
13 choice of the 100-mile radius for the procurement
14 area", and makes reference to LandVest's report that
15 was given to the North Country Council, which I believe
16 is one of our exhibits here.

17 MR. RODIER: Excuse me, Mr. Chairman?

18 Excuse me, Mr. Chairman?

19 CHAIRMAN BURACK: Yes, Mr. Rodier.

20 MR. RODIER: May I be heard? This is a
21 little unusual, but it's fine. But I do think it would be
22 fair if Mr. Liston is at some point given an opportunity
23 to respond to what's going on here.

24 CHAIRMAN BURACK: I believe Mr. Liston

1 will have an opportunity when you bring him on as a direct
2 witness later in this proceeding --

3 MR. RODIER: Okay.

4 CHAIRMAN BURACK: -- for him to address
5 these issues.

6 MR. RODIER: And, we could sort of like
7 say "you heard what Mr. Bravakis said and Mr. Mongan said
8 about your testimony. Would you rebut that or respond to
9 that." Thank you very much. Appreciate it.

10 CHAIRMAN BURACK: You will have that
11 opportunity to do it. And, I'm sure that our counsel and
12 members of the Committee -- Subcommittee will be looking
13 to ask questions of Mr. Liston along those lines.

14 MR. RODIER: Sure.

15 CHAIRMAN BURACK: Thank you.

16 BY MR. IACOPINO:

17 Q. It's actually been marked as "Committee Exhibit Number
18 2". I believe that was prepared by your company, Mr.
19 Mongan?

20 A. (Mongan) That's right. Yes, I'm happy to answer that
21 question. If you'll note on Page 30 of that report for
22 the Timber Supply Study for the North Country Council
23 of New Hampshire, there's a table at the top of the
24 page.

1 Q. Yes.

2 A. (Mongan) And, if you look down, and look at the
3 consumption numbers on the right, and the distances
4 right beside it under "radius", you'll see that, for
5 facilities of this size, and if you scroll down to the
6 100s, for example, Finch Pruyn and IP in New York. As
7 far as consumption and radius, we had 100 miles. So, I
8 think we're being extremely consistent with all of our
9 previous thinking, that a facility of this size would
10 have approximately a 100-mile radius of procurement.

11 Q. Okay. Where do you list the size of those -- of those
12 facilities in that chart? Is it listed in the chart or
13 do you just know that?

14 A. (Mongan) Yes. Under the "consumption of green tons".

15 Q. Okay. Okay, that's right, because they're not all
16 power plants. Alrighty.

17 A. (Mongan) Okay.

18 Q. So, basically what you're saying is that, for somebody
19 who was going to burn or use this much pulp, that's the
20 radius that you would expect them to be looking at?

21 A. (Mongan) That's a fair statement.

22 Q. So, you don't accept the assertion that the procurement
23 area was chosen to supply the need for the Laidlaw
24 facility?

1 A. (Mongan) No, I do not.

2 Q. How did you make that determination of the -- for those
3 facilities listed in the chart that you just
4 referenced, how did you make the determination of what
5 their radius was for that particular study?

6 A. (Mongan) It's not an exact science, I will say that
7 right at the outset. It's having worked in the area
8 for 40 years, it's knowing the procurement radius, it's
9 knowing some of the foresters. We supply some of these
10 mills. Interviews, experience, anecdote, I guess.

11 Q. So, there's no -- no database or anything that you
12 could go to --

13 A. (Mongan) No.

14 Q. -- in order to determine that your 100-mile radius is,
15 in fact, accurate?

16 A. (Mongan) No, there isn't.

17 Q. And, I guess, Mr. Bravakis, you'll have to answer the
18 next question, because it deals with your
19 Ellicottville, New York facility, on Page 7 --

20 A. (Bravakis) Yes, I think so.

21 Q. -- of CPD Exhibit 1. Mr. Liston suggests that your
22 company has essentially endorsed a 50-mile limit at
23 that particular project, because of a statement made by
24 one of your -- I believe it's one of your employees or

1 a question is asked of one of your employees, as to
2 where the wood chips would be obtained for that
3 particular facility. And, the answer is "Wood chips
4 will be purchased from the local region, including the
5 greater Buffalo area. It is generally not economically
6 feasible to haul wood chips over significant
7 distances." And, apparently, "Buffalo is [about] 50
8 miles from Ellicottville." Do you agree or disagree
9 with what Mr. Liston has written there?

10 A. (Bravakis) I agree, but you have to understand that, in
11 context, the Ellicottville Project is less than
12 6.5 megawatts, combined heat and power.

13 Q. Was that 6.5?

14 A. (Bravakis) 6.5 megawatts. It's less than under
15 10 percent the size of the Berlin Project. So, it's a
16 very small project. And, it makes perfect sense that
17 we could procure all we wanted within 50 miles. That
18 should have been pointed out that was -- should have
19 been pointed out when Mr. Liston mentioned that.

20 Q. All right. I'm now going to ask you to turn to Page 8
21 of Mr. Liston's testimony.

22 A. (Bravakis) I'm sorry.

23 Q. I'm going to ask you to Page 8 of Mr. Liston's
24 testimony.

1 A. (Bravakis) Eight. Okay.

2 Q. And, down around Line 26, he has performed a
3 calculation. And, actually, in this section of his
4 testimony, this is in the section of his testimony
5 where he testifies that he believes that your fuel
6 requirement is understated, and he performs a
7 calculation by taking the number of hours that your
8 plant could be expected to run, eliminating any
9 downtime, and making a multiplication, and coming out
10 with the number of hours that your plant would run.
11 First of all, do you agree that that is a reasonable
12 estimation of the number of hours that your plant in a
13 year would be operating at full output?

14 A. (Bravakis) I wouldn't disagree with that. That might
15 even be a little conservative. That's okay. 7,600
16 hours is -- it's probably okay.

17 Q. If you go on to Page 9, Mr. Liston has provided a
18 letter from Peter Bloomfield that does a further
19 calculation, and ultimately concludes that, if your
20 facility operated for that amount of time, that you
21 would burn 823,700 tons of biomass per year. This is
22 Page 9 of CPD Exhibit 1.

23 A. (Bravakis) I'm familiar with the letter. You want me
24 to respond to that?

1 Q. Well, that -- let me just frame it for you. That's,
2 obviously, more than the estimate contained in the --
3 or, the estimate that you have been providing to the
4 Committee, and that the Laidlaw -- I'm sorry, LandVest
5 report for this project was based on. Can you tell us
6 first if you agree with that number? And, if not, why
7 not?

8 A. (Bravakis) I do not.

9 Q. Okay. And, why not?

10 A. (Bravakis) I do not, because I think they misunderstood
11 how the data was put into our Air Permit application.
12 And, if I could, I'd like to recall Mr. Frecker, who
13 filled out our application, to come and explain the
14 differences between the heat rates of maximum and
15 average in our Air Permit of which they extrapolated
16 this equipment -- this information. And, then, I
17 believe that they misassigned some factors and came up
18 with a conclusion, which we strongly disagree with.

19 WITNESS BRAVAKIS: Is that okay, Mr.
20 Chairman?

21 CHAIRMAN BURACK: We'll keep going with
22 the panel as it is right now. We'll bring Mr. Frecker up
23 later and come back to this issue.

24 WITNESS BRAVAKIS: Okay.

1 BY MR. IACOPINO:

2 Q. Okay. If you go to Page 11 of Mr. Liston's testimony,
3 pretty much that whole page, he draws some conclusions
4 regarding information that you provided at a tech
5 session. And, in essence, he's asserting that, based
6 upon that information, that you would burn
7 "875,000 tons per year of biomass", and that's
8 contained on Line 6 of Page 11. Do you see that?

9 A. (Bravakis) Yes, I do.

10 Q. And, of course, this is a different calculation than
11 the other one. Can you tell us if you agree with that?
12 And, if you do not, why you don't agree?

13 A. (Bravakis) I do not agree. And, the reason I do not
14 agree is because it's unrealistic to expect that we
15 would be purchasing fuel at 50 percent moisture. And,
16 I'd like to point out to the Committee, where Mr.
17 Liston says on Page 8, Line 30, I quote: "Let me say
18 that we concur that the average 45 percent moisture
19 content of biomass [fuel] as delivered and offer the
20 following links to further substantiate that aspect."
21 So, he agrees it would be 45 percent moisture, not
22 50 percent moisture that would be coming into the
23 plant. And, it's unrealistic to think that the plant
24 will run at 100 percent capacity. As Mr. Strickler

1 explained this morning, you need to discount scheduled
2 and unscheduled outages. So, when you factor in
3 45 percent moisture, at the average fuel input as
4 person our -- not only our Air Permit application, but
5 also according to our boiler manufacturer and our
6 engineers, at 45 percent moisture, it comes out to I
7 believe 748, roughly 748, 750,000 tons per year
8 consistently throughout all the documentation and
9 calculations we've offered.

10 Q. I just want to point out to you, though, he does use
11 the 87.5 percent capacity in that example, at Line 5,
12 and he does come up with 875,000.

13 A. (Bravakis) I see that. But, to my first point, it's
14 unrealistic, as he says himself, to get fuel in at
15 50 percent moisture. You might get a load here or
16 there. And, maybe Mr. Richmond can elaborate on
17 incoming fuel, of getting 50 percent moisture fuel.

18 A. (Richmond) No. It's not going to happen. One of the
19 things that we had to do during the BCAP Program was
20 track the moisture content. They paid on the bone-dry
21 ton, the federal government did. So, we actually have
22 good data on that. And, I know my counterpart over
23 there, John Baker, knows the exact number. But I would
24 -- it would be fair to say that it is 45 percent or

1 less, the average coming into a biomass facility. And,
2 that's documented by BCAP.

3 Q. On the next page, Page 12 of Mr. Liston's testimony, he
4 then does another calculation, based upon what he calls
5 "rule of thumb data" that you provided. And, using
6 that data, he calculates that your facility will
7 consume in excess of 900,000 tons biomass per year.
8 And, it seems he's used your rule of thumb data. Can
9 you explain to me why you would disagree with that?

10 A. (Bravakis) First of all, if I may, I'd like to clarify
11 the record that it's not my data. That that section
12 was provided by Innovative Natural Resources. We
13 included it. I can't recall where we included it. But
14 the reason we included it not -- was not due to their
15 rule of thumb with respect to heat rates, because
16 they're not power engineers, and I wouldn't expect that
17 they know that much about that. But they are forestry
18 people, they're forestry consultants. So, I do expect
19 that they know the fuel moisture. So, we brought that
20 simply to verify what we were saying, that moisture is
21 typically 45 percent moisture of logging residues,
22 which is what would be fueling our plant.

23 I believe that Mr. Liston assumed
24 incorrectly that we presented that information in

1 somehow to verify a heat rate analysis, and that wasn't
2 the intent. The intent was to verify the fact, as we
3 have said and that he concurs, that 45 percent fuel is
4 typical of a plant like this. So, my view is that he
5 used the wrong assumption to come to the conclusion
6 that he came to.

7 Q. Well, let me ask you about that "rule of thumb".

8 A. (Bravakis) Okay.

9 Q. Because it's printed in the document, just above Line
10 1. Where it says, "As a rule of thumb, it takes about
11 1.7 green tons of wood (45 percent moisture content) to
12 make 1 megawatt hour of electricity using most existing
13 technologies." Do you agree with that rule of thumb?

14 A. (Bravakis) I don't want to agree or disagree with that.
15 I can only speak to the analysis that we've done for
16 our plant. I'm not an engineer. And, what I know
17 about engineering is that, when you use generalities
18 like that, it can get you in trouble. So, I'm not
19 going to agree or disagree with that.

20 Q. How about Mr. Mongan? Do you have any view with
21 respect to the rule of thumb as printed on Page 12 of
22 the testimony?

23 A. (Mongan) No, I don't. I'm not familiar with that rule
24 of thumb.

1 A. (Richmond) Me either.

2 Q. And, then, at Line 9 of Page 12 is where Mr. Liston
3 took your Air Permit information and calculated that
4 your plant would use "an annual consumption of
5 949,615 tons" per year. And, I know that you had
6 mentioned that you believe that he has misunderstood
7 your Air application, and that Mr. Frecker can speak
8 more to that?

9 A. (Bravakis) Yes. And, if you would allow that to happen
10 at some point, I would appreciate it.

11 Q. Having performed all these various calculations from
12 the various data sources, Mr. Liston draws his
13 conclusion that a "70 megawatt facility would require
14 between 820 and 910,000 tons per year of fuel", and
15 that's at Line 4 on Page 13 of his testimony. Do you
16 disagree with that as a general notion?

17 A. (Bravakis) Yes.

18 Q. As a general notion, what do you believe a 70 megawatt
19 facility, now I'm not necessarily talking about the one
20 that you propose to build, but is there some general, I
21 don't want to use the term "rule of thumb" again, but
22 some general number that you would expect a 70 megawatt
23 facility to be using for fuel?

24 A. (Bravakis) Again, I can only speak to the knowledge of

1 our plant. But, if one were to say "our plant is
2 representative of relative combustion efficiencies
3 within the industry", and the fuel that we would be
4 getting is similar to other fuel that would be received
5 at other facilities, I would say 750,000 tons per year.

6 Q. The next section of Mr. Liston's testimony is offered
7 to support his conclusion that the estimate of the
8 existing biomass use is understated. And, I assume
9 that, Mr. Mongan, you will probably have the answers to
10 most of these questions, since it's your report that he
11 is primarily reviewing in coming to this conclusion.
12 And, the first thing, he identifies five significant
13 math errors on Page 14, beginning at Line 22. Have you
14 had an opportunity to review this testimony, Mr.
15 Mongan?

16 A. (Mongan) I'm not sure. Did I? Is this the one I've
17 seen before?

18 A. (Bravakis) If I may, I believe we touched on this
19 yesterday in Mr. Rodier's cross-examination of me,
20 where I explained that the analysis we conducted was a
21 combination of theoretical and actual. And, when
22 LandVest concluded their second level Addendum
23 analysis, which was a modeling protocol, we thought
24 that it would be best -- we'd be best served to get

1 some real-world intelligence on that. So, we asked Mr.
2 Richmond to sit down with us and look at that list, and
3 say "According to the math, it says so much from the
4 Schiller Station will come within this geographical
5 area. You supply 10 percent to the Schiller Station.
6 Do you agree with that?" And, he said, in that
7 example, he said "No. Schiller gets a lot of fuel down
8 here. And, so, it doesn't go from there." He said,
9 "But, conversely, Burlington [sic] Electric might get a
10 little bit more. And, so, we started to learn about
11 what we've been talking about, this amoeba shape of
12 wood sheds, which is a further refinement.

13 So, what -- the simple math, he's
14 correct. But what he fails to realize is, and it was
15 probably due to our error, we didn't mentioned it, that
16 this was -- there was some further intelligence put on
17 by Cousineau.

18 Q. Well, I guess then -- I guess the questions -- well,
19 I'm sorry, Mr. Mongan, did you want to add to that
20 answer?

21 A. (Mongan) Yes, I do. They actually are not math errors.
22 The table is perhaps a little misleading. It's not
23 meant to be a conclusion, that Table 1. It is rather
24 an interim illustration of what we were doing. And, as

1 --

2 Q. And, just so we're all talking about the same table,
3 we're talking about the table contained in your
4 Addendum report, which is Exhibit 2.

5 A. (Mongan) That's correct.

6 Q. And, the table is on Page 2, and it's titled "Table 1",
7 is that correct?

8 A. (Mongan) Yes. The "wood assigned" is not the final
9 number, is what we're trying to say.

10 Q. Well, do you certainly understand how somebody could
11 look at these numbers and say --

12 A. (Mongan) I certainly do. As I said, it is misleading.
13 But it was not presented as a conclusion either. But I
14 do understand how you could look at it and make that
15 conclusion.

16 Q. Well, let me ask how you got -- well, I understand how
17 you got to the "wood assigned" column, how you got
18 those numbers, and it involved -- I understand that it
19 involved Mr. Richmond's input.

20 A. (Mongan) That's correct.

21 Q. Other than Mr. Richmond, were there any other people
22 that contributed to that estimation of the wood to be
23 assigned to each particular plant?

24 A. (Mongan) I don't think so. I'm not positive.

1 A. (Bravakis) If I may, I'd like to point to my
2 supplemental testimony, Page 5, Line 16, which talks
3 specifically of this.

4 CHAIRMAN BURACK: Could you please
5 provide us with the exhibit number for that testimony.

6 WITNESS BRAVAKIS: The exhibit number is
7 "Exhibit 10".

8 CHAIRMAN BURACK: Thank you.

9 BY THE WITNESS:

10 A. (Bravakis) Page 5, Number 16, where I say, if I may
11 quote: "At Page 14 of his prefiled testimony, Mr.
12 Liston claims that there are "significant math errors"
13 in Table 1 of the LandVest study that alter the total
14 amount of wood assigned to facilities in the study
15 area. I understand why he would reach that conclusion,
16 although he is not correct. The chart is somewhat
17 confusing because LandVest adjusted the numbers based
18 on interviews with various biomass suppliers", of which
19 we know now is Cousineau. "LandVest should have
20 clarified that point. Notwithstanding that issue,
21 there [is] no math errors in the chart and LandVest
22 stands by its ultimate conclusions."

23 BY MR. IACOPINO:

24 Q. But my question right now is, is the various suppliers

1 that LandVest spoke with, is it just Cousineau Forest
2 Products?

3 A. (Mongan) I can't say that for sure. I'd have to talk
4 to some of the people that work for me.

5 Q. All right. Let me ask you this about LandVest's
6 practices in preparing reports like this. When you are
7 making a chart like this or a table, as contained in
8 your report, do you document those types of
9 conversations? Are there memos that are generated?
10 Are there e-mails? Are there some sort of calculation
11 sheet that you would use that would document your
12 accumulation of that knowledge that's going to go into,
13 in this table, the "wood assignment" column?

14 A. (Mongan) No. There is nothing formalized. There is no
15 formalized protocol for that.

16 Q. Could you provide the Committee with, by requesting of
17 the people who work for you, who else, if anyone, that
18 this was discussed with, other than Mr. Richmond and
19 Cousineau Forestry Products?

20 A. (Mongan) I will certainly try.

21 Q. Thank you. I guess it's going to fall to you, Mr.
22 Richmond. How do we come up with these numbers that
23 are in the "wood assigned" column? Because some of
24 them are substantial difference in numbers.

1 (Witnesses conferring.)

2 BY THE WITNESS:

3 A. (Richmond) You know, 90 percent of the facilities
4 listed on this chart we supply. And, my Operations
5 Manager is very knowledgeable of the markets and how
6 the wood moves. And, we know how much they consume and
7 where it comes from, we know the truckers, we know the
8 suppliers. So, just our basic knowledge.

9 BY MR. IACOPINO:

10 Q. Yes, but these are -- some of these are pretty specific
11 numbers. For instance, "Androscoggin Mill",
12 "1,056,521".

13 A. (Richmond) I think that was done on like percentages.

14 A. (Mongan) Exactly.

15 A. (Richmond) Us saying "20 percent of that facility comes
16 from this area, 30 percent comes from this area", and
17 they turned it into numbers. I mean, I wasn't down to
18 the exact ton. We were doing guesstimates on
19 percentages.

20 A. (Mongan) No, that's correct.

21 Q. And, so, if I were to summarize this correctly, it was
22 sort of a gestalt-type of process that you and your
23 operations manager basically sat down and tried to
24 figure out "How much do we supply? And, knowing how

1 much we supply to this particular person, we can figure
2 out where it comes from." And, that's how we got to
3 this conclusion?

4 A. (Richmond) Exactly. Again, we know how the wood moves.
5 And, they say, you know, "we get 100 percent from
6 here", and we know that's not true. You're reaching
7 way out here. And, we supply you X amount of tons from
8 this area. We know other suppliers in the area. So,
9 it's a rough percentage of what's going to that
10 facility, and they have transformed it into exact tons
11 here based on a percentage.

12 Q. At Page 15 of his testimony, Mr. Liston indicates that
13 he would expect the Schiller and McNeil plants to be
14 using "in the range of 550,000 tons per year", and he
15 actually bases his claims on NHTOA data. Do you have
16 any reason to disagree with that conclusion?

17 A. (Richmond) Yes -- I mean, no. No. I mean, I don't
18 think that -- Schiller uses a little bit less than
19 that, but it's not worth talking. So, that's close to
20 accurate.

21 Q. Well, I think he actually comes up with an exact number
22 of 533,721 for 2009?

23 A. (Richmond) That's probably accurate.

24 A. (Mongan) Yes. I wouldn't dispute that either. I mean,

1 we made an estimate, and we estimated 450,000 tons.

2 Q. Well, that's my next question. Is that Mr. Liston
3 points out that you're about 83,000 tons short in your
4 "wood assigned" there. Is your response to that simply
5 that "all we can do is estimate"?

6 A. (Mongan) We did our very best to estimate as well as we
7 could possibly estimate.

8 Q. Okay. The next question is for you, Mr. Mongan. And,
9 again, Mr. Liston relies on your study, the timber
10 supply study for North Country, New Hampshire, which I
11 believe is "Committee Exhibit Number 2".

12 A. (Bravakis) Excuse me. Can you -- What line and page?

13 Q. I'm sorry. On that, Line 5 of Page 16. And, in there,
14 he quotes, although he doesn't give us the page, but he
15 quotes your report as stating that: "Overlapping areas
16 translate to intense competition, so our assumption was
17 that a wood using facility located in Coos County would
18 be at a distinct competitive disadvantage." First of
19 all, is that an accurate quote from your report?

20 A. (Mongan) I'm not sure where that came from in the
21 report.

22 Q. Is it accurate, based upon your knowledge of the study
23 that you did that resulted in that report?

24 A. (Mongan) I believe this statement is taken out of

1 context. But I don't -- I'd have to start paging
2 through the report to find it. I believe it deals with
3 how we dealt with the business of what happens when
4 supply areas overlap, because that clearly is a
5 statement that sounds like that. I could go up on the
6 board and make a quick illustration for you and show
7 what I mean. But I would have to pour through here to
8 find out where they grabbed that from in the report.
9 Do we know that?

10 Q. It doesn't jump out to you as being from any particular
11 part of the report?

12 A. (Mongan) Well, I --

13 Q. I believe you just got the report today.

14 A. (Mongan) Yes, I believe it came from the part, in the
15 Addendum where we talk about how we -- but I'd have to
16 --

17 Q. Okay.

18 CHAIRMAN BURACK: Mr. Rodier, do you
19 have a specific location of this report?

20 MR. RODIER: Yes, I do. May I approach?

21 CHAIRMAN BURACK: Yes.

22 BY MR. IACOPINO:

23 Q. Okay. On the top of Page 7, it's in a section of your
24 2008 report that is entitled "Wood Basket/Study Area".

1 And, it's apparently in the last paragraph.

2 A. (Bravakis) What page, I'm sorry?

3 Q. Page 7.

4 CHAIRMAN BURACK: Top of Page 7.

5 BY THE WITNESS:

6 A. (Mongan) And, my earlier comments, where I thought you
7 were still talking about the Addendum, I didn't realize
8 you had moved back to this--

9 BY MR. IACOPINO:

10 Q. No, I'm sorry. I'm talking about the two -- I'm sorry,
11 I should have made that more clear. We get used to
12 dealing with Exhibit numbers here.

13 A. (Mongan) Okay.

14 Q. And, I may not -- but we are talking about your 2008
15 study. And, as I understand it, you were involved in
16 the preparation of this document as well?

17 A. (Mongan) That's true.

18 Q. And, this is Exhibit Committee Exhibit 2. And, at the
19 top of Page 7, the quote does appear to be taken
20 correctly. And, the question to you is, well, I think
21 we have identified that it's taken correctly. Is that
22 still a conclusion that you would draw based upon the
23 work that you've done in all your various studies?

24 A. (Mongan) When we did the Addendum, we had to deal with

1 this issue of overlapping circles in a more precise way
2 than this. In this Coos -- in our initial study for
3 the North Country Council, there was a -- it was a
4 non-specific facility, and we didn't get this intense
5 over it. There are overlapping areas. We did not
6 allow wood from that in the North Country study. In
7 the Laidlaw study, we did, I think, a much better job
8 of understanding the dynamics of what happens in
9 overlapping competitive areas. And, it's in the
10 Addendum to the -- yes, it's in the appendix to the
11 Addendum contract is where that process is discussed.

12 Q. And, when you refer to the "Addendum", I believe you're
13 referring to document Exhibit Number 2, Applicant's
14 Exhibit Number 2?

15 A. (Mongan) Yes, I don't have -- I just have my own
16 copies.

17 Q. It's your Addendum to your --

18 A. (Mongan) Yes.

19 A. (Bravakis) Yes.

20 Q. -- LandVest report for Laidlaw?

21 A. (Mongan) Yes.

22 Q. Yes, that would be Exhibit 2.

23 A. (Mongan) So, the short answer is, under more exacting
24 circumstances for us, a proposed actual plant, we took

1 it down another level and tried to do a better job of
2 understanding what happens in those overlapping
3 circles, rather than just throw the wood out.

4 Q. Okay. The statement itself suggests that "wood using
5 facilities in Coos County are at a distinct competitive
6 disadvantage." And, I guess my question is, after
7 you've done further research, is that, in fact, the
8 case, at least as you believe, based on your research?

9 A. (Mongan) No. And, that's kind of an odd statement.
10 I'm not sure how that -- I'm not sure what that's meant
11 to mean. And, certainly, a facility in Coos County has
12 no competitive disadvantage whatsoever to a facility in
13 Oxford County, Maine or LaMoille County, Vermont.

14 Q. Okay. But this is -- I mean, it's your statement. Do
15 you understand why we'd be asking the question?

16 A. (Mongan) I understand it. I understand it's not a good
17 statement.

18 Q. So, you wouldn't adopt that statement here today?

19 A. (Mongan) No, I would not.

20 Q. Okay. On that same page, on Page 16 of Mr. Liston's
21 testimony, he points out, at lines -- this would be at
22 23 through 38, additional users of the fuel that were
23 not included even in your March 10th Addendum. Do you
24 see those, those companies listed there; Maine Wood

1 Pellets, Verso Pulp, Corinth Wood?

2 A. (Mongan) Yes, I do.

3 Q. Is there a reason -- first of all, is it correct that
4 these were not considered in your Addendum?

5 A. (Bravakis) If I may, I believe I asked Mr. Sin [Shi?],
6 who did this, whether or not he considered those, and
7 he said he did, but they didn't reach into the
8 geographical area under consideration. And, more to
9 the point, my partner and colleague, Ray Kusche,
10 operated Greenville Steam Company for 20 years. And,
11 when I asked him how much wood he got from our supply
12 area, he said "None, never, ever." So, I think this is
13 just a mischaracterization.

14 Q. All right. Well, let me try to understand your
15 position then. Your position is that, first off, none
16 of these plants come within the 100-mile radius --

17 A. (Bravakis) Let me --

18 Q. -- or draw from the 100-mile radius?

19 A. (Bravakis) Let me be clear. I believe, and LandVest
20 will corroborate this as soon as Mr. Sin [sic] gets
21 back from vacation, that Mr. Sin, who did the report,
22 did consider these, and concluded that none of them
23 drew within this range, so, therefore, they were not --
24 there was no need for them to be included. I just

1 added the Greenville Steam as some anecdotal supplement
2 to that verification, if you will.

3 A. (Mongan) That is also my understanding, that Dr. Shi
4 did say that, and Lou reminds me.

5 A. (Bravakis) Excuse me, Dr. Shi.

6 A. (Mongan) Yes. I mean, Bucksport, Maine, if any of you
7 know where that is, it's got to be outside of the
8 100-mile circle. If it isn't, the overlap is so tiny
9 it's infinitesimal. And, Domtar's pulp mill in
10 Windsor, we did take into account. It's in the
11 Canadian -- in the discussion under the Canadian
12 effect. So, I'm quite certain we understood that these
13 mills were there, and we did take them into account in
14 this study.

15 Q. So, given what you were asked to do, in your opinion,
16 these mills should not have been included in your
17 study, other than --

18 A. (Mongan) Other than Windsor, Quebec, which, yes, we did
19 include. Correct.

20 Q. At Page 17 of Mr. Liston's testimony, he makes
21 reference to the "many smaller industrial and municipal
22 users of biomass as well as the numerous alternative
23 proposals of various types that would depend upon this
24 same resource." And, that's at Lines 12 through 14.

1 And, he suggests that there is a consumer group there
2 that would also draw from this area. Has either
3 Laidlaw or LandVest made any efforts to try to define
4 and understand whether or not that is something that
5 should be included in your studies?

6 A. (Bravakis) I'm sorry, could you repeat your -- what's
7 your question?

8 Q. The question is, is he references these "smaller
9 industrial municipal users", okay, that clearly are not
10 referenced in the study that has been -- either Exhibit
11 2 or the original study. And, I guess my question is,
12 does either Laidlaw or LandVest believe that this
13 portion of the consumer group or this consumer group is
14 large enough to make a difference in the study? And,
15 if so, why wasn't it considered?

16 A. (Bravakis) We don't believe that their consumption was
17 significant to make a difference. And, if I may
18 elaborate, in my role for Chiptec, I was responsible
19 and successfully sold 25 systems in public schools in
20 Vermont, started a whole public school program there.
21 And, the largest school that we would ever put a wood
22 chip system in would use maybe 500 tons a year. So,
23 when you put that into the grand scheme of things,
24 we're talking of hundreds of thousands of tons, it's

1 not worth considering. There's plenty of wood for
2 those schools. And, as a matter of fact, the schools
3 and municipals that use wood chips do not compete with
4 the Laidlaw project, because it cannot use the same
5 type of wood chip. Their chip has to be a screened
6 wood chip, basically a paper chip coming from a
7 hardwood mill. The schools are too small to put the
8 type of screening and chipping equipment in that a
9 larger biomass facility can afford. So, they have to
10 buy pre-screened chips at much higher costs. Mr.
11 Richmond can speak to that, because he supplies many
12 schools.

13 A. (Richmond) We supply multiple schools, and that's
14 absolutely true. They use a paper-quality, very
15 uniform, precise chip. They do not compete with the
16 biomass market for low grade.

17 Q. Okay. I'm now going to go to Page 22 of Mr. Liston's
18 prefiled testimony. And, in this section of Mr.
19 Liston's testimony, he points out certain assumptions
20 about utilization that he believes are mistaken in the
21 report. And, I'm going to -- I just want to go through
22 each one of them with you and find out whether you
23 agree with Mr. Liston or, if you don't agree, why you
24 don't agree with them. And, the first one is that the

1 -- the White Mountain National Forest, and whether or
2 not you could rely upon that area for production of
3 biomass?

4 A. (Mongan) No. I mean, our report relies very little on
5 production from the White Mountain National Forest, is
6 the real answer.

7 Q. Okay. Well, he says that "no more than 40,000 tons of
8 low-grade biomass might be obtained from White
9 Mountains" -- "the White Mountain National Forest in
10 the future", at Line 18. Do you disagree with that?

11 A. (Mongan) No, I don't necessarily disagree with that.
12 It's, you know, they did an analysis, and we did an
13 analysis, and we came up with a slightly different
14 number.

15 Q. Okay. On Page 23, he points out that much of the land
16 in the study area is "held by paper companies" that are
17 subject to "fiber supply agreements", and that sort of
18 thing. And, also, there was a letter we received from
19 the Wilderness Society that pointed out that much of
20 the land is family trust owned land, and that it may
21 not produce the amount of fuel that your study asserts
22 that it will. And, I guess my question to you is, how
23 do you respond to those assertions?

24 A. (Mongan) First of all, with the family trust money --

1 or, trust ownerships of some of this land, my company
2 happens to manage quite a bit of land for family
3 trusts. And, their forestry and their production of at
4 least our clients is right on a par with other
5 investors in forestland and timberland. Like most
6 owners nowadays, they insist on good stewardship and
7 sustainability. But, beyond that, of course, there are
8 going to be some private owners who do not wish to cut
9 trees. But I don't think that's a major concern.

10 What was the other one? Had to do with
11 fiber supply agreements?

12 Q. Fiber supply agreements that were, as he describes it
13 on Line 13 on Page 23 of his testimony, that these
14 "fiber supply agreements will dictate [and] influence
15 and restrict" where the wood from the study area can
16 go.

17 A. (Mongan) No. Clearly, there are fiber supply
18 agreements. But I don't know that anybody has the
19 in-depth information on what those are, other than the
20 owners of the -- owner of the land and the owner of the
21 agreement.

22 Q. How about the gentleman sitting next to you, Mr.
23 Richmond?

24 A. (Mongan) I mean, I might know, too. But, if I do, it's

1 under -- I'm under a confidentiality agreement.

2 Q. Well, I'm not asking for any specific agreement. I'm
3 asking for the general proposition --

4 A. (Mongan) Sure.

5 Q. -- that there are "fiber supply agreements that
6 dictate, influence, [and] restrict" how the fuel that
7 is removed from the northern woods can be -- where it
8 can go?

9 A. (Mongan) No. Fair enough. And, I was just giving a
10 little preamble to that. But, then, yes, there are a
11 couple of fiber supply agreements that could have an
12 impact. But we assign fiber to the facilities that
13 have fiber supply agreements. So, you know, how much
14 -- does it restrict? Perhaps. Does it restrict the
15 shape of the amoebas that Lou alluded to? Maybe. But,
16 certainly, the supply is accounted for in the study.

17 Q. Okay. So, you've accounted for those supply
18 agreements, based upon your knowledge of the industry,
19 when you assign --

20 A. (Mongan) Oh, but the consumption of those facilities is
21 what the consumption, you know, is unchanged,
22 regardless of the fiber supply agreements. They are
23 going to consume that much wood.

24 Q. Mr. Richmond, do you have anything to add to the

1 conclusion that "fiber supply agreements would control
2 and dictate where much of the wood from the supply area
3 would go"?

4 A. (Richmond) I have a little bit, on just the suppliers I
5 work with that have it. Usually, the fiber supply
6 agreement, as I know them, only goes down to like the
7 bole wood, the pulpwood. Usually, the biomass, the low
8 grade, is traded at a stumpage price of \$1 to \$3 a ton.
9 And, it's up -- again, logistics come into play, and
10 it's up to the logger to decide where it's going.

11 So, from biomass up, yes, my
12 understanding is it is dictated where it's going. The
13 biomass is up to the logger, and it's paid back to the
14 landowner on a per ton basis of stumpage.

15 Q. That leads me to a question that has nothing to do with
16 Mr. Liston's testimony, or maybe it does, I guess, and
17 I've been thinking about this. But the biomass is
18 really a byproduct of the harvesting of more valuable
19 wood. If that's the case, then biomass shouldn't be
20 driving how many trees are being cut down in any
21 particular area, is that correct?

22 A. (Bravakis) That's correct.

23 A. (Richmond) It can't.

24 A. (Mongan) And, I think I would agree with that, too.

1 Q. So, is there another study that really should be done
2 to determine, not -- instead of considering how much
3 biomass there may be, but a study to determine how much
4 actual higher-valued wood we can expect to see taken
5 out of the forest on a yearly basis going forward? I
6 mean, we're talking about -- all these studies we've
7 seen talk about the biomass and tons per year of
8 biomass. But isn't the truer measure the more valuable
9 wood?

10 A. (Mongan) Yes. Well, if you'd look in some of these,
11 or, I guess both of our reports, we talk about the FIA
12 removals data, and the states of New Hampshire, Maine,
13 and Vermont's removal data. They look at total, total
14 removals from the forest, or at least roundwood
15 removals, and you have to impute what the biomass is.
16 So, those numbers are in here. And, we do recognize
17 that biomass is a byproduct of the sawtimber and
18 pulpwood business. And, you know, clearly, that's what
19 these reports are built on.

20 Q. And, there's been some reference that there is a glut
21 of biomass right now, presently, you know, and may
22 continue in the future or may not. But what's the
23 existence of the -- what is the status of the market
24 for the pulpwood and the sawtimber wood?

1 A. (Richmond) Well, we've seen the demise of the sawmill,
2 and we've also seen a slowdown in the paper companies,
3 which is driving that surplus of biomass, because the
4 pulpwood that would normally go to the paper companies
5 is being fed through chippers, again, getting rid of
6 the low grade. But, as that demise comes down, we also
7 see an up-surge in the inquiries for export of the
8 high-grade, the high-grade logs and such. So, I think,
9 as we see the demise of the paper companies and the
10 sawmills, we'll see it replaced with export. And, I
11 think it will maintain a good level. It's basic
12 supply-and-demand.

13 Q. Let me ask you a question. If I'm a medium-size logger
14 right now, do I have work today? Right now? Today?

15 A. (Bravakis) Where are you?

16 Q. I'm somewhere north of Berlin.

17 A. (Richmond) It depends on -- yes. It depends on how
18 long you've been in business and how good your contacts
19 are. I mean, moving wood in the forest products
20 industry is based a lot on relationships. So, if
21 you're a logger that's just getting in business today,
22 it might be a little tough, because you can't get rid
23 of your high-grade as good.

24 A. (Mongan) And, I can add briefly to that, too. We

1 manage 1.4 million acres, and at any one time have
2 hundreds of loggers working on properties we manage.
3 Good times come and go, bad times come and go; and
4 right now is a slow time. But it's late this summer,
5 really. It was a pretty good spring, pretty good
6 winter, spring, early summer, and we've had some
7 slowdowns lately. But most of our loggers are still
8 working.

9 Q. Let me go back to Mr. Liston's testimony and draw your
10 attention to Page 24, Line 8. In his testimony, he
11 reminds us that "Fraser Paper [has] bought the Berlin
12 and Gorham mills in 2002, but ran into supply and price
13 problems related to biomass."

14 A. (Bravakis) I'm sorry. Excuse me. Did you say "Page
15 24"?

16 Q. Yes.

17 A. (Bravakis) Okay.

18 Q. Page 24, Line 8.

19 A. (Bravakis) Okay.

20 Q. The sentence starts "We must not forget that".

21 A. (Bravakis) Thank you.

22 Q. And, he says "The consequences of being too aggressive
23 related to available biomass and pricing can be very
24 damaging to the regional economy." I'm sure he's

1 referencing the shutdown of those two paper mills.

2 And, I know this is somewhat related to the question
3 that I asked originally. But do you -- but I want you
4 to relate it to the Laidlaw plant this time. Do you
5 believe that your approach is "too aggressive" and will
6 be "damaging to the regional economy"? And, I know you
7 don't believe it will be. But can you tell us why that
8 statement would not be true with respect to your
9 individual facility?

10 A. (Bravakis) You're correct. I do not agree. And, the
11 reason is, you have to put this in perspective. A
12 paper mill makes paper pulp, which, in this example,
13 let's talk about the Fraser pulp mill. The Fraser pulp
14 mill makes pulp, and it gets sold on the worldwide
15 market as a commodity. Pulp is priced the same in any
16 port-of-call around the world, because it is a
17 commodity. And, we all know in this room that the
18 environmental regulations to produce pulp in the State
19 of Vermont, the wages paid to the workers in the State
20 of Vermont, the regulatory environment or the
21 stewardship of the forests that provide the material
22 for the pulp in Vermont, the bar is much higher than it
23 is in Southeast Asia, in South America, elsewhere
24 around the world. But the final product is still worth

1 the same amount. So, it's our belief that the pulp and
2 paper industry has a very difficult time competing on
3 the worldwide market because of that.

4 Electricity, on the other hand, is a
5 different animal. We cannot buy electricity from
6 biomass plants in South America or Asia. We need
7 electricity. Before the demise of the economy, and it
8 will come back again, it was predicted that, in spite
9 of all the conservation, all the good intentions, a
10 growing -- a normally growing economy in the Northeast
11 increases by 500 megawatts a year, and it was predicted
12 for the next ten years. That's roughly eight, either
13 plants like ours a year in increased demand. That's a
14 figure that I've heard previous, when the economy is
15 growing. With the economy demise, of course, all bets
16 are off, but it will come back again.

17 So, we're taking a -- what used to be
18 made into pulp is now being made into electricity and
19 sold to the residents in New Hampshire. As opposed to
20 taking that same product, converting it to pulp, and
21 selling that on a worldwide market and having to
22 compete with other countries throughout the world. So,
23 I don't think that you can simply compare the two and
24 say that this, the same, what happened to the pulp and

1 paper industry would happen to the biomass industry.

2 And, that's the reason why I don't agree with that.

3 Q. Let me draw your attention to Page 25, and shift your
4 attention a little bit to this issue that I've actually
5 asked you a couple of questions about before,

6 Mr. Bravakis. And, that is the increase in the
7 utilization of the tops and branches of the trees. Mr.

8 Liston has noted that in his discussion that begins at
9 Line 10 of Page 25. And, he asserts that your reliance

10 on the Forest Guild is misplaced, and in support of

11 that he provides this e-mail from Mr. Bob Perschel, who
12 essentially says that you're "stretching the report's

13 use of the word "suggested"." Can you please tell us

14 to what degree you relied on the Forest Guild and their
15 2009 assessment?

16 A. (Bravakis) Okay. I will. I actually have a copy right
17 here. There might have been a miscommunication here.

18 I don't believe it was our intention to say that these
19 were Forest Guild recommendations, rather than the

20 Forest Guild published a guideline that talked about
21 how other states deal with this. And, I'll quote one

22 of the pages. For example, Pennsylvania's old, okay,
23 "BMP" is the tops and branches. So, for example,

24 Pennsylvania's old BMPs encouraged operators to use as

1 much of the harvested wood as possible to minimize
2 debris, while the new guideline recommends leaving 15
3 to 30 percent of forestal biomass's coarse, woody
4 debris. Which lines up with what we're saying of
5 removing 70 percent. So, in fact, they say "15 to 30".
6 They also talk about other states here. And, I
7 believe, if you don't have a full copy of this, we can
8 get it.

9 Q. We don't. We would ask that --

10 A. (Bravakis) So, our intention was not to say that this
11 was the Forest Guild's recommendation, but the Forest
12 Guild published a document that talked about other
13 states that do have guidelines and what those other
14 guidelines are, for a place for us to go and say "what
15 is the impact and how do others view it?" And, maybe
16 Mr. Mongan wants to elaborate on that.

17 A. (Mongan) No, I think that's fair. Yes, clearly, the
18 Forest Guild wants to say "that's not a
19 recommendation", and they're reasonable to say that.
20 But it's a guideline. And, it's a guideline that we
21 mentioned. And, we think it's a reasonable guideline,
22 from a forestry perspective. But it's certainly not
23 meant to be a hard line in the sand, or in the dirt, as
24 it were. I mean, this is a process. For example, I

1 mean, we're going to do partial cuts almost all the
2 time. Very rarely will there be a clear-cut, or, if it
3 will, it will be a small patch cut in most of the land
4 you find in the Northeast now. These, you know, we're
5 talking about the buildup and breakdown of soils.
6 These are eons in the making, and breaking, it's the
7 weathering of rock, and it's also the -- so, you know,
8 to try to boil it down to, bang, a hard line that you
9 need to leave 30 percent, it's just a guideline. But I
10 think it's a reasonable guideline. And, as we
11 discussed earlier today, I also think that just normal
12 forest practices are going to leave the bulk of that
13 there, even if you had a biomass market.

14 A. (Bravakis) And, if I may just add, excuse me.

15 A. (Mongan) Go ahead.

16 A. (Bravakis) Maine, Maine's guideline is 20 percent to be
17 left. So, what we did, we -- as you can see, there was
18 one, Pennsylvania said "15 to 30", Maine said "20".
19 So, we erred for the 30, just to be on the conservative
20 side.

21 MR. IACOPINO: With the Chairman's
22 permission, I'm going to ask that you provide us with a
23 copy of that document.

24 WITNESS BRAVAKIS: Yes. We're going to.

1 This is -- I believe they gave you a partial, but I'll get
2 you the whole copy, "An assessment of Biomass Harvesting
3 Guidelines", written by this gentleman, Mr. Perschel.

4 MR. IACOPINO: Thank you.

5 CHAIRMAN BURACK: Thank you.

6 BY MR. IACOPINO:

7 Q. At Page 28 of his testimony, Mr. Liston expresses a
8 concern for increased rates of the primarily Public
9 Service of New Hampshire ratepayers. And, I do have
10 questions for you about that, but I suspect that that's
11 going to involve us getting into the pricing contained
12 in the confidential PPA. So, what I want to make sure,
13 though, while I have this panel here, is that,
14 Mr. Bravakis, of the three people sitting at the dais
15 right now, would you be the only person who would have
16 the knowledge regarding the PPA? In other words, Mr.
17 Richmond and Mr. Mongan --

18 A. (Bravakis) Yes, sir.

19 Q. -- probably would not be able to contribute to that?

20 A. (Bravakis) That's correct.

21 Q. So, I'll reserve that for when we go into that session.
22 Mr. Liston also suggests that your plant, because of
23 its size and its fuel -- actually, because of its fuel
24 radius, is not, well, he doesn't say that "it's not

1 carbon neutral", but he suggests that it's carbon
2 neutral to -- it's less carbon neutral than other
3 plants, especially other smaller plants that obtain
4 their fuel from a smaller radius. And, that discussion
5 is on Page 29 of his testimony, and it begins down
6 around Line 29.

7 And, I think it's pretty clear that your
8 plant is a large biomass plant for this region, in an
9 industry where, at least around here, these types of
10 plants have been smaller in size. And, there is a
11 certain attraction to the suggestion that, you know,
12 smaller, more local, creates a number of advantages.
13 Creates a reliability advantage, it creates an
14 advantage in terms of the amount of emissions and other
15 pollution and things that contribute to a carbon
16 footprint. And, I guess I just want to give you a
17 chance to answer Mr. Liston's discussion about your
18 plant being "less carbon neutral" than, say, the Clean
19 Power Development plant or our industry as it has
20 existed up to this point prior to your application.

21 A. (Bravakis) Uh-huh. I guess what I would -- I would
22 have to -- I would have to see the specifics of how
23 he's -- what's backing up that statement. Let's
24 consider -- I ask the Committee to consider a couple

1 things. And, I can supply these, if you like. There's
2 a National Renewable Energy Lab report that compared
3 lifecycle analysis between direct-fired biomass,
4 closed-loop biomass, natural gas, and coal-fired power
5 plants, and came to the conclusion that direct-fired
6 biomass plants, and this is lifecycle, from harvesting
7 to transporting to combustion, right through, all of
8 the emissions taken into account, were more carbon
9 neutral than all of the others. There is an NCASI
10 report, and I apologize, I forget what the acronym
11 stands for, that basically came to the same conclusion.

12 The recent Manomet report in
13 Massachusetts, that's created such a stir, by their own
14 admission, states that, when you use waste products, as
15 you've realized is used here, the carbon debt is paid
16 off much quicker than if you're just cutting trees down
17 for energy. And, that happened to come out the same
18 day that a European report came out touting the carbon
19 neutrality of biomass.

20 As Mr. Frecker alluded to the other day,
21 the EPA guidelines clearly draw a distinction between
22 geologic and biogenic CO₂, saying that biogenic CO₂
23 that dry by the cycle of forests is -- cycles in the
24 atmosphere and does not contribute, is considered

1 carbon neutral. Margaret Mann, the author of the
2 National Renewable Energy Laboratory, told me recently,
3 when I had a meeting with her, that, and she said
4 publicly at a meeting in Massachusetts, that forests
5 are the only energy source that, if you do nothing with
6 them, it's detrimental to the environment, through
7 decay and methane and fires, et cetera, et cetera.

8 So, the question isn't really, I don't
9 think, "is the 30 megawatt plant or the 70 megawatt
10 plant more carbon neutral, less carbon neutral, based
11 on essentially the trucking?" The question is, "how do
12 both of those plants compare when they replace coal or
13 gas or oil-fired power plants?" So, I maintain and
14 strongly believe that biomass plants, whether they're
15 -- ours is the largest or Clean Power, which would be
16 the third largest in the state, are carbon neutral. As
17 long as the forests are managed in a sustainable
18 manner. And, that is certainly our intention, as I
19 think we've illustrated.

20 And, I would encourage Mr. Liston, if he
21 has empirical data, that he could prove his case, his
22 point here, I would encourage him to provide it, and
23 we'd certainly review it.

24 Q. Have you had any opportunity to review Pages 31 through

1 I guess it's 35 of his report, where he -- where Mr.
2 Liston goes through a number of calculations to
3 determine the various price per ton delivered in the
4 various wood baskets, and ultimately concludes that,
5 because of the reach of your study area, that you're
6 far less efficient than, say, a 30-megawatt plant?

7 A. (Bravakis) I looked at it. And, I --

8 Q. And, do you disagree with his mathematics?

9 A. (Bravakis) Honestly, I really don't understand the
10 methodology that they use. And, I guess I would defer
11 to my colleague, Mr. Richmond, to weigh in on some of
12 these. I'm not sure what the point is, if the point is
13 that we're going to pay a lot more for wood, because I
14 think that one thing -- one thing we need to understand
15 is there's a lot of wood in this area, a lot of wood
16 came into this facility. The fact that we say "the
17 first level analysis goes out 100 miles", I think has
18 been misinterpreted by some, thinking that a truck will
19 travel full of wood chips 100 miles, and then go back
20 100 miles empty, and come back 11 miles full of wood
21 chips.

22 From my discussions with my colleagues
23 and my experience, that really isn't the case. And, I
24 hope we've presented that to the Committee today. That

1 it's a myriad of interactions between truckers and
2 loggers and marketers, et cetera, et cetera. That the
3 most and first amount of fuel will come closest to the
4 plant. And, as per the study that Clean Power
5 commissioned with Innovative Natural Resources, they
6 have concluded there's 400,000 tons within 30 miles of
7 the facility. Obviously, that would be welcome to
8 those loggers who come to either of our plants. So, I
9 don't think you can simply say that, because we say
10 "we're going out 100 miles", that the trucks will be
11 going out dedicated that way. I think the reality is,
12 as Mr. Richmond pointed out and we've been trying to
13 discuss, is how these wood sheds get shaped, by
14 efficiencies of trucking, by contracts with loggers, by
15 networks, by markets, all of that. So, it's not a
16 simple mathematical calculation and a conclusion to try
17 to explain this very complex and dynamic market.

18 So, I did read this. I can't say as I
19 agree or understand it. What I do understand is what
20 I've been told by my colleagues and what I've seen out
21 there. And, I have been told, if we were to fuel that
22 plant today, we could get a lot of fuel in for market
23 prices. Would that be a fair statement?

24 A. (Richmond) Absolutely. Absolutely.

1 Q. Let me draw your attention then to Page 35. I'm almost
2 done in this exercise. On Page 35, Mr. Liston points
3 out a question that I think probably everybody who has
4 listened is thinking, and is rightfully concerned
5 about. And, that is, do you believe that the fuel that
6 will be used -- or, he's suggests that the fuel that
7 will be necessary to fuel your plant will put an undue
8 pressure on the wood shed, and essentially cause
9 overharvesting, which will, in the long term, affect
10 the sustainability of the forests up there. And,
11 that's an issue that we really haven't addressed in
12 talking about how much wood there is. So, can you tell
13 us please what you believe the impact that your
14 facility will have on the northern forests, in terms of
15 thinking about it on the ground, from overharvesting or
16 concerns that affect the natural environment?

17 A. (Bravakis) Okay. I can understand how some might
18 believe that, when you build a biomass plant, those
19 closest are going to cut everything down to fuel that
20 biomass plant. It's a belief system that,
21 unfortunately, isn't -- doesn't bear true in facts. If
22 that were true, there's a pulp and paper mill that was
23 in Berlin for 100 years that used low-grade material,
24 more than what we are using. And, according to anybody

1 you speak up there anecdotally or according to the
2 LandVest report, the forests are growing faster than
3 they're being harvested. We have 16 biomass plants in
4 New Hampshire, a bunch in Maine, a bunch in Vermont.
5 If you look around them, you talk to people around
6 them, the forests are growing and healthy and vigorous.

7 So, this notion that somehow a
8 landowner, because of a biomass plant is within their
9 striking zone, if I will, would be willing to cut down
10 higher-grade, higher-value trees to fuel the
11 lowest-value product, as a course of action, is simply
12 -- it doesn't bear out in actual experience or it
13 doesn't bear out in the practical sense. It makes no
14 sense that you would cut down a tree that's worth
15 hundreds of dollars and sell it for less than \$10, just
16 because a biomass plant is there.

17 So, I don't think that that concept, way
18 of thinking, actually makes sense. And, as a matter of
19 fact, we did a little -- if you really think about it,
20 by our plant, by a larger reach that our plant would
21 take would have less of an impact on the forests,
22 because we're spreading our demand over a much greater
23 area than if we were just saying "we only want to cut
24 on a 50" -- if we impose a limit of 50 miles for all

1 our loggers, we would put much greater pressure on that
2 50 miles, rather than saying "we'll go out everywhere
3 we can, and we'll impose a sustainability policy that
4 our suppliers have to adhere to, and we'll give them
5 the tools to do that by allowing them to go out to more
6 land and take advantage of trucking to do that.

7 So, I just want to say that, you know,
8 there's been this notion that "the plant will consume
9 all the wood." Now, I recall I was around when the
10 Burlington [sic] Electric plant was first proposed. It
11 was the first largest biomass plant in the country, a
12 50 megawatt plant. It's been operating now for almost
13 30 years. And, I was recently at a conference with the
14 plant manager, who I know. And, we were talking about
15 how, when that plant was first proposed, there were
16 posters that were set up that showed waves of stumps.
17 And, we joked about it. He said, "Yes, I still have
18 some of those posters." Turns out that the plant got
19 over-supplied. And, if you talk to any forester in
20 Vermont, they would want three more of those plants to
21 be able to get rid of that low grade out of the forest,
22 so they could improve the forest health.

23 So, I guess I would strongly disagree
24 with that notion that it will result in overcutting in

1 the local area. And, maybe Mr. Mongan can add to that.

2 A. (Mongan) Yes. If I could take some of your time, boy,
3 I would like to add to that. Again, we manage for a
4 lot people and a lot of different kinds of clients,
5 from the farmer who owns 50 acres, to the professional
6 investor who owns 450,000 acres. Most of these people
7 are interested in the income ability of their land in
8 the long term or the investment capability of their
9 land, return on capital invested. As Lou says, it
10 would be just bad financial decisions to take good
11 growing timber and turn it into the lowest-value
12 product. So, you know, the argument itself holds very
13 little water.

14 And, then, the bigger picture context
15 that he brought up is also true. I mean, we know that,
16 in America, we grow more wood than we harvest every
17 year, we know that's true in New England, we know
18 that's true in New Hampshire. You know, there is
19 excess wood available. So, to me, as a forester, I
20 mean, these biomass plants are a great opportunity.

21 Because one thing we didn't talk about
22 in this report is we can make these forests grow
23 faster. We do that by thinning, just like you weed a
24 garden. We take out the weeds, which are often

1 biomass, we get the whole forest growing faster. So,
2 with more biomass users out there, us foresters can
3 make the forest grow faster, and produce more higher
4 and better products from them. So, all of the context,
5 really, I don't think that argument holds any water
6 whatsoever.

7 Q. Mr. Richmond, I want to ask you a question, because
8 Mr. Bravakis mentioned the sustainability requirements.
9 And, as I understand it, you'll be, assuming that
10 contract is agreed upon, your company will be the
11 supplier for this company. And, I take it you go to
12 logging companies to obtain and aggregate that wood and
13 bring it back to Laidlaw. And, my question is, how do
14 you, on the ground, enforce sustainability requirements
15 that may be required from your client, Laidlaw?

16 A. (Richmond) My current clients require that, too.
17 Everybody I buy for has some sustainability
18 requirements. And, that's handled by my foresters.
19 They're out, as we speak today, I have two licensed
20 foresters on the road visiting job sites. And, we also
21 do polling, as I mentioned earlier. We will send out
22 questionnaires, asking them where they're cutting, and
23 their practices, and get the addresses, so we can go
24 visit them. So, we poll our clients and we spot-check

1 them.

2 Q. And, you keep track of all this data?

3 A. (Richmond) Yes, we do.

4 MR. IACOPINO: I don't have any further
5 questions based on Mr. Liston's prefiled testimony, Mr.
6 Chairman.

7 CHAIRMAN BURACK: Thank you. I'm going
8 to suggest that we take a break here. By this clock, it's
9 3:15. We will resume in about ten minutes or so, at 3:25.
10 And, I'm going to ask the Subcommittee if we could just
11 meet for a moment to talk about scheduling. Okay. So, we
12 will resume at 3:25.

13 (Whereupon a recess was taken at 3:15
14 p.m. and the hearing resumed at 3:41
15 p.m.)

16 CHAIRMAN BURACK: Thank you, all. I
17 apologize that our break was a little longer than I had
18 announced, but there was some discussions that I will
19 share with you in a moment here that was important for us
20 to have regarding scheduling. But, before we turn to
21 that, I would like to ask Attorney Iacopino to mark an
22 additional exhibit.

23 MR. IACOPINO: Yes. Mr. Chairman,
24 earlier today we introduced Exhibit 62, which was the

1 "Biomass Fuel Supply Agreement" as a confidential "Exhibit
2 62". I am now providing the Committee, well, we have
3 marked now "Exhibit 63", which is also a confidential
4 exhibit and not for public disclosure, which is a redacted
5 version of that Biomass Fuel Supply Agreement. It is a
6 version that was supplied to Clean Power Development
7 pursuant to the agreement of the parties. So, that's
8 "Exhibit 63", but that is a confidential exhibit.

9 (The document, as described, was marked
10 as Exhibit 63 for identification.)

11 CHAIRMAN BURACK: And, do you have
12 copies at this time for the Committee members or not?

13 MR. IACOPINO: You already have it in
14 62. This just has certain portions of it redacted. If
15 anybody wants a copy of the redacted exhibit, I can get
16 that for you, but right now I don't have it. You already
17 have the substance of it in Exhibit 62.

18 MR. ROTH: Either way, we're discussing
19 it in the confidential session anyway?

20 MR. IACOPINO: Yes. But I want to make
21 sure our record is clear.

22 MR. ROTH: Are we going to have like two
23 levels of confidential sessions, one that includes --

24 (Court reporter interruption.)

1 CHAIRMAN BURACK: I'm sorry. Attorney
2 Roth, did you have a question?

3 MR. ROTH: I'm sorry. I was addressing
4 Counsel Iacopino, whether we are going to have multiple
5 sessions of different levels of confidential discussions
6 about Applicant's Exhibit 62 and 63, since we have one
7 that is redacted and confidential and one that is
8 non-redacted and sort of super confidential?

9 CHAIRMAN BURACK: To answer your
10 question, which is a good and reasonable question, I
11 anticipate that, yes, we will need to have a closed
12 session in which we will have all of the parties entitled
13 to see the redacted version first in the room, and then
14 would ask those who were not entitled to see the
15 unredacted version to leave the room, so that any further
16 questioning related to the unredacted version,
17 confidential version, can be had.

18 Okay. The next thing I'd like to turn
19 to is a further discussion about scheduling. I have
20 reserved this room for this Friday, August 27th, in case
21 it is needed. Having said that, my goal is to do
22 everything we can to try to complete testimony by the end
23 of the day on Thursday, the 26th. But, having said that,
24 I think it's realistic, given the number of issues and

1 questions that are arising in this proceeding, it's not
2 unrealistic for us to expect that we're going to need some
3 or all of the 27th in order to complete the testimony
4 here. And, again, my goal is to do everything we can to
5 complete testimony by the end of this week in this
6 proceeding.

7 Assuming that we are able to do that, my
8 understanding from our stenographers is that they should
9 be able to provide us with transcripts of the proceedings
10 by the following Friday, September 3rd. My request to
11 parties would be that, if they wish to file post hearing
12 memoranda or briefs, that they do it with the Committee
13 not later than September 8, with the understanding that
14 the Committee is setting aside September 9 and
15 September 10 for purposes of deliberation in this
16 proceeding. And, we will identify additional days after
17 September 9 and 10 for further deliberations, if that
18 becomes necessary.

19 We are bearing in mind that our current
20 schedule calls for issuance of a final decision by
21 September 23rd. And, we will just have to continue to
22 move through this process and see if that is a date that
23 is achievable, or whether additional time may be required
24 in the public interest to enable us to have more time to

1 complete the process. But, again, I just wanted to give
2 all parties a sense of what we are planning or
3 anticipating as a Subcommittee here.

4 I'd like now to return to questioning of
5 this panel. Mr. Rodier.

6 MR. RODIER: I'm very sorry. I have one
7 quick housekeeping matter.

8 CHAIRMAN BURACK: Yes.

9 MR. RODIER: This has to do with the
10 dueling versions of the Forest Guild Biomass Retention
11 Study. I think we have resolved that matter, and I'd like
12 Attorney Needleman to correct the record.

13 CHAIRMAN BURACK: Attorney Needleman, is
14 there some statement you could make on this issue at this
15 time?

16 MR. NEEDLEMAN: I suppose so. I was
17 going to do it when I did my redirect. But, apparently,
18 the version or the Forest Guild report, I don't know if
19 they're different versions, the Forest Guild report that
20 Mr. Bravakis was looking at was a 2009 version. The
21 version that Mr. Rodier supplied to me earlier was a 2010
22 report. I did not realize they were different versions.
23 I indicated that that one was incomplete. I don't know if
24 it is or not, and probably -- I would assume it's not.

1 And, I'm sure Mr. Rodier will ask questions. But I know
2 that the one that has been relied upon in the preparation
3 of our materials was the 2009 version that Mr. Bravakis
4 was reading from.

5 CHAIRMAN BURACK: Okay. I think, in
6 light of what you all have just told me, I would ask that,
7 if you could, Attorney Needleman, submit copies of both
8 the 2009 and 2010 versions of that document.

9 MR. NEEDLEMAN: We'll do that.

10 CHAIRMAN BURACK: Thank you. Okay.

11 BY CHAIRMAN BURACK:

12 Q. Mr. Mongan, a short while ago, when you were being
13 questioned by Attorney Iacopino, I believe you made a
14 statement to this effect, and forgive me, if I've
15 misstated this, please correct me if this was not your
16 statement. But I believe you made a statement to the
17 effect that you believe that "LBB and CPD would be
18 carbon neutral, as long as the forests are sustainably
19 managed."

20 A. (Bravakis) I said that.

21 Q. Did you? You made that statement, Mr. Bravakis?

22 A. (Bravakis) Yes, sir.

23 Q. Okay. The term "sustainable" or "sustainability" has
24 been used many, many times already in this proceeding.

1 And, I would ask you, Mr. Bravakis, first, if you would
2 define for the Subcommittee what Laidlaw means when it
3 uses the term "sustainable" in the context of forest
4 management?

5 A. (Bravakis) I can give you a brief answer, and I would
6 like Mr. Mongan to elaborate, if he would. My view and
7 our view is that the forests get harvested in a manner
8 that doesn't exceed their growth, their annual growth.
9 And, Mr. Mongan, maybe you could elaborate on that.

10 A. (Mongan) Yes. It's been a subject that the forestry
11 community has been -- or, a topic, a definition the
12 forestry community has been debating for several years,
13 decades, what is "sustainable"? You can define it on
14 an annual growth basis, you can define it on a periodic
15 growth basis, you can define it on a rotation, which is
16 the average age the trees live in a particular area.
17 You can define it even longer, if you choose to.

18 For the purposes I think that we're
19 discussing, we've been talking mostly about annual
20 growth rate in this large area that our study covers,
21 that we are calling that "sustainable". If you cut no
22 more than the annual growth, that is clearly
23 sustainable. Somewhere in these reports, we made
24 mention of the fact that it doesn't always happen in a

1 straight line. Forests grow up in what we call
2 "even-aged cohorts". That is large chunks of forest
3 with the same age. So, at various times in their
4 history, in the history of a forest, like the northern
5 forest, you're going to get a lot of mature trees, and
6 therefore you need to do more cutting, other times
7 you're going to get a lot more young and immature trees
8 and you've got to wait. So, with an understanding that
9 it is a bit of a roll, but, in the end, it means
10 cutting no more than is grown, at some defined period.

11 Q. And, have you, Mr. Bravakis, for this project, have you
12 determined explicitly what that metric is that you
13 propose to use to determine whether or not the forests
14 from which you are drawing your wood supply are, in
15 fact, being sustainably managed?

16 A. (Bravakis) I believe we've addressed that in our
17 sustainability policy. And, if you give me a -- what
18 I'd like to point out to the Committee is that the way
19 we've addressed that, it's a fair and valid question,
20 the way we've addressed it is under the -- within the
21 context that we are the end-user. And, our intention
22 in our "sustainability condition", as we call it, is
23 not to impose our own guidelines and restrictions on
24 the timberland owners, but to dovetail into existing

1 third party certifications, guidelines, regulations
2 that already exist, many of which address
3 sustainability. We firmly believe that it's in the
4 best interest of landowners to act and to conduct
5 sustainable harvesting practices. We know that
6 registered foresters and management plans operate and
7 are built on sustainability. And, many of the
8 programs, such as a Sustainability Forest Initiative,
9 the Forest Stewardship Council, the American Tree Farm
10 System, the Green Tag Forestry are all built around
11 sustainable practices. So, rather than us re-inventing
12 our own set of rules and regulations, our intention, as
13 the end-user -- and, I might add that this is
14 self-imposed. This is, if you go to other biomass
15 plants, you don't see them doing this. This is a
16 voluntary effort on our part, in an effort to set -- to
17 be the industry leader, if you will, to set a standard
18 that we hope others will follow. And, our goal is to
19 dovetail into existing programs, regulations, and
20 practices that will encourage and support the
21 landowners to provide material to us that have been
22 harvested in a sustainable manner.

23 Q. Mr. Bravakis, I hear what you said, and that's probably
24 the second or third time we've heard that testimony.

1 Am I to understand, however, that the definition that
2 Laidlaw is adopting for "sustainability", for the
3 purposes of this project, is that annual harvesting
4 does not exceed growth of the forest?

5 A. (Mongan) No, that would be a mistake. We're talking
6 about within the working circle, within this 100-mile
7 radius. For example, if our farmer in Vermont, who
8 owns 50 acres in the back of woodland, wants to log it,
9 he's going to get a logger in there who will do
10 probably good work under the direction of a forester,
11 but that forest is not likely to want to be re-entered
12 for 15 years or 20 years. So, you couldn't say to that
13 farmer, "Well, we're going to cut one, you know,
14 eight acres each year." It's not practical, it's not
15 financially feasible. So, you couldn't require that on
16 an ownership by ownership basis.

17 What you can require is good forest
18 practices. And, as Lou was discussing, you know, the
19 State of Vermont has a Forest Practices Act, the State
20 of Maine has a Forest Practices Act, New Hampshire has
21 the Current Use enrollment under forest stewardship.
22 You've got it. And, as he said, many of these acres,
23 you either have conservation easements or they're under
24 one certification form or another. But an organization

1 like Lou's can say to a landowner, even the owner of
2 the 50-acre farm, "we don't want to see you harvesting
3 all your trees and building a Wal-Mart there." That's
4 not sustainable. We can't grow trees anymore, there's
5 pavement.

6 You can go further. You can say "we
7 don't like to see bad forest practices." We don't like
8 to let excessive rutting, mudding, streams eroded into,
9 that sort of thing, that will hurt the productivity of
10 the forest. You can do things like that. But you
11 can't require -- I mean, it would be impractical, for
12 an organization like theirs, to require each and every
13 person they bought land from to harvest only the annual
14 growth. So, that applies in a macro sense to the study
15 area.

16 Q. Thank you. And, I appreciate all that you said, and I
17 think we recognize that the issue of sustainability
18 gets applied at various levels. Will you agree with
19 that statement?

20 A. (Mongan) Yes, I would.

21 Q. It's applied at the individual landowner level, and the
22 proposed sustainability condition that you've
23 identified here is intended, as I understand it, to
24 address the landowner level management of their

1 property. Correct?

2 A. (Mongan) Yes, sir.

3 Q. What I am asking is that broader, more macro sense.

4 That is, how, from an overall standpoint, of looking at
5 the forest in this region, how is it that Laidlaw is
6 going to know that, in fact, that forest overall is
7 being managed on a sustainable basis? What measures or
8 metrics will Laidlaw be looking at, over time, to
9 determine whether that forest is being over-harvested
10 or not? I heard your testimony earlier suggesting you
11 don't think over-harvesting is likely to occur, for a
12 series of reasons. But how are you going to track
13 that? How are you going to know that that isn't
14 happening?

15 A. (Bravakis) Go ahead.

16 A. (Mongan) There is data. The U.S. Forest Service,
17 through their Forest Inventory Program, FIA, tracks --
18 tracks growth and removals on northern -- on all
19 forests in the U.S., actually. It's a sampling system,
20 where they go out and actually sample -- have a fixed
21 place all over the universe of forests where they find
22 out what's happened from year to year. So, you can
23 track FIA data through the years, and look at the
24 growth and removal levels of northern forests.

1 Q. And, I understand, Mr. Mongan, that, in your LandVest
2 reports, you've looked at the FIA data for the time
3 period 2002 through 2006?

4 A. (Mongan) That is correct.

5 Q. Is that the most recent data set available from the
6 Forest Service?

7 A. (Mongan) It was at the time we did the study.

8 Q. Is there a more recent data set available now?

9 A. (Mongan) I believe there is.

10 Q. And, what time period does that data set cover?

11 A. (Mongan) I'm not sure.

12 Q. Do you have any understanding of what the standard
13 practice is of the Forest Service? That is, do they
14 typically look at these on a cycle of every four to
15 five years and publish new data?

16 A. (Mongan) I wish I -- I believe they do. I believe it's
17 a regular cycle. I don't know what it is exactly. But
18 it's something -- something on the order of the number
19 of years you've just said, every four or five years,
20 they do something like this.

21 Q. So, is it your information and belief then that at this
22 point there is a new set of FIA data that are out
23 there?

24 A. (Mongan) Again, I'm not sure, but I believe so.

1 Q. All right. I would ask you, if you would please, to
2 make inquiry of your office and let us know tomorrow,
3 if that is, in fact, the case?

4 A. (Mongan) Okay.

5 Q. So, am I to understand then, based on your testimony,
6 Mr. Mongan, that, if it were desirable to be able to
7 determine whether or not the overall forest here in New
8 Hampshire, actually, the broader wood basket that's
9 been described for this project, to determine if it is
10 being used in a sustainable manner, that the principal
11 source of data that you would look at would be the FIA
12 data?

13 A. (Mongan) It's certainly the easiest.

14 Q. Are there other data sets that you would look at as
15 well for that purpose?

16 A. (Mongan) You can look at state harvesting data. The
17 States of New Hampshire, Maine, and Vermont each track
18 how much wood is removed each year. New Hampshire has
19 got the best system of doing it, with Report of Cut,
20 which is not voluntary. In Maine and Vermont, there
21 are voluntary systems of tracking. They talk to
22 people, they take surveys. But the states do, every
23 year, report how much wood is cut. Then, you have to
24 estimate how much wood is grown. I believe the states

1 also do that, but I haven't seen their growth data.

2 Q. Thank you. And, Mr. Mongan, what's your understanding
3 of what the rate is here, for example, in New Hampshire
4 of forest conversion? That is, we currently have, in
5 New Hampshire, the estimate or the figure that I've
6 heard many times, and that I've repeated many times, is
7 that New Hampshire is 84 percent forested. But I've
8 also heard various numbers over the years as to how
9 much land is being cut and not returned to forest uses;
10 converted either for housing or commercial or
11 industrial development or for other non-forestry
12 purposes. Do you have a sense of what that number is
13 here in New Hampshire today?

14 A. (Mongan) I think there have been studies. I wasn't
15 prepared -- I didn't look any of them over on my way
16 here today. I do know that the phenomenon is largely
17 in southern and eastern New Hampshire. The area we are
18 looking at more in the northern forest is much less
19 impacted by that phenomenon.

20 Q. Do you see -- so, did your studies, in any manner, take
21 into account the issue of forest conversion?

22 A. I believe we looked at it. I think it was de minimus
23 to this report.

24 Q. Thank you. One of the aspects of the Project,

1 Mr. Bravakis, that we haven't talked about much, other
2 than a brief reference to it, is that you intend to
3 install a whole log chipper at the facility?

4 A. (Bravakis) Yes, sir.

5 Q. Is that correct? Can you help us understand what the
6 capacity would be of that, of that plant equipment,
7 that is?

8 A. (Bravakis) The capacity?

9 Q. Yes. In other words, we've heard testimony as to the
10 total tons per year that you anticipate using at the
11 facility is some 750,000 tons. Of that total wood
12 demand, how much of that do you expect to come to you
13 as already chipped wood and how much do you expect is
14 going to come to you as I gather it would be in the
15 form of pulpwood that you would then chip?

16 A. (Bravakis) You're asking -- So, there are two
17 questions.

18 Q. There really are two questions, yes.

19 A. (Bravakis) The question of the capacity, we're looking
20 that up. With respect to your second question, I can't
21 give you a definite answer to that. And, the reason is
22 because we don't know quite yet. And, we won't know
23 until we actually start putting the contracts together.
24 What we have done is we've set up an area that can

1 accept 15-day supply of roundwood and 15-day supply of
2 chipped wood. We know we'll get 15 days of chipped
3 wood. The reason we put the roundwood storage facility
4 up there is because we interviewed logging contractors,
5 loggers, fuel purchasers up in the area. And, they
6 explained to us that, as Mr. Richmond has alluded to,
7 that a lot of the loggers currently are set up to
8 deliver roundwood to the pulp mills. And, some of them
9 are, you know, if I may, it's a ma-and-pa logging
10 operation, maybe two or three people, maybe four. And,
11 they're not equipped to get into debt to buy a chipper
12 or they don't want to expand. And, we didn't want to
13 exclude our market to them. So, we were told, and we
14 believe the sources that informed us of this, that it
15 would be best for the Project to be able to accept
16 chipped and roundwood. How much? I don't know.

17 We also have, as we have talked about in
18 the last couple of days, kept the option open of
19 bringing rail in. Rail would probably best come in on
20 a roundwood basis. It's easiest without having to deal
21 with specialized hoppers and unloaders and that sort of
22 thing. So, as you can see, the rail goes right by the
23 roundwood area, but you could go to the chip area. So,
24 we tried to -- the idea is to give as much opportunity

1 for the infrastructure, as Mr. Richmond described, to
2 build itself and come to our facility and take
3 advantage of this, this economic opportunity here.

4 So, we have also made provisions so
5 that, in the future, we could put a chip dumping
6 station in here [indicating], if we find that, as time
7 goes by, the contractors feel more comfortable with the
8 Project, that it has longevity, that they will invest
9 in chippers, expand a little bit, and bring chips into
10 the facility.

11 So, the short answer is, "we're
12 originally setting that up for 50/50." But,
13 practically, I can't say that's how it will come in.
14 Maybe Mr. Richmond can add to that.

15 A. (Richmond) I agree. That, in the beginning, we will
16 rely more on roundwood. It's more readily available in
17 the North Country, due to the lack of infrastructure,
18 plus it stores better. Doesn't catch on fire and has
19 better water drainage. So, it lends itself very well
20 to a project like that. It can be a little on the
21 costly side. You're competing with the pulp markets.
22 So, we wouldn't rely on that. We'd want to get out
23 from under it. But, in the beginning, it's going to be
24 necessary. But, maybe 50/50, as Lou said.

1 Q. Do you have an answer on the capacity?

2 A. (Bravakis) I have to get back to you on that. We have
3 that in our office, so --

4 Q. That's fine.

5 A. (Bravakis) Chip capacity.

6 Q. Just one other related question. Are there other
7 biomass burning facilities that you're aware of that
8 have their own whole log chipping operations on site?

9 A. (Richmond) Yes. Springfield does it. Relies heavily
10 --

11 (Court reporter interruption.)

12 CONTINUED BY THE WITNESS:

13 A. (Richmond) Springfield Power relies heavily on
14 roundwood. They chip their own.

15 BY CHAIRMAN BURACK:

16 Q. Forgive me, I'm going to bounce around here a little
17 bit. But I'm trying to cover a number of issues here
18 that may -- I hope have not already been covered. I
19 believe we heard testimony earlier that nobody was
20 aware of any studies looking at the use of the wood
21 basket while the three paper mills that have now closed
22 down were still in operation. That is, we have
23 anecdotal information. But my understanding is nobody
24 is aware of any published studies regarding the usage

1 rates of wood and the harvesting practices, in short,
2 the sustainability, the sustainable use of the forests,
3 while those paper mills were in operation?

4 A. (Mongan) I'm not aware of such a study. I'm going to
5 be surprised if no one has ever done it. But I'm not
6 aware of it.

7 Q. Thank you. But none of you on this panel is aware of
8 such a study?

9 A. (Witness Richmond shaking head in the negative)

10 A. (Witness Bravakis shaking head in the negative)

11 Q. Okay. Thank you. I just want to come back to a
12 question that was asked earlier by Attorney Iacopino,
13 because I just want to make sure that we fully
14 understand this. And, this relates to the issue of the
15 biomass as a byproduct of the process. And, I believe
16 you all agreed that, and I think we heard all of you
17 say, that people would not cut high-value wood simply
18 for the purpose of making biomass available?

19 A. (Bravakis) That's correct.

20 A. (Richmond) That's correct.

21 A. (Mongan) That's correct.

22 Q. But we've also heard you tell us that you believe that
23 there is a glut of biomass available today, is that --

24 A. (Richmond) Correct.

1 Q. -- a fair statement?

2 A. (Richmond) Yes.

3 Q. Is it the understanding that each of you has is that
4 there is currently enough demand for high-grade wood to
5 generate sufficient biomass to meet the 750,000 tons of
6 biomass that your facility is going to require?

7 A. (Mongan) I could give it a try. That's a very good
8 question. I hadn't actually thought of it in that
9 context. Certainly, sawlog markets, high-grade markets
10 are down from their high, as most markets are. As I
11 mentioned earlier, we've got hundreds of loggers
12 working on our land base that are producing logs the
13 mills are taking. So, these are not dramatic drops,
14 but they are drops, for sure. I would think that, in
15 times like this, there are less chips produced or less
16 biomass produced as a byproduct of logging, which is
17 sort of counter to what they're saying, in terms of a
18 "glut". But that's -- some of that's weather-related.
19 It's been a great summer for logging.

20 A. (Richmond) And, I'll add a little bit more. The glut
21 is also driven by the BCAP Program that I told you of
22 earlier. Everybody was subsidized. These facilities
23 that are paying in the high 20s and low 30s today were
24 paying in the teens a few months ago. And, they took

1 advantage of that and they filled their facilities.
2 Now, we're back to what we call "door prices", the
3 market price. And, they're trying to get it in. And,
4 that's coupled along with the paper companies have
5 slowed down, not necessarily the demand for hardwood,
6 but the demand for softwood. So, the softwood pulp,
7 that normally went to the paper companies, are being
8 put through the chippers, because they're in there for
9 the sawlogs. So, they're taking their pulpwood,
10 putting it in the chippers and trying to push it into a
11 market that's already saturated with the remnants of
12 the BCAP Program. So, we see some unusual factors at
13 play. And, that is what's causing a lot of this glut.
14 A. (Mongan) Yes. And, I wouldn't -- he explains it well.
15 I wouldn't put too much weight on the current market.
16 It's interesting that right now there's a glut, and
17 right now we're in the tag end of this miserable
18 recession that's lasted forever. So...
19 Q. So, this is very helpful. So, let's set aside the
20 current glut for the moment. And, let's look longer
21 term at what is the overall integrated forestry
22 industry here in the northern forest. Because I think
23 we've heard testimony that all these pieces need to go
24 together. You need the demand for the high-quality

1 sawlogs, for the veneer, for even the pulpwood, in
2 order to support a forestry industry. Is that a fair
3 statement?

4 A. (Mongan) Yes, it is.

5 A. (Richmond) Absolutely.

6 Q. Thank you. So, let's set the BCAP glut aside, that
7 will -- how long do you think that glut is going to
8 still be in the market? How long is it going to be for
9 that?

10 A. (Richmond) It's winding down. It should be over by,
11 you know, if we had had rain or something, as you spoke
12 of, it would be going down. But it's compounded by
13 good weather. It lets loggers get in the wood. So, I
14 would think, by the end of this summer, this fall,
15 definitely by the holiday season, it will be gone.

16 Q. So, let's just say beginning of the next calendar year,
17 calendar year 2011. Is it your opinion, Mr. Mongan and
18 Mr. Richmond, that there will be sufficient demand at
19 that time for the high-quality or higher-quality timber
20 and lumber to generate a sufficient amount of biomass
21 to, for example, fuel a project, such as Laidlaw, which
22 is going to need another 750,000 tons? Again, I
23 understand Laidlaw is going to be 26 to 32 months
24 before it would come on line.

1 A. (Mongan) Right.

2 Q. But, assuming that there were such a demand as of
3 January 1 of 2011, do you think that the current
4 high-grade ends of the market is going to create enough
5 biomass?

6 A. (Mongan) Yes. And, of course, we all understand you're
7 asking me to make an estimation of a look at the future
8 and look at the crystal ball. But there's still a
9 level of utilization of high-grade sawtimber that goes
10 on even in the depth of a market. And, I'd like to
11 think this recession is ending sometime in the
12 not-too-distant future. We look at, in our studies,
13 "what is the steady state?" "What is the history?"
14 "What is the likely future?" And, we see no reason why
15 Americans will stop buying flooring and furniture, so
16 -- or building houses someday. So, we expect that all
17 of these things will get back on their trend line. We
18 project, in some of our other work, a five year climb
19 back to trend line. It's just what one company happens
20 to do.

21 But, yes. I don't see it going down any
22 further. So, that's a long answer to a short
23 interesting question. But I think the industry will
24 normalize. And, I believe when that -- there will be

1 plenty of operations going, operating high-grade
2 sawtimber and other to take care of our supply
3 situation.

4 A. (Bravakis) If I may, Mr. Chairman, on Table 3 of the
5 LandVest study that was done for us --

6 Q. And, again, which exhibit are you looking at
7 specifically?

8 A. (Bravakis) This is Exhibit --

9 Q. Is it Exhibit 2? This is the Addendum you're speaking
10 to?

11 A. (Mongan) Not the Addendum, but the primary.

12 A. (Bravakis) The primary study.

13 Q. It's Exhibit P in Appendix --

14 A. (Bravakis) And, I apologize.

15 Q. I mean, it's Appendix P in Exhibit 1.

16 A. (Bravakis) Yes. LandVest indicates that, from 2002 to
17 2006, the growth and removal of the wood basket, I'm
18 assuming this is per year was -- right?

19 A. (Mongan) Right.

20 A. (Bravakis) -- was the roundwood, which is made up of
21 sawtimber and pulpwood and the tops and branches. I
22 just want to put this in perspective, because the way I
23 understood your question, you were saying relative to
24 our project consuming 750,000 tons. So, the roundwood

1 removals, according to the FIA data, was roughly
2 5 million tons a year; pulpwood was roughly 4 million
3 tons a year, and the tops of -- of which the tops and
4 branch removal was roughly 2.6 million tons. So,
5 there's ample amount, and I'm sure, you know, if we
6 wanted to project in the future, when the economy turns
7 around, I'm sure it's dropped off a little now, but
8 there's plenty out there. This is in the geographic
9 area.

10 A. (Mongan) Uh-huh.

11 Q. Okay. We have heard you, Mr. Bravakis, say several
12 times that the work done by LandVest for your company
13 was a high-level review, I think you used the term
14 "50,000 foot review", and then Mr. Mongan explained and
15 you explained it that you refined that further. But
16 Mr. Mongan also made reference to a potential second
17 phase of this, of the study. Have you contracted for
18 or do you anticipate contracting for a more involved
19 study or an econometric study, such as Mr. Mongan has
20 described?

21 A. (Bravakis) We have not made a decision on that at this
22 point. And, in light of the possible arrangements with
23 Cousineau Forest Products to supply 100 percent of the
24 supply, we'll have to decide whether or not we feel

1 that it's necessary for us to take that, to take that
2 next step.

3 Q. So, when do you anticipate you would make that
4 decision?

5 A. (Bravakis) We're close to finalizing a deal with them.
6 And, if we finalize a deal with them, then, if we were
7 to take that next step, it would be in joint efforts
8 with Cousineau, who might have enough practical
9 experience and knowledge and say they might not need
10 it. They would be responsible for supplying the plant
11 at that point.

12 A. (Richmond) And, we've been hired from numerous
13 companies in the past to do studies, such as LandVest
14 does. So, we're capable of analyzing our own feedstock
15 area.

16 Q. So, at this point, you don't know if you're going to --

17 A. (Bravakis) In the near term, I would say. In the near
18 term, we will make that decision.

19 Q. Thank you. I want to spend a little bit more time
20 here, and forgive me if I'm trodding ground that you
21 feel that we've trod before. But I'd like to spend a
22 little bit more time on this issue of back hauling.
23 And, if we could, I'd like to do this in the context
24 of, if I can find it here, Mr. Bravakis's supplemental

1 testimony.

2 MR. IACOPINO: Exhibit 10.

3 BY CHAIRMAN BURACK:

4 Q. Exhibit 10. Mr. Mongan, were you asked to review and
5 comment on any of the testimony submitted by
6 Mr. Bravakis or others in this proceeding?

7 A. (Mongan) I don't think -- oh, at what point in time?

8 Q. Well, for example, we have, again, it is Exhibit 10,
9 it's the Supplemental Testimony of Louis T. Bravakis on
10 behalf of Laidlaw Berlin BioPower. And, we received
11 this -- I'm not sure when we received this.

12 A. (Mongan) So, not yesterday's testimony?

13 Q. This was supplemental testimony that was filed. So,
14 I'm just looking to see if there's a date on it.

15 A. (Bravakis) A month ago, a few weeks ago. A month ago
16 maybe.

17 MR. NEEDLEMAN: I believe the deadline
18 for filing the supplemental testimony was July 9th.

19 CHAIRMAN BURACK: Yes. I do see a July
20 9th cover on this.

21 WITNESS BRAVAKIS: It's probably at the
22 end of June. I'm sure we asked you to take a read.

23 BY THE WITNESS:

24 A. (Mongan) I'm sure they asked me to take a read. But,

1 I'm sorry, I haven't reviewed it recently.

2 BY CHAIRMAN BURACK:

3 Q. Okay. Fair enough. And, let me ask, Mr. Bravakis,
4 other than either Mr. Mongan or somebody else from
5 LandVest, were there any other outside reviewers of
6 this document?

7 A. (Bravakis) We asked Cousineau to take a look at it as
8 well.

9 Q. Okay. Mr. Richmond, were you involved in that review
10 then?

11 A. (Richmond) I have reviewed it. I leave it mostly to my
12 counterparts in the company to review. But, yes, I did
13 quick read it.

14 Q. Okay. Thank you. If I could then, what I'd like to do
15 is just draw your attention to that document. I'd just
16 like to walk through this and ask a few questions of
17 each of you here. On Page 1 of this supplemental
18 testimony, at Line 17 through 18, although the question
19 is posed on Line 16, "To what extent is availability a
20 function of price?" And, Mr. Bravakis says, "The two
21 are very closely related. Ultimately, the ability to
22 procure fuel is really a competitive issue because it
23 is highly dependent on the price a plant can pay."

24 Mr. Bravakis, that's an accurate reading of what you

1 said here, is that correct?

2 A. (Bravakis) Yes, sir.

3 Q. Mr. Mongan and Mr. Richmond, do you both agree with
4 that statement?

5 A. (Mongan) I do.

6 A. (Richmond) Yes.

7 Q. Okay. Thank you. Okay. I'd like to turn your
8 attention to Page 2 of this document, at Line 9, where,
9 again, Mr. Bravakis, in response to the question
10 "Please elaborate on why Laidlaw believes there is more
11 than enough wood to supply the plant." You say,
12 "Today, wood brokers tell us there is more supply than
13 demand for low-grade wood." Again, am I to understand
14 that there was one wood broker, which is Cousineau, on
15 which you made this statement?

16 A. (Bravakis) Yes.

17 Q. Okay. So, you relied on information from Cousineau to
18 make this statement?

19 A. (Bravakis) Yes.

20 Q. Thank you. All right. Let me ask you now to turn to
21 Page 3. And, there are four specific examples here of
22 back hauls. And, the first relates to Indeck Energy
23 Services of Alexandria. And, this reads "receives wood
24 from up to 80 miles by direct haul and up to 150 miles

1 with back hauls." And, my question, if any of you
2 know, is what specifically is being back hauled from
3 Indeck?

4 A. (Richmond) Whole tree chips.

5 Q. Whole tree chips.

6 A. (Richmond) Oh, from Indeck?

7 Q. Correct.

8 A. (Richmond) No, that's the -- we're referring to the
9 bark again going south.

10 Q. Okay. Can you explain how this process works then?
11 What this is referring to?

12 A. (Richmond) Yes, I can. We supply 100 percent of the
13 supply to Indeck in Alexandria. What I'm referring to
14 is there's numerous trucking companies up north, in the
15 Pittsburg/Colebrook area that we contract with. And,
16 they go across the border into Canada every morning,
17 let's say, and pick up a load of bark. And, as we said
18 earlier, they will haul it down into Massachusetts or
19 such. And, we have a concentration yard in Henniker,
20 where we stockpile chips from local tree service guys
21 and land conversion guys. And, they would stop in at
22 our yard and pick up a load to back haul back up to
23 Alexandria for us, is the most common example. It's
24 bark mulch coming down from Canada and the northern

1 paper companies from Maine, and whole tree chips from
2 Mass., Connecticut, or our yard in Henniker, going back
3 north.

4 Q. So, correct me if I have this -- don't understand this
5 correctly then. The "80 miles" refers to bringing wood
6 chips directly to Indeck from a location, and going
7 back with an empty truck. Is that correct?

8 A. (Richmond) Yes. That would be the short hauls, the
9 loggers in southern New Hampshire, yes.

10 Q. Okay. And, the "150 miles with back hauls" refers to
11 this process that you just described?

12 A. (Richmond) Correct.

13 Q. Is that the same situation with each of these other
14 facilities that's listed here, New England Wood Pellet,
15 Springfield Power, --

16 A. (Richmond) Yes.

17 Q. -- and DG Whitefield?

18 A. (Richmond) Yes. Our same business plan applies to all
19 of them.

20 Q. There are not different materials being back hauled,
21 this is all bark?

22 A. (Richmond) No, all the same -- All of these companies
23 that you have here could be supplied by the same
24 supplier under us. Could go -- as I said earlier,

1 they're all on quota. So, we might give a supplier two
2 loads at each of these facilities. So, we deliver two
3 loads to one on Monday, Tuesday he's going to a
4 different facility, Wednesday a different one on this
5 list. The same supplier would go to all of these.

6 Q. And, back hauls could be coming from Canada, from
7 Connecticut, from Massachusetts?

8 A. (Richmond) If you're talking about a northern trucking
9 company, the Canadian load would be their front haul,
10 that's their main. And, then, they would come to us
11 for their back haul to get them back north.

12 Q. But am I to understand, based on the way you've
13 described the markets working, that it is possible that
14 we could be seeing hauls related to fueling of the
15 facility in -- proposed facility in Berlin, we could be
16 seeing hauls coming from -- or, back hauls coming from
17 southern New England as well, is that correct?

18 A. (Richmond) Absolutely.

19 Q. Okay. A topic that we have not touched on at all, but
20 I would like you all to address, is the issue of
21 control of insects and invasive plants, but
22 particularly insects. One of the concerns that we have
23 certainly seen here in New Hampshire is the issue of
24 the Asian Longhorn Beetle?

1 A. (Richmond) Uh-huh.

2 Q. You all are familiar with that as I think --

3 A. (Richmond) Yes.

4 Q. Would you all acknowledge that is a very real concern
5 and threat to our forests here in Northern New England?

6 A. (Mongan) Yes. It's a matter of degree, but, yes.

7 A. (Richmond) That's correct.

8 Q. So, perhaps a matter of degree, but --

9 A. (Mongan) But something we need to pay attention to,
10 yes.

11 Q. Okay. So, Mr. Richmond, in the process of purchasing
12 product to supply these various facilities in New
13 Hampshire, which, in the future, could include the
14 facility in Berlin, --

15 A. (Richmond) Uh-huh.

16 Q. -- what measures do you take to protect against the
17 possibility that loads containing Asian longhorn
18 beetles or other insects that could migrate with these
19 materials and get into our forests. What measures do
20 you take to address that, that risk?

21 A. (Richmond) Well, we've been up against quarantines in
22 the past of different species, and we abide by them.
23 Once again, I'm talking mostly here chipped wood, which
24 has a mechanical mechanism that's slicing it, which

1 takes care of some of the threat. And, you know, in
2 the past, they had a big eradication down in Worcester,
3 Worcester, Mass., where they cut down a bunch of trees.
4 And, we worked with the State foresters, from New
5 Hampshire and Massachusetts, and were able to move that
6 wood up to a burning plant and dispose of it here, so
7 we've actually helped out with that.

8 So, I haven't been up against a threat
9 where it was up to us to establish the protocol. We
10 usually follow the quarantines and work with the State
11 foresters on the solution end of it.

12 Q. So, there isn't any particular inspection protocol that
13 you follow when you're working with loggers and when
14 loads are coming in to your facilities to look for
15 potential insects?

16 A. (Richmond) No.

17 Q. Mr. Mongan, are you aware of any industry practices
18 generally that would focus on this concern?

19 A. (Mongan) No, I'm not. I mean, much as -- Mr. Richmond,
20 Curt I knew, much as Mr. Richmond said, the issue is
21 largely a matter of state regulation. And, so, that's
22 generally where those of us who work in the private
23 industry, leave it to the state to regulate what gets
24 imported from where, and how it gets inspected and how

1 it gets quarantined. And, we would obviously abide by
2 the regulations. I don't know of anyone, any private
3 initiative to set up some sort of a protocol. There
4 may be some, I just don't happen to know of it.

5 Q. Thank you. I'd like to take a moment and try to just
6 understand the scale of this facility and its usage of
7 biomass relative to other facilities in the region and
8 in New Hampshire. I believe we've heard testimony, and
9 I think this was in response to some questioning from
10 Mr. Janelle, that, if approved and constructed, the
11 Laidlaw facility would be a large user as a biomass
12 facility, but not a large user of low-grade wood
13 overall, at least as compared, for example, with the
14 paper mills. Is that a fair statement?

15 A. (Bravakis) Yes.

16 Q. If this facility is constructed, will it be the largest
17 electricity generating biomass powered plant in New
18 England?

19 A. (Bravakis) Yes. As far as I understand, it will be.

20 Q. Which would make it the largest such in New Hampshire
21 as well?

22 A. (Bravakis) Yes, sir.

23 Q. What would be the next smallest biomass fueled electric
24 generating station?

1 A. (Bravakis) Schiller Station.

2 Q. And, that is what size?

3 A. (Bravakis) Fifty megawatts, I believe. Fifty
4 megawatts.

5 Q. And, the next station below that would be?

6 A. (Bravakis) The current station, CPD would be the next
7 largest, if they get built, currently is, in New
8 Hampshire? In New Hampshire? Oh, in New Hampshire, it
9 would be Burlington [sic] Electric. Burlington
10 Electric and, excuse me, I thought you meant in New
11 Hampshire, Burlington Electric and Schiller are both 50
12 megawatt generating facilities.

13 Q. And, then, you've said also then the next smallest
14 facility in New Hampshire, at least, if it were built,
15 would be the Clean Power Development project proposed
16 for Berlin?

17 A. (Bravakis) Yes, sir. At roughly 30 megawatts.

18 Q. Okay. And, where does it go below that, do you know?

19 A. (Bravakis) I think we got a list here. I believe
20 they're more in the 15-20 megawatt range. They're all
21 -- all of the others, the Bridgewater, Pinetree,
22 Alexandria, Hemphill are all in, let me get it for you,
23 do we have the -- this doesn't give megawatts. Yeah,
24 that's all right. There's Bridgewater -- these are all

1 roughly, I would say, between 15 and 20 megawatts, if
2 memory serves. It's Bridgewater, Whitefield Power &
3 Light, Pinetree Power, Hemphill Power, Ryegate,
4 Ryegate's a little bit bigger, maybe 20-25 megawatts,
5 Alexandria, Pinetree-Tamworth. I misspoke, Boralex,
6 Livermore Falls, is actually a larger plant.

7 MR. KUSCHE: Forty-five.

8 BY THE WITNESS:

9 A. (Bravakis) And, Stratton, there are a couple larger
10 ones in Maine. So, ours is going to be 70 gross, 63
11 net to the grid. The next cohort, if you will, are --
12 there's Schiller, Burlington Electric, Stratton,
13 Livermore Falls. Those are roughly in the 50 megawatt
14 range. Then, the next one, if built, would be the CPD.
15 And, then, it drops down to the 15-20 megawatts, of
16 which were all of the ones that I discussed.

17 BY CHAIRMAN BURACK:

18 Q. Thank you. That's helpful. Then, in terms of overall
19 demand for biomass, not just the electrical generating
20 plants using biomass, but overall demand, would there
21 be a larger user of biomass in New Hampshire? A single
22 larger user than the Laidlaw facility in Berlin, at
23 750,000 tons per year?

24 A. (Bravakis) Not now. Not since the Burgess Mill went

1 out.

2 Q. Okay. What would be, to your knowledge, if any of you
3 know, what would be the largest non-electrical biomass
4 user in the State of New Hampshire? And, do you have
5 any sense --

6 A. (Bravakis) Largest non-electrical right now? Just wood
7 pellets. The largest wood pellet manufacturer in New
8 England is located in Jaffrey, New Hampshire. And,
9 they use how many tons? I'll tell you what they use, I
10 have it here. And, it's New England Wood Pellet, and
11 they use 150,000 tons. And, they are the largest wood
12 pellet manufacturer in New England. Huh? They don't
13 generate, yes, it's not electric.

14 Q. I understand they don't generate electricity.

15 A. (Bravakis) Right.

16 Q. I know they have some kind of a facility on-site --

17 A. (Bravakis) Right.

18 Q. -- that may be some kind of a combined heat and power
19 facility, but they're not generating electricity for
20 the grid. I understand that. So, then, if this
21 facility is built, your consumption of biomass would be
22 five times greater than the largest non-electrical
23 generating user of biomass in the state, is that right?

24 A. (Bravakis) That's correct, in the State of New

1 Hampshire. But, in New England, it's smaller than the
2 non. For example, Newpage, in Rumford, is 2.2 million
3 tons per year, and Verso is -- the pulp mills are in
4 that range of 2 plus million tons, quite significantly
5 higher than our facility. But higher than the pellet
6 operation, that's correct.

7 CHAIRMAN BURACK: Thank you. I don't
8 believe I have any further questions at this time. But
9 I'd like to see if other members of the Subcommittee have
10 questions for this panel? Dr. Kent, do you have some
11 questions?

12 DR. KENT: Thank you. I have questions
13 for all of you. I know it's getting late, but maybe if we
14 spread them around it won't be so bad.

15 BY DR. KENT:

16 Q. Starting with Mr. Bravakis. Are you familiar with the
17 New Hampshire forest laws?

18 A. (Bravakis) I'm sorry?

19 Q. Are you familiar with the New Hampshire forest laws?

20 A. (Bravakis) Not, I mean, I've read that there are, and
21 I've looked at them. But, to say "I'm familiar with
22 them", it wouldn't be an accurate statement. I know
23 they exist. But I'm not ready to take the exam on
24 them.

1 Q. It would be a short exam. You reference some other
2 states and they have forest regulations. New Hampshire
3 takes a different tack. And, that we have minimal
4 laws, they deal with basal area, next to streams,
5 rivers, and roadways. Are you familiar with "Good
6 Forestry in the Granite State"?

7 A. (Bravakis) Yes. I've read that.

8 Q. Okay. That's how things are handled in this state. We
9 just completed a revision, which will hit the streets
10 in probably another month or so. Are you willing to
11 read that and consider its incorporation or application
12 to your "sustainable practices" document?

13 A. (Bravakis) I would consider it. We'd like to look at
14 that and put it under consideration.

15 Q. So, maybe we can continue that discussion in the
16 future?

17 A. (Bravakis) There would be a willingness to look at
18 that. And, no, we're all for it, but we just want to
19 make sure it makes sense for the project also.

20 Q. Sure. I wouldn't want to commit you to something you
21 haven't read. But, in the absence of New Hampshire
22 forest laws, we really need something to kind of hang
23 our hats in, when we start asking people to comply with
24 sustainability guidelines. And, that's probably about

1 all we have to work with, other than certification
2 programs you've mentioned. I'm sure you're familiar
3 with the cost of certification programs?

4 A. (Bravakis) I'm sorry, I'm having a --

5 Q. Are you familiar with the cost of certification
6 programs? Board certifications?

7 A. (Bravakis) Oh. I'm not familiar, but it's --

8 A. (Richmond) I am.

9 A. (Bravakis) But my colleagues are.

10 Q. They're listed in your "sustainable practices"
11 document.

12 A. (Bravakis) Okay.

13 Q. As a possible avenue for people who are providing you
14 wood.

15 A. (Mongan) Uh-huh.

16 Q. I'll leave it at that for now. If we could turn to Mr.
17 Richmond for just a moment, talk about some chips. Is
18 it -- it's pretty typical to aggregate chips in New
19 Hampshire, is that the way things work, in general?
20 Or, are you the only aggregator? Are there a number of
21 aggregators?

22 A. (Richmond) People that pile down or people that broker
23 chips such as us? What are you -- "aggregating", to
24 me, is piling down. Is that what you're asking me?

1 Q. "Piling down" means?

2 A. (Richmond) Making big piles of chips.

3 Q. I'm talking about somebody who is an in-between the
4 forester, the logger in the woods, who actually is
5 cutting.

6 A. (Richmond) There's another company, North Country
7 Procurement, that tends to work more as an agent. As
8 was said earlier, we take title to the chips, we take
9 ownership, we arrange logistics. We pay the check run,
10 we pay the supplier, we pay the trucker. And, there's
11 nobody else like that that I'm aware of in New
12 Hampshire.

13 Q. Thank you. So, there's -- is this, and you've spoken
14 to -- it's typical for you to go beyond 100 miles to
15 accumulate those chips?

16 A. (Richmond) Absolutely.

17 Q. And, then, once you accumulate them, to go another
18 100 miles or more to deliver them to somebody who is
19 going to use them?

20 A. (Richmond) If the markets and the logistics lend
21 themselves to that, yes.

22 Q. And, I believe you commented earlier that the cost of
23 chips would increase with the distance required to
24 transport them?

1 A. (Richmond) It's a cost driver. You try to offset it
2 with your purchase price, going farther south into that
3 push economy. But, yes, logistics definitely play a
4 role. And, the farther you move the chip, the more
5 expensive it is, yes.

6 Q. Does that work on the front end, too? The farther you
7 have to bring them to you to pile them up, the more
8 you're going to be paying for those chips?

9 A. (Richmond) No. No, because, as I aggregate, in my
10 Henniker yard, for instance, I set a door price of what
11 I'll pay, and what comes in comes in and what doesn't
12 doesn't.

13 Q. Okay. You may not answer this question for
14 confidentiality reasons, but I'll ask it. Is Laidlaw
15 Berlin likely to pay more for chips than other
16 facilities in this state?

17 A. (Richmond) No.

18 Q. So, somehow you'll --

19 A. (Richmond) I mean, if you're talking "fair market
20 value", are they going to pay more than a facility to
21 the south of them? Probably. But are they going to
22 pay above fair market value? No.

23 Q. Okay. Well, let's put it that way. So, if you're
24 selling chips to someone who's 20 miles from you, and

1 you're selling them to Laidlaw Berlin, is Laidlaw
2 Berlin having to pony up more to cover the
3 transportation delivered cost?

4 A. (Richmond) It would be the transportation cost, yes.

5 Q. Okay. Now, if you are working with a logger or a
6 forester in Coos County, do you aggregate those chips
7 or pile them up in Henniker --

8 A. (Richmond) No.

9 Q. -- and then get them back to Berlin?

10 A. (Richmond) No. They would go direct to market. The
11 market's up north. We aggregate in the south to
12 arrange that over-the-road truck.

13 Q. So, that's one way to keep your costs down?

14 A. (Richmond) Absolutely.

15 Q. Okay. Turning to Mr. Mongan for a moment. Wood
16 availability. In the report, which I believe we're
17 calling "Appendix P" in Exhibit 1, the first report you
18 did, you use an inoperable/inaccessible number of
19 "6 percent"?

20 A. (Mongan) Yes.

21 Q. And, that was based on being unable to get up a steep
22 slope.

23 A. (Mongan) Yes. And, I believe, I could look it up, but
24 I'm pretty sure we use 55 percent slope.

1 Q. Slopes, right. Which is a pretty steep slope?

2 A. (Mongan) Yes. And, I think there was also something in
3 there for riparian and et cetera. I'd have to look it
4 up, but I think that's --

5 Q. That number, we just finished the "Good Forestry
6 Process", and that struck me as a really low number.
7 And, so, I talked to our Forester, our State Forester.
8 And, he said, on State lands, our
9 inoperable/inaccessible is about 60 percent. And,
10 that's high, because we're dealing with State lands,
11 and we have to be more sensitive to other uses of the
12 property. However, it was their opinion that -- the
13 State Forester's opinion that 25 percent, and maybe
14 even a little higher, is typical for
15 inoperable/inaccessible on properties throughout the
16 state. Do you disagree with that?

17 A. (Mongan) Yes, I disagree with that. I've looked at
18 millions of acres in the Northeast through my career.
19 I would say 6 percent is within the range of normal.
20 And, we see from anywhere from 5, it's on the low end,
21 we see from 5 to 10 or 12 percent. I've never seen --
22 I mean, like something, in the White Mountain National
23 Forest, clearly, with all the steep slopes and all the
24 mountains, would have a high degree of inoperable. I

1 think also to keep in mind, private land was acquired
2 by forest industry for the production of whatever their
3 use was. So, they were looking to acquire
4 better-than-average land, if you will. I think so.
5 But I don't think 6 percent is unreasonable, no.

6 Q. Well, does that 6 percent only apply to those private
7 lands acquired for industry?

8 A. (Mongan) No, it's across the board. That's a good
9 point.

10 Q. But you maintain that 6 percent, in your experience, is
11 the appropriate number to use for
12 inaccessible/inoperable?

13 A. (Mongan) I think it's reasonable, yes.

14 Q. Okay. Thank you. The Wilderness Society, sticking on
15 the issue of availability --

16 (Court reporter interruption.)

17 BY DR. KENT:

18 Q. The Wilderness Society, have you read their letter?

19 A. (Mongan) Yes.

20 Q. Okay. Then, you know that they talk about 70 percent
21 of the acreage within the wood basket belonging to
22 small families?

23 A. (Mongan) Yes.

24 Q. Small family ownerships?

1 A. (Mongan) I've read that.

2 Q. All right. And that, in their estimation, only about
3 half of those properties are harvested per year?

4 A. (Mongan) That may be.

5 Q. Do you remember that?

6 A. (Mongan) I have no idea. But that's their estimation,
7 yes.

8 Q. Okay. So, do you think they're accurate or inaccurate?

9 A. (Mongan) I think that -- I don't know, I can't comment
10 on their accuracy, but I can comment on the concept. I
11 think, if you look at private land in the Northeast,
12 particularly in northern New England, northern New
13 Hampshire, it will be cut at some point, almost all of
14 it. Whether it's this year or next year, even if this
15 current set of landowners happens to be against cutting
16 it, it's not to say the next set of landowners won't.
17 I think if you spent enough time looking at the forests
18 of the Northeast, you will find it hard to find a place
19 where there are no stumps, where there never has been a
20 harvest. So, I think -- I think you could say, in any
21 given year, in any given era, you may find a large
22 bunch of landowners who don't wish to cut their land.
23 But will that wood find its way to the market
24 eventually? I would -- my opinion is "yes."

1 Q. All right. Thank you. You do appreciate the
2 importance of getting those numbers correct for this
3 matter?

4 A. (Mongan) Oh, of course I do.

5 Q. Okay. Thank you. Your Table 3, if you could help me
6 through this table. The first thing that caught my
7 attention just a few minutes ago, when you were talking
8 about "removals", I think it was actually Mr. Bravakis
9 referred to, and correct me if I'm wrong, "the removals
10 from harvesting data, and not total removal." Did I
11 hear that right?

12 A. (Bravakis) FIA data I was referring to.

13 Q. Right. But we're looking at Table 3, and we're
14 comparing "Total Removal" with "Total Net Growth". Are
15 you, in fact, using the "Removals from Harvesting Data"
16 and not "Total Removal", to compare to "Total Net
17 Growth"?

18 A. (Bravakis) I was using "Total Removals" from FIA data.

19 Q. Okay. The following line, correct?

20 CHAIRMAN BURACK: Could I just interrupt
21 for a moment? I just wanted to confirm, we're talking
22 about Table 3 in Appendix P to Exhibit 1?

23 DR. KENT: Correct.

24 CHAIRMAN BURACK: Okay.

1 WITNESS BRAVAKIS: Page 9.

2 CHAIRMAN BURACK: And, that appears on
3 Page 9 of that document?

4 DR. KENT: It does.

5 CHAIRMAN BURACK: Thank you.

6 BY DR. KENT:

7 Q. So, to make sure we're all on the same page, we're
8 looking at "Roundwood" column?

9 A. (Bravakis) Yes, sir.

10 Q. And, we're looking at "Total Net Growth", and we're
11 looking at "9,025,817" tons?

12 A. (Bravakis) That's correct.

13 Q. Okay. And, we're looking at "Total Removal", we're
14 looking at "8,953,796" tons?

15 A. (Bravakis) From the FIA data, yes.

16 A. (Mongan) Yes, that's correct.

17 Q. Okay. All right. So, we're in the right place here.
18 So, there have been repeated comments about "net growth
19 exceeding total removal".

20 A. (Mongan) Yes.

21 Q. Right? The difference between those two numbers is
22 less than 1 percent.

23 A. (Mongan) Yes.

24 Q. Are you suggesting that the FIA data is so precise that

1 we can discern a less than 1 percent difference?

2 A. (Mongan) No.

3 Q. So, let me ask you then, would you say that "total net
4 growth exceeds total removal"?

5 A. (Mongan) Yes.

6 Q. Okay. You lost me.

7 A. (Mongan) Well, there are more indications than just FIA
8 data. But -- and this is a snapshot in time as well.
9 As I've said before, these cohorts of forests rise and
10 fall through time. The State harvesting data, for
11 example, from New Hampshire, Maine, and Vermont, is
12 considerably lower than this. When we did our look at
13 the future, and what we think is going to happen based
14 on growth and removals going forward, we found our
15 number was closer to the FIA number than the combined
16 data from the three states. But it is another estimate
17 of removals, which is the State removals estimate.

18 Q. All right. Bear with me.

19 A. (Mongan) Sure.

20 Q. Is there someplace else in this document that talks
21 about growth and removal that contradicts this table?

22 A. (Mongan) Oh, no. I don't -- I'm sorry. I don't think
23 the table should be contradicted.

24 Q. Well, you just agreed with me that a less than

1 1 percent difference is not a significant difference?

2 A. (Mongan) Correct.

3 Q. You maintain that there is other information that shows
4 there's a total net growth of roundwood. So, I guess
5 I'm asking you, where is that information?

6 A. (Mongan) No, not the growth, the removals. The
7 removals information from the three states combined is
8 a lower number.

9 Q. So, this is beyond -- this is beyond the wood basket?

10 A. (Mongan) No, it's in the wood basket. I can understand
11 the confusion. But, I mean, the FIA data is not
12 necessarily bad, not necessarily wrong. It shows a
13 marginal -- or, it shows an even state, growth and
14 removals. So, if you wanted to posit that, I would say
15 you could be right in that, for this snapshot in time.

16 Q. Okay. Thank you. We could repeat that procedure for
17 "Tops and Branches" also, and you'll see the same
18 thing, I think. It's less than 1 percent difference
19 between "Net Growth" and "Removal".

20 A. (Mongan) I'm sure it is.

21 Q. So, I don't want to go through that whole discussion
22 again. And, the "Pulpwood", if I'm reading this
23 correctly, --

24 MR. ROTH: Excuse me. Repeating the

1 "net growth figure", the Appendix 2, Table 3, that I'm
2 looking at doesn't have --

3 (Court reporter interruption.)

4 CHAIRMAN BURACK: I think --

5 MR. ROTH: I'm trying to locate, on
6 Table 3, the "Net Growth" figure. Oh, that's a different
7 Table 3. Okay. I'm sorry.

8 MR. IACOPINO: In the Application,
9 Appendix P.

10 CHAIRMAN BURACK: Please proceed,
11 Dr. Kent.

12 BY DR. KENT:

13 Q. Can we look at the -- if we could look at the
14 "Pulpwood" column for a moment, if you could help me
15 with that.

16 A. (Mongan) I'll try.

17 Q. "Total Removal" is "4,101,161" [4,101,167?] tons?

18 A. (Mongan) Yes.

19 Q. "Total Net Growth 2,719,676" tons?

20 A. (Mongan) Yes.

21 Q. Correct? Am I incorrect in reading that to mean that
22 we're removing much more pulpwood than we're growing?

23 A. (Mongan) Not necessarily. It depends on how the FIA
24 data was collected. They're collecting the growth data

1 based on samples in the forest, doing plot sampling out
2 there in the forest. If they call something a piece of
3 "sawtimber" in an analysis, then it's sawtimber. If
4 they call it "pulpwood", it's a pulpwood. Then, they
5 go look at what's been cut, and they do another
6 analysis, and somehow come up with this business. So,
7 I think, to some degree, sawtimber and pulpwood move
8 across the line here.

9 Q. Okay. Just to be fair, can you understand my
10 confusion? You've used this information to represent
11 net growth exceeds removal.

12 A. (Mongan) Uh-huh.

13 Q. And, now, I'm trying to work through this and
14 understand how you came to that conclusion, and you're
15 telling me that I'm not understanding the complexities
16 in the data and I shouldn't interpret that table that
17 way.

18 A. (Mongan) You know, I think you do. I think we also do
19 have to look at the State harvesting data. I don't
20 think the FIA data is the be-all and end-all here.
21 It's one measure of what has transpired in the past.
22 We have another measure, which is that data that was
23 collected by the various states, New Hampshire, Maine,
24 and Vermont, in this wood basket.

1 Q. And, where would I find that data in here?

2 A. (Mongan) I know it's in the appendix.

3 A. (Bravakis) It's right underneath it, "Removals from
4 Harvesting Data". It's the bottom line.

5 A. (Mongan) It's right on that same table, "Removals from
6 Harvesting Data".

7 Q. That's the State data?

8 A. (Bravakis) Yes.

9 A. (Mongan) Yes.

10 Q. Okay.

11 A. (Bravakis) If I may?

12 A. (Mongan) Yes, please do.

13 A. (Bravakis) I had the same confusion, because it doesn't
14 come as easily for me as it does for Mr. Mongan. And,
15 when I spoke to Mr. Sin [sic], what he explained to me
16 was that the FIA data is typically very conservative in
17 what they say for removals. And, the state data,
18 although very accurate in New Hampshire, is not quite
19 -- he felt was under -- could be under reported in
20 Massachusetts -- I mean, in Maine and Vermont, because,
21 as we described before, it's voluntary. So, his
22 analysis kind of -- he used his experience and
23 knowledge to bridge the gap and come up with his
24 available based on both of those two data points.

1 A. (Mongan) Lou, not exactly.

2 A. (Bravakis) Oh, no? Okay. Maybe I didn't understand it
3 correctly.

4 A. (Mongan) No. That's a measure of what has happened.
5 The state has a measure of what has happened; FIA has a
6 measure of what has happened. We did a study of this
7 wood basket to look at what grows out there, using FIA
8 data, looking at the mills that are out there currently
9 using it, looking at their anticipated production,
10 based on all the concentric circles and everything
11 else, drew a conclusion going forward. Then, we looked
12 at the past data. And, said "Okay, FIA is here, the
13 states are here. We're well within the range. In
14 fact, we're much closer to FIA than the state data,
15 and, therefore, we like our result."

16 A. (Bravakis) Okay.

17 Q. Thank you.

18 A. (Bravakis) Thanks.

19 Q. On the state data, I'm a little confused about that. I
20 just -- I talked to our State Forester just about one
21 item. The table reports 682,229 tons of pulpwood and
22 tops and branches removed. And, according to our Chief
23 Forester, in 2008 he removed 41,000 tons, and he said
24 that's pretty typical. So, when you get the state

1 data, does that come from the Department of Resources
2 and Economic Development?

3 A. (Mongan) Are you talking -- I believe so, yes. But my
4 question is, are you talking about removals from the
5 State land?

6 Q. From State lands?

7 A. (Mongan) Okay. That's a different subject. We're
8 talking about removals from the State of New Hampshire.

9 Q. Okay. Thank you.

10 A. (Mongan) Versus from the State --

11 Q. So, "State Removals" means --

12 A. (Mongan) The State of New Hampshire.

13 Q. -- anything in the state --

14 A. (Mongan) Within our wood basket.

15 Q. -- that's reported to the State for its recordkeeping?

16 A. (Mongan) Within our wood basket.

17 DR. KENT: Thank you. And, I think I'll
18 quit there. Thank you.

19 CHAIRMAN BURACK: Thank you very much.

20 Do other members of the Subcommittee -- you have a
21 question?

22 MR. HARRINGTON: I have a question.

23 DIR. MUZZEY: I have a question.

24 MR. NORTHROP: Really quick.

1 CHAIRMAN BURACK: Okay. What I'd like
2 to try to do, and I don't know if we can do it or not, is
3 to see if we can get through any remaining questions in
4 the next ten minutes or so. If we can, I recognize,
5 Mr. Frecker, that we had asked you to be able to respond
6 to a more detailed question. We may have to save that for
7 tomorrow morning at this point. But we'll try to get
8 through these questions here.

9 MR. NEEDLEMAN: I'm sorry, Mr. Chairman,
10 could I interrupt for one minute?

11 CHAIRMAN BURACK: Yes.

12 MR. NEEDLEMAN: I did plan on a few
13 minutes of follow-up questions. Will I have that
14 opportunity?

15 CHAIRMAN BURACK: We will provide that
16 opportunity, but it may be that we're going to have to do
17 that tomorrow morning, if everybody is available here
18 tomorrow morning.

19 MR. NEEDLEMAN: I don't know, I
20 certainly know Mr. Bravakis is available, I don't know
21 about the other two.

22 WITNESS RICHMOND: I will be.

23 CHAIRMAN BURACK: Mr. Richmond, you're
24 available?

1 WITNESS RICHMOND: Yes.

2 WITNESS MONGAN: If there's no other
3 way.

4 (Laughter.)

5 WITNESS MONGAN: I've got to cancel a
6 whole --

7 CHAIRMAN BURACK: Thank you for being so
8 accommodating, Mr. Mongan. Okay. Please proceed.

9 BY DIR. MUZZEY:

10 Q. I'm also looking at the LandVest study in the
11 Application, it's Appendix P. And, on Page 5, the
12 center of the page, you talk about how the wood basket
13 was defined and what is included and what's excluded.
14 And, given that, if you look at Figure 1, on Page 7.

15 A. (Mongan) And, again, I don't have the exhibits marked
16 on mine. Which study is it you're looking at?

17 A. (Bravakis) I think it's the appendix.

18 Q. The December 14, 2009 LandVest study.

19 A. (Mongan) Is that the appendix or -- I'm sorry. Could
20 you please repeat that?

21 Q. So, on Page 5, you give the methodology for the wood
22 basket. Page 7 is your figure that illustrates that
23 wood basket.

24 A. (Mongan) Right.

1 Q. Given your methodology, can you explain how Cheshire
2 County and the other two southern counties are
3 included?

4 A. (Mongan) I know there was a great deal of discussion
5 about Cheshire County. I think we decided, just made
6 an experiential judgment call that it should be
7 included.

8 Q. Thank you. I just had a couple other questions.
9 Mr. Bravakis talked about the potential for rail
10 opportunity on the site. Could you describe how trains
11 would come into your project area?

12 A. (Bravakis) Yes. This is our property [indicating].
13 So, obviously, this was a railbed. It would need to be
14 rebuilt. This land is owned by Fraser. And, we've
15 obtained easements from them for rail, to go north of
16 the property, over an existing bridge, and make a turn
17 and get right onto the St. Lawrence & Atlantic line
18 that's right over the river.

19 Q. Uh-huh.

20 A. (Bravakis) So, we have those easements.

21 Q. So, with that existing bridge, is that the same bridge
22 that your cultural resources consultant --

23 A. (Bravakis) No.

24 Q. -- identified as a historic bridge there?

1 A. (Bravakis) No, ma'am.

2 Q. It's a newer bridge?

3 A. (Bravakis) No. I believe that's the bridge that's next
4 to it. This is an active rail bridge. The other one
5 was an historical bridge.

6 Q. Okay, that was my question. Did you envision sending
7 the trains over the historical bridges or a newer
8 bridge? There are two side-by-side.

9 A. (Bravakis) That's correct. And, there's one bridge
10 that's the railroad bridge and one bridge that's the
11 historical bridge. And, we're going over the railroad
12 bridge.

13 Q. Is that a metal truss bridge?

14 A. (Bravakis) I believe they both are.

15 Q. I believe they're both considered "historic", if you
16 look at the Cultural Resources --

17 A. (Bravakis) No. I don't believe so.

18 Q. Okay.

19 A. (Bravakis) But, you know, you're the head of the
20 Historical Department, I'm not going to argue with you.

21 (Laughter.)

22 BY DIR. MUZZEY:

23 Q. Thank you. But that's something we could check on?

24 A. (Bravakis) We can look into that.

1 Q. Okay. Thank you.

2 A. (Bravakis) Okay. We're willing to do that.

3 Q. Okay. Thank you very much. Which would not
4 necessarily preclude its use. In fact, a used bridge
5 is kind of useful.

6 A. (Bravakis) I know we've discussed this, and I know we
7 avoided the historical bridge. But we can look into
8 that a little further.

9 Q. Okay. Thank you. And, my only other question is in
10 regard to your sustainability policy statement. And,
11 under the first item, under "Procurement Standards and
12 Practices", it reads that "LBB's procurement personnel
13 shall be licensed foresters." Do you take that, the
14 meaning of that to extent to a procurement agent, such
15 as Cousineau, would also -- that would also apply to
16 them as well?

17 A. (Bravakis) Yes. They will. They will -- remember,
18 these are still drafts.

19 Q. Right.

20 A. (Bravakis) When they are finalized, they will be an
21 exhibit to the Cousineau contract. And, they will --
22 there will be an obligation, a contractual obligation
23 under the supply agreement.

24 DIR. MUZZEY: Okay. All right. Thank

1 you. That's all I have.

2 CHAIRMAN BURACK: Mr. Northrop.

3 MR. NORTHROP: Yes.

4 BY MR. NORTHROP:

5 Q. I just have a couple of quick questions for Mr.
6 Richmond. You had mentioned something called the "push
7 economy", which I think is, if a landowner has
8 low-grade biomass that they want to get rid of, that
9 they actually pay you to take it over --

10 A. (Richmond) No.

11 Q. -- or pay someone to take it over?

12 A. (Richmond) No.

13 Q. Okay. I'll ask you, maybe we could have a
14 clarification of what that is.

15 A. (Richmond) A good example would be tree service people
16 that are taking down one or two trees in your backyard
17 down in Massachusetts. They would chip that product up
18 on-site, and now they have to dispose of it. They
19 could go to a landfill and dump it in a transfer
20 station or a landfill and pay a tipping fee, or they
21 could go to a concentration yard that either we or some
22 of our trucking companies have set up in the
23 Massachusetts area, and they would dump it there for a
24 less fee than the tipping fee at the transfer station,

1 and that starts the push. That person got paid to take
2 that product. So, then, we would purchase it at a
3 reduced price and get the trucking under it, and that
4 all equates to a lower cost chip delivered up here.

5 Q. Okay. That actually goes to what by second question
6 was. Do you acquire low-grade biomass from other
7 sources, such as a construction project or housing
8 development or someone clearing a piece of property for
9 commercial development or right-of-way clearing, and
10 sort of other aspects other than sort of a forest
11 management site? Do you acquire biomass in that, from
12 those sources as well?

13 A. (Richmond) From a construction site, we're not talking
14 C&D or something like that?

15 Q. No, no.

16 A. (Richmond) You're talking the trees that were cut to
17 prepare for the construction?

18 Q. Yes. Yes.

19 A. (Richmond) Yes, we do.

20 Q. Okay.

21 A. (Richmond) That is a push economy, too.

22 Q. That's part of that push economy?

23 A. (Richmond) Someone paid him to cut those trees down.

24 Q. Okay.

1 A. (Richmond) So, he would fill our vans, we'd bring our
2 vans on-site. He'd be glad to fill them to get rid of
3 it. And, again, the push economy has started.

4 MR. NORTHROP: Okay. Thanks. That's
5 all. Thank you.

6 BY CHAIRMAN BURACK:

7 Q. Could I just ask a follow-up question on that. Do you
8 have any estimate at all with respect to the purchasing
9 for the Laidlaw facility as to what percentage of the
10 wood chips the biomass might come from this push
11 economy?

12 A. (Richmond) Well, it's up-and-down with the economy,
13 obviously, out there. There's not a lot of building.
14 So, now it's down, it was up. We expect it to come
15 back. I would assume that, when we started, it will be
16 under 25 percent. I can't tell you exactly how much,
17 because the start is so far off I don't know what the
18 economy is going to be doing. But I would not expect
19 to see it over 25 percent.

20 CHAIRMAN BURACK: Thank you. Let me ask
21 counsel and parties, I had earlier promised that we would
22 do our best to end by 5:00 each a day, because at a
23 certain point we all reach saturation. So, I just want to
24 get a sense from counsel. Are there counsel that need to

1 leave at this very moment? You do, Mr. Brooks. Does
2 anybody else absolutely need to leave at this hour? Okay.
3 Are you panelists okay staying for a few more minutes
4 here?

5 WITNESS MONGAN: We're fine.

6 CHAIRMAN BURACK: Is it the collective
7 sense that each of has five minutes or less --

8 MR. HARRINGTON: Five minutes.

9 CHAIRMAN BURACK: All right. Why don't
10 we -- and, I know you have some questions. How much time
11 do you think you're going to need?

12 MR. NEEDLEMAN: Well, I was going to
13 make a suggestion. I can actually do my questions in a
14 way that I don't have to ask Mr. Mongan any questions,
15 because I saw how pained he was about the prospect of
16 coming back. So, if others could do the same, we could at
17 least maybe release him after today.

18 CHAIRMAN BURACK: Okay. Why don't we
19 try that. Why don't we see if we have any other questions
20 for Mr. Mongan at this point. Do you have questions of
21 Mr. Mongan?

22 MR. HARRINGTON: It's possible, yes.

23 CHAIRMAN BURACK: Okay. Why don't you
24 go --

1 MR. HARRINGTON: I'll try to eliminate
2 some of the other questions, though.

3 CHAIRMAN BURACK: Okay.

4 MR. HARRINGTON: The other people can be
5 back tomorrow, correct?

6 WITNESS RICHMOND: Uh-huh.

7 BY MR. HARRINGTON:

8 Q. Okay. On the sustainability issue, this could be for,
9 I guess, any one of you, but there's been a lot of
10 questions about what it really is. What I'm hearing is
11 it's going to be that written policy that's going to
12 become part of the contract that's in draft form right
13 now? Shaking your head doesn't work for him, I don't
14 think.

15 (Court reporter interruption.)

16 BY MR. HARRINGTON:

17 Q. I'll ask the question. We've had a lot of discussion
18 on what the sustainability policy, how it's going to be
19 defined, where it's going to be written. Am I correct
20 in making the assumption that that two or three page
21 document that's going to be attached as part of the
22 contract for procurement of the wood will be the
23 defined sustainability policy?

24 A. (Bravakis) That's correct.

1 A. (Richmond) Yes.

2 A. (Bravakis) If I could, if I may, it's also our
3 intention that this would be attached to the
4 Certificate as well.

5 Q. Okay. Now, there was a lot of talk about this going
6 from 50 percent to 70 percent, and is it economically
7 viable and so forth. But, I'm just trying to find out,
8 there were statements made that, "if there were a
9 demand for more product, then people would collect
10 more." But I think it was Mr. Richmond who made the
11 statement that "no one is going to probably change
12 their logging methodology", to the effect that they
13 basically, you know, they cut the trees and then drag
14 them out and they lose some stuff the way they do now,
15 but it's expensive equipment and they've got to move
16 on. Did I misunderstand your answer to that or --

17 A. (Mongan) Yeah. It's not quite that straightforward,
18 and that's the problem. Right now, what we're seeing
19 in the North Country is its pretty common to not have a
20 biomass market. So, when these loggers cut a tree
21 down, they'll have a sawlog in the bottom part, let's
22 say, for example, and a piece of pulpwood that they can
23 send to a pulp mill in the next piece. They will leave
24 the rest of the tree in the forest. If there were a

1 biomass plant there, they would take part of that upper
2 portion of the tree that they normally leave in the
3 forest out. So, we're thinking we can -- and, so,
4 that's where you go from the 50 to 70 percent. If they
5 all had got up and took more of the topwood out than
6 they have been taking, then you can move up the
7 utilization a little bit.

8 Q. So, you're talking about taking 50 -- just going from
9 50 to 70 percent of the entire tree?

10 A. (Mongan) No, 50 to 70 percent of the top, the biomass.

11 Q. Oh, the top. So, you're taking some of that now
12 because the market's limited. And, if --

13 A. (Mongan) "Limited" is the right word, yes.

14 Q. Okay. If the market increases, they will just collect
15 more because it will be worth their while?

16 A. (Mongan) Exactly.

17 Q. Okay. This is in Exhibit 10, and it is in Bravakis's
18 testimony, but I think the question could probably
19 apply to all three of you. And, this is on Page 2 of
20 Exhibit 10. And, it says, it's on Line 9, "Today, wood
21 brokers tell us there is more supply than demand for
22 low-grade wood. That makes perfect sense given recent
23 experience. For example, just four years ago, there
24 were three facilities utilizing low-grade wood in the

1 North Country", and I could keep reading, and those are
2 closed. They used to "consume 1.3 million tons". So,
3 "based on this, we know there was a substantial
4 supply."

5 But I'm getting a little confused here,
6 because I seem to hear that "we had these paper mills
7 that were open before, and they're now shut down, so we
8 know there's all this extra wood out there that's not
9 being used. So, we'll have plenty to burn at Laidlaw."
10 But, then, I hear "no one is going into the woods to
11 cut down trees unless there is a market for pulp and
12 sawlogs, because it just isn't economical to cut down a
13 tree and burn the whole thing." So, I'm kind of in a
14 Catch-22 here. Which is correct? Are we going to cut
15 -- why are we going to cut down the whole tree just to
16 supply Laidlaw, if there isn't another market for the
17 money part of the tree?

18 A. (Bravakis) Let me see if I can, this is something
19 that's been coming up quite a bit.

20 Q. Yes. And, I keep -- seem to be going around in
21 circles.

22 A. (Bravakis) Right. So, I'm going to take a couple
23 minutes and describe, I've been thinking about some
24 type of an example to describe the market dynamics in

1 an economic sense. We all assume there's enough wood
2 available growing on a sustained basis, so that's a
3 given. So, I've been trying to, and with my
4 colleagues, trying to put this in a perspective so the
5 way we can understand it, since we're all not loggers
6 and foresters and not familiar with the movement.

7 So, we all use airplanes. So, we came
8 up with a concept of think of three cities, and each
9 city has an airport in it. And, they're side-by-side.
10 Each airport can serve X amount of customers, say 100
11 per airport. Let's say the middle airport, for one
12 reason or another, goes out of business; mismanagement,
13 et cetera, et cetera. There's still 100 people that
14 need to fly. They will -- some of them might decide
15 "Well, I don't really need to fly. I'll take a bus."
16 Or, "I don't need to go on that vacation", so they
17 don't go. But most of them will migrate over to those
18 other airports. That will put more pressure on those
19 airports, prices will rise, et cetera. Some of those
20 who don't want those higher prices might migrate down
21 to more regional airports. The market gets an
22 equilibrium.

23 Now, all of a sudden somebody comes in
24 and says "Boy, here's an area that's underserved. We

1 think there's 100 people that will fly." And, they put
2 in an airport. So, what happens? The 100 that left
3 will now come back, and the ones that left will now
4 come up. So, the market once again re-establishes
5 equilibrium.

6 That's kind of an economic dynamic of
7 the way wood moves. But, in our case, instead of
8 purchasing a service, flying, the contractors are
9 supply the service or product, wood chips.

10 So, to answer your question, it's not
11 that -- what Mr. Richmond was referring to was that
12 10 percent, who decided "Nah, it's not worth flying."
13 You know, "I'll take a bus." Or, "I won't take that
14 vacation", et cetera, et cetera. Those are the logging
15 contractors who say, "Eh, you know, I'm 50 years old.
16 My son doesn't want to take it over. I'm been banging
17 my head against the pulp market going up and down, I'm
18 just going to get out of business." So, they get out.
19 But, for the vast majority, a lot of them start moving
20 out. In this case, it's the woods moving out into
21 these other markets.

22 When we come back in, a lot of that same
23 wood will now move back to us. And, perhaps some of
24 the sons, or those guys who went a couple years with an

1 excavator and the contracting business, didn't like it,
2 said "you know, now there's a market here, maybe I'll
3 get back into logging, I kind of miss it." And, I
4 believe that's what he was talking about referring.
5 So, when we talked yesterday about the 6 million, and
6 then 750, it's going to be 750. That new airport won't
7 serve 200 people, because it identifies there's 100
8 people that can fly, and it has capability of 100
9 people, it will serve the 100 people that come back in.

10 So, I don't know if that's helpful at
11 all in describing the market dynamics in an economic
12 sense. But I know it was helpful to me, because
13 yesterday I was struggling trying to get that across.
14 I hope it helps answer your question.

15 Q. Well, it does to some extent. But I'm still -- and
16 just I may need a couple of clarifying questions. So,
17 what you're saying is that, when these pulp mills
18 closed, the Fraser and Wausau and Gilman Paper closed,
19 that previously consumed 1.3 million tons that, which I
20 assume is on an annual basis, that you didn't stop
21 consuming that 1.3 million tons, the product just went
22 to somebody else?

23 A. (Bravakis) That's correct.

24 A. (Mongan) That's correct.

1 Q. Okay. But, reading your statement, it seems to
2 indicate that you're saying, "based on this experience
3 that there used to be 1.3 million, we know, in fact,
4 there's a substantial supply, far in excess of what we
5 expect to use." So, it's not going to really create
6 much more biomass, other than the going from the -- for
7 use in the plant, other than going from the 50 percent
8 to the 70 percent. Because these logs, if they
9 continue to be cut, they're going someplace else, not
10 to supply other biomass markets, or maybe they still
11 are, but most of it's going to the pulp markets
12 someplace else, because they don't cut down trees for
13 biomass plants, correct?

14 A. (Bravakis) They don't cut down -- but the point on the
15 utilization piece is that, now that -- okay, now the
16 airport or the biomass plant now comes in, so the
17 fliers, the people who want to fly come back. But, in
18 this case, they say "Oh, it's brand new, it's a
19 different type of facility. And, guess what, they can
20 take my tops and branches as well. So, now, it's a
21 better opportunity. Because not only can I sell the
22 pulpwood, I can still sell that to the pulp markets,
23 but now the shortest piece of the log and the tops, I
24 have a market for it. So, I can utilize, when I go in

1 the woods to harvest, I now can come out with more
2 product, and I increase my, basically, economy of
3 scale, if you will. You know, I mobilize on-site. I
4 can create more product for pretty much the same
5 effort."

6 Q. Maybe just one -- a couple of questions here to
7 clarify. When you talk about then, when you say "In
8 total, they consumed approximately 1.3 million tons of
9 low-grade wood per year", they were -- those three
10 entities were consuming pulp logs, not a biomass --

11 A. (Bravakis) No, all. All three.

12 Q. All three.

13 A. (Bravakis) On both, pulp and biomass and bark, because
14 they all had biomass boilers.

15 A. (Mongan) Oh, that's true.

16 Q. Okay.

17 A. (Bravakis) And, excuse me, Ray told me he was going to
18 say the same thing, I think. And, they had pulp,
19 pulping operations and biomass boilers.

20 Q. So, some of this 1.3 million will be freed up to supply
21 the Laidlaw facility. But most of it will continue to
22 go someplace else in the form of pulp logs?

23 A. (Bravakis) It depends on the trucking and the
24 transportation and the value. It's a comparative

1 economic situation, where the landowners are weighing
2 the stumpage value of the product, along with the
3 trucker, compared to the trucking distance and the
4 return on that. And, pulp markets come and go, so
5 there's uncertainty there. So, they do that analysis
6 and they weigh that, and say "well, maybe" -- because
7 remember what pulp is: Pulp is just roundwood that
8 goes in to get -- to be made into a chip, a higher
9 grade chip that gets processed, but it doesn't get made
10 into lumber, it doesn't get made into that type of a
11 product. It gets chipped up. So, it could get chipped
12 up for energy, as well as it could get chipped up for
13 paper, depending on the various economics of
14 transportation, pulp markets, price that we're paying
15 for biomass, all of those things. So, that's --

16 Q. Now you seem to be -- excuse me, but now you seem to be
17 saying that some trees are cut down just for energy?

18 A. (Bravakis) Low-grade trees could be.

19 A. (Mongan) Some are.

20 A. (Bravakis) Low-grade, not sawtimber.

21 Q. Okay.

22 A. (Bravakis) The low-grade trees. And, in fact, in the
23 INR study that was done for Clean Power, they assumed
24 that a third of the pulpwood would be directed into

1 biomass plants, along with the tops and branches, and
2 probably a reasonable assumption.

3 CHAIRMAN BURACK: Excuse me.

4 Mr. Harrington, do you have further questions for Mr.
5 Mongan?

6 MR. HARRINGTON: One last question on
7 this, and I think -- no, I think that's actually for
8 Mr. Richmond. He had made -- there was another question
9 on something he had said. I think one last question, Mr.
10 Mongan.

11 WITNESS MONGAN: Sure.

12 BY MR. HARRINGTON:

13 Q. Which is, you made some statement about "it wouldn't be
14 considered sustainable if someone was going to cut down
15 their woods or their farm and turn it into a Wal-Mart."
16 But, in effect, if someone had already sold the land to
17 Wal-Mart and they were cutting down the wood, you
18 wouldn't refuse to buy the wood?

19 A. (Mongan) Oh, God, no.

20 MR. HARRINGTON: Okay. I just wanted to
21 make sure. You made it sound like that was the case.
22 That's all I have. I do have some more questions for the
23 other two gentlemen.

24 CHAIRMAN BURACK: Okay. Thank you. Any

1 other questions from the Subcommittee for Mr. Mongan?

2 (No verbal response)

3 CHAIRMAN BURACK: All right. Attorney
4 Needleman, you had some final questions for Mr. Mongan, is
5 that correct?

6 MR. NEEDLEMAN: I don't. I had one or
7 two, and I can just ask another party. So, I'm done for
8 today.

9 CHAIRMAN BURACK: Okay. Very good.
10 What I -- before we actually adjourn for the day, I just
11 want to talk briefly about what we might anticipate doing
12 tomorrow. I think we will, when he reconvene tomorrow at
13 9:00, we will start with Mr. Bravakis and Mr. Richmond for
14 any wrap-up questions on these related issues. Again, Mr.
15 Mongan, we thank you very much for being here today.
16 Appreciate your taking the time to answer our questions,
17 and we'll appreciate hearing, through Mr. Needleman,
18 responses to the questions that you have that I think you
19 need to get back to us on.

20 Tomorrow, if we were to follow the
21 agenda that we had set out here, the next set of panelists
22 that we would get to would be Mr. Bartoszek and
23 Mr. Strickler together, followed by Mr. Kusche. And,
24 then, we would turn to the City of Berlin's case in chief.

1 But, Attorney Schnipper, I want to make
2 sure I understand, was there some limitation in
3 Ms. Laflamme's availability this week?

4 MR. SCHNIPPER: If at all possible, she
5 would like to be able to be here today, that has to do
6 with a personal commitment -- I mean, sorry, tomorrow.

7 CHAIRMAN BURACK: Tomorrow.

8 MR. SCHNIPPER: She was initially
9 planning on being here today.

10 CHAIRMAN BURACK: Okay.

11 MR. SCHNIPPER: Obviously, we moved it
12 to tomorrow.

13 CHAIRMAN BURACK: All right.

14 MR. SCHNIPPER: So, at this point, I
15 advised her that she would probably be on tomorrow
16 afternoon.

17 CHAIRMAN BURACK: Okay.

18 MR. SCHNIPPER: And, I was just writing
19 to suggest it might be Thursday, but --

20 CHAIRMAN BURACK: Well, what I -- again,
21 I don't want to make anybody's life more difficult than it
22 needs to be. I guess the question, Attorney Needleman,
23 for you would be, would it be -- would it be inconvenient
24 to you and to your witnesses if we were to take Ms.

1 Laflamme out of order before some or all of your witnesses
2 tomorrow?

3 MR. NEEDLEMAN: No, that's fine.

4 Ideally, maybe we could get through the next panel, and
5 then take her before we got to Mr. Kusche, but I just
6 don't know how long the next panel will go. But I don't
7 want to inconvenience her.

8 CHAIRMAN BURACK: Okay. Thank you. Why
9 don't we plan that that's how we will proceed. We will --
10 when we wrap up this panel tomorrow, and I would like to
11 think that's not going to take us terribly long to do, we
12 will then turn to Mr. Bartoszek and Mr. Strickler. And,
13 then, once we've completed their examination, we will then
14 turn to Ms. Laflamme. So, we will make -- we will be sure
15 that we get to her tomorrow.

16 MR. SCHNIPPER: Wonderful. Thank you.
17 It's appreciated.

18 CHAIRMAN BURACK: Then, I would -- I'm
19 thinking that, again, my hope would be that we could
20 complete Mr. Kusche's examination possibly tomorrow as
21 well. And, then, I'm sorry, Mr. Rodier is not here. I
22 don't know -- we're going to have to determine whether or
23 not we're going to take our closed session before or after
24 we have heard the testimony of Messrs. Liston and Gabler.

1 And, we'll sort through that and work that out. So, that
2 closed testimony session could be -- at this point, it's
3 certainly not tomorrow, it's looking like it could be
4 Thursday, it could be Friday.

5 Mr. Bravakis, you had a question?

6 WITNESS BRAVAKIS: Mr. Chairman, I have
7 a question. Did you want our engineer, Mr. Frecker, to
8 join us in the morning to answer those two questions on
9 the permitting site. He travels a long distance, I want
10 to make sure he's --

11 MR. NEEDLEMAN: He's here on time.

12 CHAIRMAN BURACK: I know he says that he
13 would prefer not to join you, but I think it would be
14 helpful if he could.

15 MR. FRECKER: I have no problem with it.

16 CHAIRMAN BURACK: Okay. Thank you. So,
17 if that were possible, that would be helpful, if he could
18 join this panel in the morning. And, anything else?

19 (No verbal response)

20 CHAIRMAN BURACK: Okay. Very well.

21 MR. HARRINGTON: Tomorrow morning at
22 9:00, Mr. Chairman?

23 CHAIRMAN BURACK: Yes. That's correct.
24 We will plan to reconvene at 9:00 tomorrow morning.

1 Anything else from any of the parties?

2 (No verbal response)

3 CHAIRMAN BURACK: If not, again, I thank
4 you all very much, and we will adjourn until 9:00 tomorrow
5 morning.

6 (Whereupon the hearing was adjourned at
7 5:20 p.m., and the hearing to reconvene
8 on Wednesday, August 25, 2010,
9 commencing at 9:00 a.m.)

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