

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 10, 2010 - 1:25 p.m. DAY 6
Public Utilities Commission AFTERNOON SESSION
21 South Fruit Street ONLY
Suite 10
Concord, New Hampshire PUBLIC SESSION

RE: SEC Docket No. 2009-02
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: SITE EVALUATION SUBCOMMITTEE:

Thomas Burack, Cmsr.	DES
Amy Ignatius, Cmsr.	PUC
William Janelle	DOT
Elizabeth Muzzey	N.H. Div. of Hist. Res.
Harry Stewart	Water Division - DES
Craig Wright	Air Resources Div - DES
Donald Kent	DRED
Christopher Northrop	OEP
Michael Harrington	PUC

* * *

Counsel for the Committee: Michael Iacopino, Esq.

COURT REPORTER: SUSAN J. ROBIDAS, LCR NO. 44

1 ALSO PRESENT:

2 REPRESENTING LAIDLAW BERLIN BIOPOWER, APPLICANT:

3 Barry Needleman, Esq.
4 Gregory H. Smith, Esq.
5 Cathryn E. Vaughn, Esq.
(McLane, Graf, Raulerson &
Middleton)

6

7 REPRESENTING CLEAN POWER DEVELOPMENT:

8 James T. Rodier, Esq.

9

10

COUNSEL FOR THE PUBLIC:

11

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

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS: WILLIAM GABLER

CROSS-EXAMINATION: PAGE

By Mr. Needleman 8

REDIRECT EXAMINATION:

By Mr. Rodier 12

WITNESS: LOUIS BRAVAKIS

BY Mr. Needlmean 22

INTERROGATORIES BY SUBCOMMITTEE MEMBERS:

By Dr. Kent 31

By Comm. Ignatius 32, 41

By Mr. Harrington 35

By Dir. Muzzey 37

By Chairman Burack 39

By Mr. Iacopino 46

* * *

MOTION BY MR. NORTHROP 49
to enter into non-public session

SECOND BY DIR. MUZZEY 49

VOTE ON THE MOTION. 49

* * *

MOTION BY MR. NORTHROP. 76
to seal transcript of non-public
session

SECOND BY JR. JANELLE 76

VOTE ON THE MOTION. 77

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CLOSING ARGUMENTS:

By Mr. Rodier	85
By Mr. Needleman	102

PUBLIC COMMENTS:

By Max Makaitis	111
By Joe Casey	114

LAIDLAW EXHIBITS	PAGE
------------------	------

74	9/10/10 Affidavit of Raymond Kusche	7
75	9/10/10 Affidavit of Curt Richmond	7
76	Stipulation between Laidlaw BioPower and Public Council	7
76-A	CONFIDENTIAL DOCUMENT Amendment to Exhibit 62, Cousineau Fuel Supply Agreement	7

PUBLIC COUNSEL EXHIBITS	PAGE
-------------------------	------

5	9/20/07 Letter from Mr. Walls (Dept. of Environmental Services) to Atty. Beeson re: Dummer Yard Leachate Agreement)	7
---	--	---

P R O C E E D I N G S

(Hearing resumed at 1:25 p.m.)

CHAIRMAN BURACK: Let's resume. I'm going to ask Attorney Iacopino to mark some documents for the record.

MR. IACOPINO: Thank you. Mr. Chairman, the Applicant has presented one, two, three... an additional four exhibits for the record. I understand that, with the exception of the last one, which I'll discuss last, they've all been agreed to by the parties.

The first is marked as Laidlaw Biopower Exhibit 74, or Applicant 74. It is an affidavit of Raymond Kusche, K-U-S-C-H-E, dated September 10, 2010. That's Exhibit 74.

The next exhibit, which is admitted under the same circumstances is Applicant Exhibit 75, Affidavit of Curt Richmond, R-I-C-H-M-O-N-D. This exhibit is dated September 9th, 2010. This one doesn't have a sticker on the copy, so you might want to mark that as Exhibit 75.

The next exhibit is Exhibit 76, and this is a stipulation between Laidlaw

1 Berlin BioPower and Counsel for the Public. And
2 it has attached to it a document entitled
3 "Laidlaw Berlin BioPower, LLC, Sustainability
4 Conditions." It is signed by Barry Needleman,
5 counsel for Laidlaw, and K. Allen Brooks and
6 Peter Roth, Counsel for the Public. And that's
7 Exhibit 76.

8 And then finally, from the
9 Applicant we have the confidential exhibit, which
10 the Chair granted the motion for confidentiality
11 for, and that is marked as Exhibit 76-A. And
12 again, this one doesn't have a number on it, so
13 you may want to -- Members of the Committee may
14 want to put 76-A.

15 And then, finally we have a
16 new exhibit from Counsel for the Public, which is
17 a letter dated September 20, 2007, from Michael
18 J. Walls, Assistant Commissioner of the
19 Department of Environmental Services to Peter G.
20 Beeson, B-E-E-S-O-N, at Devine, Millimet &
21 Branch. And the letter concerns the Dummer Yard
22 Leachate Agreement. And that's been marked as
23 PC 5.

24 And those are the exhibits.

1 Thank you, Mr. Chairman.

2 (Laidlaw Exhibits 74, 75, 76, 76-A
3 marked for identification.)

4 (Public Counsel Exhibit 5 marked for
5 identification.)

6 CHAIRMAN BURACK: Okay. If we
7 can, now I'd like to ask, Mr. Gabler, if you
8 would please return to the witness stand. And we
9 will do our best to, as expeditiously as we can,
10 to complete our questioning of Mr. Gabler.
11 Following that, I think it may be helpful for us
12 to have an opportunity for -- I believe Counsel
13 for the Public wishes to make a statement
14 regarding the stipulation which is Exhibit 76.

15 Attorney Needleman, I think it
16 may be helpful potentially to put a witness on
17 about this, depending what you and Counsel for
18 the Public may have to say about this document.
19 Once we have concluded any questioning relating
20 to that document, then we will have a motion to
21 go into confidential session to review the
22 Cousineau draft fuel supply agreement and the
23 amendment that we have been provided with today,
24 which is now labeled as Confidential Exhibit 76-A

1 of the Applicant. Okay?

2 So, with that, Mr. Gabler, I
3 think Mr. Needleman has some additional questions
4 for you.

5 MR. NEEDLEMAN: Thank you.

6 CROSS-EXAMINATION

7 BY MR. NEEDLEMAN:

8 Q. Mr. Gabler, just a couple of questions.

9 During Mr. Harrington's questioning,
10 you said that CPD would cycle with the wind
11 project and voluntarily curtail its output,
12 if I've summarized that correctly. My
13 question to you is, are you aware of any new
14 biomass facilities anywhere that have agreed
15 to do something like that and obtain
16 financing?

17 A. No, I think we would have been the first.
18 It was merely a proposal that we made and
19 investigated the economic -- or the
20 engineering and transmission viability of,
21 and determined that it was viable, but then
22 never integrated it into our economic
23 proposal.

24 Q. Earlier today Mr. Brooks asked you a

1 question which was loosely along the lines
2 of would it be a bad thing necessarily if
3 new generation were to come into the market
4 and displace older generation. And I wanted
5 to pick up on that for a minute.

6 We heard public comment earlier today
7 from a representative of Bridgewater. And
8 part of those comments suggested that today,
9 as we speak, that Bridgewater plant is
10 having some problems, independent of
11 anything that's going on with Laidlaw. And
12 having in mind that it's your view that the
13 Laidlaw plant would potentially cause
14 facilities like Bridgewater and others to
15 potentially go out of business, and assuming
16 for the moment that that's even something
17 that the Committee could regulate, can you
18 explain to the Committee how you would
19 propose they distinguish between plants that
20 are currently having problems and may no
21 longer operate, irrespective of whether
22 Laidlaw comes online, from plants that you
23 think Laidlaw will affect? How does the
24 Committee draw that line today?

1 A. Well, let's go back to what I heard in Mr.
2 O'Leary's testimony, that they are currently
3 doing okay treading water, but not to the
4 extent that they had been in the past, and
5 that, in his estimation, as I recall his
6 testimony, allowing Laidlaw to come online
7 would be the straw that breaks his camel's
8 back and could well end up resulting in a
9 shutdown of his project. So that's my
10 recollection of his testimony and what he
11 was trying to say.

12 Going back to your question of how does
13 the Committee address that, I don't know
14 that you can, because you're talking about a
15 very gray and almost unmanageable area as to
16 whose books are okay now and whose aren't.
17 And we're never going to have access to
18 those books to make that determination.

19 The real determination that I think the
20 Committee needs to make is, first of all,
21 recognizing that in the estimation of a
22 number of plant owners that we've enumerated
23 in the past -- Bridgewater, Alexandria,
24 Whitefield, Concord -- allowing Laidlaw to

1 go forward will have very significant, if
2 not disastrous impact, on their projects.
3 And the Committee needs to think about a way
4 to come to grips with that issue.

5 Q. But just so we're clear on this, you have no
6 way, as you sit here today, to distinguish
7 whether any of those projects, separate from
8 Laidlaw, are going to continue to operate
9 going forward, do you?

10 A. I don't think any of us have a crystal ball
11 to that extent.

12 Q. And you also have no way at all, adopting
13 your view of things, to give the Committee
14 something that it can use to draw a line
15 between those that might otherwise not
16 succeed and those that would be affected by
17 Laidlaw, do you?

18 A. And I don't think that's -- in my
19 estimation, that's not really a germane
20 point. The real nexus of the issue is will
21 Laidlaw have an impact on those plants? And
22 we've heard a number of them say that it
23 will, and potentially disastrous. As to how
24 we differentiate, that's not the heart of

1 the issue here. The issue is that Laidlaw
2 will have an impact. Some may have -- you
3 know, they've operated 25 years already, and
4 we would expect them to go forward as they
5 are right now, as Bridgewater is, moving
6 along, treading water. But with Laidlaw's
7 impact, they may not.

8 Q. No further questions.

9 CHAIRMAN BURACK: Thank you.
10 Counsel for the Public, questions?

11 MR. BROOKS: No.

12 CHAIRMAN BURACK: Mr. Rodier,
13 do you have anything further?

14 MR. RODIER: Thank you, Mr.
15 Chairman.

16 REDIRECT EXAMINATION

17 BY MR. RODIER:

18 Q. Mr. Gabler, in your mind, is there a
19 difference between a less efficient project
20 being driven out of business by a new, more
21 efficient project? That's one postulate,
22 okay, a less efficient project. A new one
23 comes along, more efficient, drives it out
24 of business. I want you to hold that in

1 mind. Paradigm A let's call it.

2 Paradigm B is that you get an existing
3 project driven out of business by a new one
4 coming along that's got the sort of PPA with
5 a monopoly utility that you discussed this
6 morning. See a difference between those
7 two?

8 A. Clearly.

9 Q. What is it?

10 A. Well, let me address Paradigm A first. And
11 this goes back to something that I didn't
12 get into earlier with Dr. Kent's question of
13 efficiency.

14 There is no real change in efficiency
15 between technologies and age unless you
16 truly are combining heat and power. Most
17 biomass plants operate at the range of 20-,
18 22-percent efficiency, possibly 25. So a
19 newer plant is going to be maybe 23, where
20 an old plant's going to be 21 on the margin,
21 in terms of efficiency.

22 So the real paradigm, the only viable
23 one, is Paradigm B, the only realistic one,
24 where a plant can be run out of business.

1 An older plant that doesn't have the backing
2 of a PPA, such as what has been offered,
3 could well be run out of business by a plant
4 that's not any more efficient, but merely
5 has deep-pocket backing.

6 Q. In the form of a PPA?

7 A. Hmm-hmm.

8 Q. Now let's talk about Bridgewater. I guess
9 they're not here so we can talk about them.

10 But seriously, they said they've had
11 deals. They had a 20-year deal with Public
12 Service and that ran its course. Then they
13 had three years with Constellation, and that
14 ran its course. And so, right now, he said
15 for six months they've tried mightily to get
16 a new deal; they can't get one. So, all
17 they can do is just can liquidate it on the
18 ISO New England hourly market; right?

19 A. Yes.

20 Q. So that is -- not to put words in their
21 mouth, but that's kind of like the only
22 option at this point. Presumably, Public
23 Service said, Hey, forget it. We've got a
24 deal with Laidlaw here, and, you know, we're

1 not going to deal with any of the other
2 existing biomass producers. Let's assume
3 that's the case. That's really kind of what
4 Bridgewater's gripe is, is that that is
5 going to muscle them out of business; right?

6 A. Very much so.

7 Q. Okay. And I think what you're saying,
8 somebody's job's going to be to say whether
9 that's going to be state policy or
10 something's going to be done about it;
11 right?

12 A. Yes.

13 Q. Okay. Mr. Gabler, you were asked about the
14 change in law. Do you have a reference
15 point for -- Public Service still pays
16 Laidlaw for RECs, or what were RECs, that
17 longer legally exist. Do you recall that
18 discussion?

19 A. Yes. Yeah.

20 Q. Do you recall -- you got a good memory, so
21 I'll put this in front of you. And I don't
22 want to use much time on this. But look at
23 Section 1.57 of the PPA. Do you recall that
24 being discussed earlier in this proceeding?

1 A. Yes.

2 CHAIRMAN BURACK: Attorney
3 Rodier, if I could just interrupt. What's the
4 exhibit number that this is from? Do you know?

5 MR. RODIER: It's the PPA.
6 which is -- very sorry. It's 40.

7 CHAIRMAN BURACK: Thank you.

8 MR. RODIER: It's Page 25 at
9 the bottom, and it's Definition 1.57.

10 CHAIRMAN BURACK: Thank you.

11 BY MR. RODIER:

12 Q. So, do you remember that, Mr. Gabler?

13 A. Yes.

14 Q. Okay. And that -- are you able to recall
15 whether or not that change in law provision
16 regarding renewable energy payments was kind
17 of what you were referring to?

18 A. Yes, it clearly was.

19 Q. So, anybody from the Committee that's
20 looking for some basis for your opinion on
21 that could refer to that definition.

22 A. Correct.

23 Q. Okay. I'll take that back.

24 You said that one of the things that

1 was recurring, not just today, but before,
2 is the whole issue of what happens if CPD is
3 not built -- or what happens if Laidlaw
4 comes online and CPD's not going to get
5 built. This question has come up in various
6 forms over the recent days of the hearing;
7 has it not?

8 A. Correct.

9 Q. Would you agree with me that, if CPD had
10 some kind of a PPA even remotely approaching
11 what Laidlaw got out of Public Service, that
12 it probably would be built, even if Laidlaw
13 was in existence?

14 A. If we had the same or similar PPA, it would
15 be built. We'd already be under
16 construction and would be built,
17 irregardless.

18 Q. All right. Well, is it true you got all
19 your permits?

20 A. All the permits.

21 Q. What's the status of the financing?

22 A. Financing is lined up.

23 Q. Okay.

24 A. Equity financing and long-term financing all

1 arranged, just waiting.

2 Q. Just got to wait for the picture to clear
3 here on what's going to be the economic
4 picture here and the price of wood; correct?

5 A. Hmm-hmm.

6 Q. Okay. Final one is this calculus of
7 existing jobs, new jobs. You were asked if
8 you'd done a -- or do you know of any
9 studies. I think your answer was, no, you
10 don't know of any studies; right?

11 A. Correct.

12 Q. But earlier in your testimony, I thought you
13 said somebody ought to study things like
14 this. Did you not?

15 A. That somebody ought to study it?

16 Q. Yeah.

17 A. Yeah. Obviously, it's an issue that has
18 been brought up by numerous parties, that
19 there is no comparative neutral third-party
20 analysis of economic impact. And, you know,
21 for Schiller, and for other existing plants
22 that could be used as an example, perhaps
23 there should be a study to make that
24 analysis.

1 Q. Right. Now, Public Counsel asked you
2 whether you had such a study. He could have
3 had such a study done and sent the bill to
4 Laidlaw; right?

5 A. It's my understanding, yes, it could have
6 been done.

7 Q. Okay. Thank you.

8 CHAIRMAN BURACK: Thank you.
9 Any further questions from the
10 Subcommittee for this witness?

11 (No verbal response)

12 CHAIRMAN BURACK: Okay.
13 Anything further from the parties?

14 (No verbal response)

15 CHAIRMAN BURACK: Very good.
16 Mr. Gabler, thank you very much.

17 (Witness Gabler excused.)

18 CHAIRMAN BURACK: Okay. I'd
19 like to now turn to exhibit -- let's see here. I
20 believe this is Applicant Exhibit 76, which is
21 entitled "Stipulation of Laidlaw Biopower, LLC
22 and Counsel for the Public." Who would like to
23 speak to this first? Attorney Brooks?

24 MR. BROOKS: He'll --

1 MR. NEEDLEMAN: Sure.
2 Exhibit 76, the top page is the executed
3 stipulation between the Applicant and Laidlaw.
4 Underneath is -- you originally had the
5 sustainability condition, which was Exhibit 60.
6 This is a revised version of that. It's the
7 product of discussions that the Applicant and
8 Cousineau had with Public Counsel and the state
9 forester. We have worked through their
10 suggestions and reached agreement on all of the
11 changes, and what you now have before you is that
12 revised document that is, in general, fairly
13 close to the first version we provided. And in a
14 moment, after Mr. Brooks speaks, we'll make Mr.
15 Bravakis available again to answer any questions
16 about changes and any other questions that the
17 Committee may have. But that's essentially what
18 this is.

19 CHAIRMAN BURACK: Thank you.
20 Attorney Brooks.

21 MR. BROOKS: Thank you.
22 The only statement I wanted to
23 make is to clarify that this sustainability
24 condition is an agreement reached between Public

1 Counsel and the Applicant for this case. There
2 was the involvement of the state forester who
3 added a lot of value to that process and gave
4 perspectives, and is familiar with it. But this
5 does not reflect the statewide policy on
6 sustainability and what sustainability should be.
7 To the extent such policy is developed, it's
8 going to have to involve a lot of stakeholder
9 meetings, participation and decisions by the
10 appropriate people. So I just wanted to make
11 clear that this is an agreement reached between
12 us for this project and does not represent a
13 statewide policy.

14 CHAIRMAN BURACK: Thank you.

15 Attorney Needleman, I think it
16 may be helpful if you could put Mr. Bravakis up
17 on the stand, just so if you want to walk him
18 through this, or if you want me to do this. But
19 we should have him describe for us what changes
20 have been made from the original document that we
21 saw, Document 60, and see if there's any
22 questions from the parties.

23 (Whereupon, Mr. Bravakis resumes as
24 Witness.)

1 MR. NEEDLEMAN: Sure. I think
2 what may be easier for me to do is direct Mr.
3 Bravakis to the changes and ask him to explain
4 them to the Committee.

5 CHAIRMAN BURACK: Thank you.
6 That will be fine.

7 DIRECT EXAMINATION

8 BY MR. NEEDLEMAN:

9 Q. Mr. Bravakis, there's a small change in
10 No. 1, I think at the end where we said --
11 where we added that clause, "and that the
12 standards are followed." Do you recall
13 that?

14 A. Yes, I do.

15 Q. Can you explain that briefly.

16 A. Yes. I think Attorney Roth suggested that
17 when we had our meeting, and we agreed that
18 that was a good addition to that section.

19 Q. In No. 2, that clause at the end which says,
20 "comma, or from foresters that have been
21 disciplined by a board of licensure or had
22 their license revoked," could you explain
23 that change.

24 A. Again, Public Counsel suggested that. We

1 had "repeat offenders of the loggers." But
2 they also suggested we would include a
3 provision if there were foresters who were
4 disciplined by a licensing board or had
5 their license revoked, we would also not use
6 them. And we agreed to that as well.

7 Q. And then I believe, and Public Counsel will
8 correct me if I'm wrong, I think the next
9 change occurs in No. 6, where we did a
10 number of things. One of those is a
11 cross-reference to the amended Cousineau
12 contract, which I understand we'll discuss
13 shortly. But there were also some other
14 additions there, including, going over to
15 the next page, adding H, which is the Good
16 Forestry in the Granite State, and then
17 breaking some of these others out in I and
18 J. Can you just generally explain these
19 changes in No. 6 to the Committee.

20 A. Yes. This resulted from numerous meetings
21 we had with market participants and leaders,
22 whether they were procurement people,
23 foresters and others, organizations that we
24 wanted to be inclusive with.

1 To back up a little. Our intent
2 originally was not to create the end-all and
3 be-all of sustainability provisions, but to
4 dovetail into existing programs and policies
5 and guidelines that exist. So, as a result
6 of that, we were -- it was suggested to us
7 that we break No. F away from -- we had it
8 combined with the SFI program. And this is
9 to include any recognized trained logger --
10 sources that come from trained logger
11 programs in the states, that we -- not only
12 New Hampshire, but other states that we
13 expect to get fuel from.

14 We have also included "under the
15 guidance of a licensed professional
16 forester, or in accordance with a management
17 plan" to try to include those properties and
18 lands that might not be in third-party
19 certification, but under some type of
20 forestry guidance. And it was also brought
21 to our attention, referred to as, quote,
22 unquote, the Bible of Forestry in New
23 Hampshire, is the Good Forestry Granite
24 State Recommended Voluntary Forest Practices

1 for New Hampshire. That was done in 1997 by
2 the New Hampshire Forest Sustainability
3 Standards Work Team. We reviewed that
4 document and thought that was an excellent
5 addition to some of the conditions. And it
6 was also recommended by a couple of
7 foresters, that they use this as well.

8 And then the state forester suggested
9 that we would want to also include timber
10 harvested from state and federal lands,
11 which is also under management programs. We
12 didn't want to have to exclude that as well.

13 Q. No. 7 is actually a new provision. Can you
14 describe how that came about.

15 A. Yeah. We struggled trying to figure out how
16 the whole -- again, to back up a little bit.

17 This is a voluntary step forward on our
18 part to try to create more carrots than
19 sticks, if you will, with respect to fuel
20 procurement. So we wanted to create
21 opportunities for loggers to participate in
22 our programs, and if they weren't in a
23 certification program, rather than penalize
24 them, we wanted to offer funding so they

1 could enroll in logging programs or maintain
2 membership in professional logging programs.

3 And with respect to forestry, we wanted
4 to -- it was suggested to us that perhaps
5 one thing that might be beneficial is to set
6 up an annual scholarship fund for
7 individuals who wanted to pursue a career in
8 forestry. And we agreed to do that, and
9 that's how this came in. We call it the
10 Laidlaw Forestry Scholarship Fund. We will
11 award up to \$5,000 annually to one or more
12 qualified applicants residing in New
13 Hampshire. We're going to give a preference
14 to applicants residing in Coos County. And
15 again, from those that are familiar with
16 this type of an outreach effort, it was
17 suggested to us that this would get
18 administered and disbursed by the Northeast
19 Loggers Association, which already does that
20 in some other areas. So we agreed to set up
21 this scholarship fund.

22 Q. No. 8 was in the old version, and I believe
23 the primary change here is that we just put
24 a dollar amount in as to what the

1 contribution will be to the annual fund. Is
2 that right?

3 A. That's correct.

4 Q. No. 9 is a new addition relating to
5 recordkeeping. Can you just briefly
6 describe that.

7 A. Yeah. Is it 9? I thought it was in the
8 original.

9 Q. Actually, it may have been re-ordered from
10 the --

11 A. In any event, what we wanted to do -- the
12 challenge here was, as I say, to create a
13 standard that would accomplish two things --
14 or I should better say not disrupt either
15 our -- either the current marketplace or the
16 ability -- or prohibit the ability for
17 qualified suppliers to come to the facility,
18 and also to understand the reality of how
19 the wood moves and who's delivering it, et
20 cetera, et cetera, but also to monitor that,
21 what type of metrics were we going to use.
22 And so it was suggested to us that something
23 that would work would be what we call the
24 records on-site delivery. So when the truck

1 comes in, there's going to be a protocol
2 where they'll identify the supplier, the
3 quantity of the delivery, the date of the
4 delivery, the period, the state and -- the
5 town and the state of production of where
6 this product has come from. So those --
7 every delivery will be tracked as it comes
8 into the facility. And you have to
9 understand that a lot of times, truckers
10 just arrive at a piece of land and they're
11 just moving product. So this is going to be
12 some accounting that they're going to have
13 to provide to us as part of their ability to
14 sell to the project. And what we understand
15 from our procurement personnel is that this
16 can be done. So, a little bit more of a
17 tracking mechanism, but it can be done
18 without creating a burden on the truckers.

19 Q. And I believe the other two, which I can
20 briefly summarize, are No. 10 we added in to
21 address Public Counsel's concern that it be
22 clear that, if Cousineau is ever not a
23 supplier for some reason, that whoever the
24 future suppliers are will be bound by this.

1 And then in Section 1 of Reporting and
2 Verification, I believe that first sentence
3 was added to make clear that we will gather
4 this information by conducting quarterly
5 surveys; is that right?

6 A. That's correct.

7 Q. I think that was it.

8 Allen, did I miss any?

9 MR. BROOKS: No, I think
10 that's it.

11 Q. Okay. Is there anything you want to add,
12 Mr. Bravakis?

13 A. Nothing that I don't think we've already
14 stated in these proceedings. I just wanted
15 to reiterate. This is -- we view this as a
16 demonstration of our commitment to what we
17 hear is a major concern around the state.
18 And what I've heard, not only through the
19 week of testimony, but through the four
20 years of developing this project and talking
21 to a lot of folks, that it's a question of,
22 okay, you say you're going to get from
23 sustainable sources. How do you do that?
24 And then, on the other side of the spectrum,

1 from the suppliers: How do you do that
2 without creating upset in the market? And
3 the other biomass power plants: How do you
4 do that without diminishing our ability to
5 buy fuel? So this is truly a voluntary
6 effort on our behalf to, as we've said in
7 the past, dovetail with existing guidelines
8 and programs. And to kind of echo what
9 Counsel Brooks said, this is -- we view this
10 as just a first step. And we fully expect
11 and look forward to being one of the
12 stakeholders as the state moves towards
13 developing a statewide sustainability
14 policy. But this is really a voluntary
15 effort on our part. I don't -- I do not
16 believe any other biomass plant has taken it
17 to this level. And I just want the
18 Committee to understand it from that
19 perspective and also to understand some of
20 the challenges that we had to deal with as
21 we created this document.

22 MR. NEEDLEMAN: I think that's
23 it, Mr. Chair. He's available to answer
24 questions.

1 CHAIRMAN BURACK: Very good.
2 Thank you very much.

3 Attorney Rodier, do you have
4 any questions on this document?

5 MR. RODIER: No. Thank you,
6 Mr. Chairman.

7 CHAIRMAN BURACK: Thank you.
8 Members of the Committee, any
9 questions? Dr. Kent.

10 INTERROGATORIES BY DR. KENT:

11 Q. Are you aware that Good Forestry in the
12 Granite State was recently revised?

13 A. If it was, we'll put the -- we'll change the
14 date. We'll put the current version in, if
15 that's... I guess I wasn't aware of that.
16 Newer version since 1997?

17 Q. Yeah. We can make arrangements for it.
18 It's in production, but it's available
19 online, to see the draft that's in
20 production.

21 A. Because we did get it online. So I guess --

22 Q. Did you?

23 A. -- we didn't get the draft copy. We'll
24 correct that.

1 Q. Okay. Thank you.

2 CHAIRMAN BURACK: Other
3 questions from members of the Subcommittee?
4 Commissioner Ignatius.

5 COMM. IGNATIUS: Thank you.

6 INTERROGATORIES BY COMM. IGNATIUS:

7 Q. On the new provision, Section 6J, Timber
8 Harvested from State or Federal Lands, you
9 said just now that that was included because
10 there are already some standards in place
11 for good harvesting on those lands; is that
12 correct?

13 A. That's what I understand, yes.

14 Q. So, I assume that provision that would make
15 that one of the identified programs to be
16 incented would be timber harvested from
17 state or federal lands that's done in
18 compliance with the standards on those
19 lands.

20 A. Okay. We made an assumption that it would
21 be. But we can add that if you --

22 Q. Okay. I just want to be sure. If someone
23 were to say, well, this is the location and
24 you can trace it back to a state or federal

1 property, it's also that they complied with
2 the standards in place.

3 A. Yeah. And without conferring with the state
4 forester or another forester, my
5 understanding, from my knowledge of this,
6 when a timber sale is conducted on state or
7 federal lands, it's done under a licensed
8 manager -- under a licensed forester, and
9 done in compliance with a management plan.
10 So one would assume if it came from those
11 lands, unless someone was breaking the law,
12 that it was done in compliance with any
13 management plan that's there. We certainly
14 can add that, if you think that would add
15 value here. I don't think we have a
16 problem. The intent is certainly to do
17 that.

18 Q. All right. Let me just ask a little bit
19 more about the terms. And it may be that
20 it's clear enough, and trying to write it
21 down will make it less clear.

22 Are there any state or federal lands on
23 which timbering is not allowed?

24 A. I would assume there might be. But I don't

1 know. I would imagine there might be some
2 set-aside land that is fragile, high
3 elevation, protected because of ancient
4 forests or something. So this was only on
5 timberland that is managed for timber
6 harvest at the state and federal level. We
7 can expand upon it. I see what you're
8 saying. Certainly, it's not our intent to
9 send a logger up to some timberland and cut
10 down an ancient forest and make it into
11 chips and send it to the plant.

12 Q. Well, your last phrase, timber -- state
13 lands that have a program for harvesting or
14 something was maybe a clarification that
15 would be useful. But I wouldn't begin to
16 know how to write that.

17 A. Okay.

18 Q. Thank you.

19 A. We can change that.

20 CHAIRMAN BURACK: Anything
21 further, Commissioner Ignatius?

22 COMM. IGNATIUS: No.

23 CHAIRMAN BURACK: Mr.
24 Harrington.

1 MR. HARRINGTON: Just a quick
2 question.

3 INTERROGATORIES BY MR. HARRINGTON:

4 Q. You made a comment that no other biomass
5 plant has taken it to this level. Is it
6 safe to assume that if your sale price of
7 your electricity was based on the market
8 rate or tied to the market rate, that you
9 wouldn't be taking it to this level as well?
10 Would you be able to do the same level of
11 sustainability agreement and scholarships
12 and all these other caveats in here if your
13 rate was based on the market price for
14 electricity?

15 A. A, it depends on when that market is. If it
16 was four or five years ago or now, they're
17 two different market prices, of course. But
18 no. What I was trying to say, perhaps I
19 didn't say it properly before, is that when
20 we evolved this, we wanted to do it in a way
21 that wouldn't put us in a competitive
22 disadvantage to the marketplace, whatever
23 that might be, on the wood side and the
24 energy side. So, no. If you look through

1 this, I don't see where this places an undue
2 burden on the project.

3 For example: \$7,500 annually for
4 programs to help forestry students or
5 loggers on a project like this is pretty
6 insignificant. We're purchasing, we
7 estimate, \$25 million a year in wood. So we
8 looked at that and felt that these were
9 provisions that we as an end consumer could
10 live with. There were some, I will tell
11 you, that suggested we act more like the
12 landowner and do a lot more management
13 upstream. But we felt that that was
14 unrealistic, considering who we are. We're
15 a purchaser of fuel. We're not an owner of
16 woodland. I would say no.

17 Q. Okay. Thank you. But just to follow up
18 then. Do you know of anyone else who has a
19 similar agreement, any other wood biomass
20 plant, not just restricted to New Hampshire,
21 but other parts of --

22 A. Yeah. In Vermont, by state law, Ryegate and
23 Burlington Electric have procurement plans.
24 And I'm not that familiar with them. I know

1 I've spoken with John Irving, the plant
2 manager for Burlington Electric. They've
3 been operating with those plans for 25, 30
4 years.

5 Q. Thank you.

6 CHAIRMAN BURACK: Other
7 questions? Director Muzzey.

8 INTERROGATORIES BY DIR. MUZZEY:

9 Q. In the previous draft of this document we've
10 reviewed, at the end of No. 6, after the
11 list of all the different programs, there
12 was a statement that Laidlaw will encourage
13 suppliers to enroll in these programs by
14 creating an annual fund designated to help
15 support suppliers in enrolling and/or
16 maintaining enrollment in a program of their
17 choice. And I'm having trouble finding that
18 in this newer draft. And if it's not here,
19 could you just explain why.

20 A. Well, I think --

21 MR. NEEDLEMAN: It's deleted.

22 MR. BRAVAKIS: Huh?

23 MR. NEEDLEMAN: We deleted it.

24 A. We deleted it, yeah. I think 7 and 8 were

1 to replace that, the programs to provide
2 financial incentives on the forestry and on
3 the logging end of things. And I believe,
4 if I recall, the evolution of these two
5 sections, 7 and 8, were a result of meetings
6 with foresters, procurement folks, and
7 people with, for example, New Hampshire
8 Timber Owners Association, of what the
9 reality is out there. So we deleted that
10 and replaced it with 7 and 8, which we
11 thought made more sense.

12 MR. NEEDLEMAN: And actually,
13 just to clarify, I don't think it was replaced
14 with 8. I think 8 was already there and we
15 flushed out the numbers. I think that we dropped
16 that provision and replaced it with No. 7, with
17 the scholarship program. And I think, my
18 recollection was that in discussing the program
19 that we had envisioned with more people, it
20 sounded like making some money available to
21 encourage people to enroll in these programs was
22 not likely to incentivize too people to enroll
23 because of the size of the wood lots at issue and
24 the expense associated with developing management

1 plans, even for, say, American Tree Farm
2 Properties. So the input we got was that this
3 might be a better way to make a contribution.

4 DIR. MUZZEY: Okay. Thank
5 you.

6 CHAIRMAN BURACK: Other
7 questions?

8 INTERROGATORIES BY CHAIRMAN BURACK:

9 Q. Mr. Bravakis, couple of quick questions
10 here. On Paragraph 8 here, this mentions
11 creation of a Laidlaw Professional Logger
12 Fund. But, unlike Paragraph 7, this does
13 not indicate who will administer and
14 disburse those funds. Has that been
15 decided?

16 A. That would be administered from our
17 procurement -- from our management team at
18 the plant.

19 Q. Thank you. Next, under the Reporting and
20 Verification section, the prior draft, your
21 Exhibit 60, included a list of some eight
22 different elements that would be reported
23 on, looks like a calendar-year basis. This
24 is now a list of four items, as opposed to

1 eight. What's not clear to me is whether
2 some of those eight items under the original
3 60 are now to be incorporated under
4 Paragraph 9. I'm wondering if you could
5 just clarify for us what the intentions are,
6 if you can, and why you would reduce that
7 list.

8 MR. NEEDLEMAN: I believe that
9 that's correct. I believe that new Paragraph 9
10 was intended to capture some of those. But I
11 don't know...

12 A. Yeah, we deleted that.

13 MR. NEEDLEMAN: I mean, for
14 example, it's being pointed out to me that at
15 least two of them related to the paragraph that
16 Director Muzzey just made reference to that were
17 deleted, so they were no longer applicable. And
18 I believe others were subsumed in 9, but I'm not
19 positive.

20 CHAIRMAN BURACK: Okay.

21 BY CHAIRMAN BURACK:

22 Q. Did you, in your discussions with counsel
23 for the public -- and I'm not sure if this
24 is a question for you, Mr. Bravakis, or Mr.

1 Needleman. Was there discussion of
2 including any other broader parameters or
3 broader indicators of what's happening on
4 the forest overall, such as the FIA data
5 that we've talked about in prior hearing
6 sessions? Was there any discussion of
7 including some of those data in these
8 reports?

9 A. No.

10 Q. Is there a reason why you did not consider
11 that?

12 A. It never came up. We didn't -- nobody
13 brought it up. We didn't feel it was
14 relevant for what we were trying to do here.

15 Q. Thank you.

16 CHAIRMAN BURACK: Any other
17 questions?

18 COMM. IGNATIUS: Mr. Chairman.

19 INTERROGATORIES BY COMM. IGNATIUS:

20 Q. I'm sorry. I should have asked this before.
21 And I'm not asking you to go into any
22 confidential information here. But I'm
23 suddenly finding myself confused as to the
24 relationship between the procurement

1 personnel that you describe in Section 1 and
2 the Cousineau people and how this document
3 relates to the Cousineau agreement.

4 A. All right. This document will be an exhibit
5 to the Cousineau agreement. They will need
6 to adhere to these policies and conditions.
7 We will have licensed -- well, I don't know
8 about licensing. But we will have
9 procurement personnel of our own in addition
10 to Cousineau's personnel on site. So they
11 will make sure that this is administered
12 properly.

13 Q. And that was the case when it was still
14 Exhibit 60; it was to be an attachment to
15 the agreement with Cousineau?

16 A. That's correct.

17 Q. So, in the reference to LBB's procurement
18 personnel being licensed foresters in
19 Line 1 -- Item 1 -- excuse me -- is that
20 referring only to the Laidlaw employees,
21 none of the Cousineau people?

22 A. I would -- yeah, safe to say that, you know,
23 Cousineau would be LBB's procurement
24 personnel under contract. So they would

1 have a licensed forester. I don't know at
2 this point, because we haven't evolved the
3 staff to that level, whether we would also
4 have a licensed forester or just some
5 experienced procurement folks probably, too.
6 I would expect that probably one of them
7 would be a licensed forester and another one
8 would be an assistant.

9 Q. Well, forgive me for my ignorance. But
10 procurement personnel sounds a little bit
11 like sanitation engineer. Is it a -- it
12 doesn't mean a logger, does it?

13 A. No. No, it means somebody who's going to go
14 out and actually procure the wood, going to
15 buy the wood. Basically buy the wood, set
16 up the contracts, work on what the price
17 it's going to come in at. So they're
18 managing the procurement process. They're
19 not making the wood chips.

20 Q. Okay.

21 A. They're not logging. They're buying it from
22 the suppliers. In most parts, the suppliers
23 would be the loggers, or perhaps truckers
24 sometimes, or maybe other brokers.

1 Q. I know I asked you this before. But the
2 reach of that first sentence in No. 1 is how
3 broad?

4 A. I'm not sure I follow the question.

5 Q. LBB's procurement personnel shall be
6 licensed foresters. And I'm asking you, is
7 that the two or three people you may hire at
8 Laidlaw? Is it those two or three people
9 plus Cousineau and the people that
10 Cousineau's organization identifies as
11 procurement personnel?

12 A. Okay. I can say with certainty that the
13 Cousineau personnel will have a licensed
14 forester or foresters. I cannot say at this
15 point whether our procurement team will also
16 include a licensed forester. My sense is
17 that we probably would have one as well. So
18 the -- remember, Cousineau is going to have
19 personnel that are dedicated and go to work
20 at the site every day, at the project every
21 day. So, by virtue of their contract and
22 extension, they would -- through
23 subcontract, they could be considered LBB
24 procurement personnel. So there will be a

1 licensed forester there. Whether or not we
2 have an additional licensed forester, my
3 sense is we probably will. But I don't want
4 to misspeak. We haven't evolved our
5 personnel docket to that degree yet. We
6 have two places in there for procurement
7 people, so --

8 Q. Well --

9 A. I don't know if I'm answering your question
10 or not. Sounds like I'm not.

11 Q. Well, as I would read it, once you execute
12 this, they must be licensed foresters. You
13 just said that they will be. So I guess I
14 don't follow the uncertainty in your answer.

15 A. Yeah. I know the Cousineau folks who will
16 work for us under subcontract will have a
17 licensed forester. We will, in addition to
18 that, who will also work for us, we will
19 have personnel. Whether they need to be a
20 licensed forester or not, we just have to
21 see how the efficient use of the
22 resources --

23 MR. KUSCHE: I can further
24 enlighten you, I hope, on that. My experience

1 with biomass plant management goes back a couple
2 decades. A smaller plant, but nevertheless.

3 I think we can safely state
4 that, either under contract or directly as an
5 employee, we will have a licensed forester. And
6 the reason I make that distinction is we may find
7 it's more efficient for us to hire on a contract
8 basis a professional forester, a licensed
9 forester, for oversight of the Cousineau
10 performance. But we will definitely want
11 independent verification for us that they are
12 complying. So, Lou's not directly involved in
13 the operations side of things. But we will have
14 oversight of Cousineau, and we will use a
15 professional forester to do that. Whether it's
16 on a contract basis or as an employee, we haven't
17 made that decision yet.

18 Q. All right. Thank you.

19 CHAIRMAN BURACK: Any further
20 questions? Attorney Iacopino.

21 INTERROGATORIES BY MR. IACOPINO:

22 Q. Mr. Bravakis, do you know the name of the
23 licensed forester who works for Cousineau?

24 A. I know his first name.

1 MR. BRAVAKIS: What was his
2 last name? John? The fellow that was at the
3 meeting that day.

4 MR. NEEDLEMAN: Oh, I don't
5 remember his name.

6 A. I can get that for you.

7 MR. IACOPINO: Thank you. No
8 further questions.

9 CHAIRMAN BURACK: Very good.
10 Thank you very much, Mr. Bravakis. You probably
11 can stay in that seat because we may need you
12 back here in a moment when we go into non-public
13 session again.

14 Just to clarify for folks what
15 we're going to do here, I expect in a moment we
16 will have a motion to enter into non-public
17 session to review confidential materials, the
18 amendment to the Cousineau fuel supply agreement.
19 Assuming that we have a majority of the
20 Subcommittee voting to go into non-public
21 session -- I'm sorry -- confidential session, we
22 will do so. I do not expect that to be an
23 extended period of time. We will ask all members
24 of the public -- that would be everyone here

1 other than the Subcommittee, the representatives
2 of the Applicant and counsel for the public -- we
3 would ask you all to please leave the room as
4 expeditiously as you can. As soon as we've
5 concluded that confidential session, we will come
6 back into public session, and then we will hear
7 closing arguments from the parties, followed by
8 public comments from any other members of the
9 public who would like to share comments with us
10 on this matter today.

11 I will note that I have
12 received today, a short a while ago, a statement
13 or letter from Max Makaitis of the Androscoggin
14 Valley Economic Development Program, which we
15 will enter into the file as a public comment.
16 And my earlier poll identified two individuals
17 who wanted to make public comment to close. Just
18 want to confirm that there's still two folks.

19 Mr. Makaitis, is that correct?

20 MR. MAKAITIS: Correct.

21 CHAIRMAN BURACK: And, sir,
22 your name is?

23 MR. CASEY: Joe Casey.

24 CHAIRMAN BURACK: Joe Casey.

1 Thank you. So we will take those gentlemen up in
2 that order when we get to the public comment
3 session.

4 Mr. Northrop, do you have a motion for
5 us?

6 MR. NORTHROP: Yes, Mr.
7 Chairman. I move we enter into non-public
8 session to discuss the content of material deemed
9 confidential under RSA 91-A:5. The documents in
10 question are Applicant Exhibit 62, Cousineau
11 Draft Fuel Supply Agreement and Applicant 76-A,
12 Amendment to the Cousineau Fuel Supply Agreement.
13 As presiding officer, you have previously
14 determined that these documents are exempted from
15 the Right-To-Know Law under RSA 91-A:5, IV, as
16 records pertaining to confidential, commercial
17 and financial information, and have been provided
18 to the Committee under seal.

19 CHAIRMAN BURACK: Is there a
20 second to this motion?

21 DIR. MUZZEY: Mr. Chairman, I
22 second the motion.

23 CHAIRMAN BURACK: Thank you.
24 We'll ask that a roll call vote be taken.

1 MR. IACOPINO: Thank you.

2 Dr. Kent.

3 DR. KENT: Yes.

4 MR. IACOPINO: Mr. Wright.

5 MR. WRIGHT: Yes.

6 MR. IACOPINO: Director

7 Muzzey.

8 DIR. MUZZEY: Yes.

9 MR. IACOPINO: Mr. Stewart.

10 DIR. STEWART: Yes.

11 MR. IACOPINO: Mr. Northrop.

12 MR. NORTHROP: Yes.

13 MR. IACOPINO: Mr. Harrington.

14 MR. HARRINGTON: Yes.

15 MR. IACOPINO: Commissioner

16 Ignatius.

17 COMM. IGNATIUS: Yes.

18 MR. IACOPINO: Mr. Chairman.

19 CHAIRMAN BURACK: Yes.

20 MR. IACOPINO: It's unanimous.

21 CHAIRMAN BURACK: Thank you.

22 The majority now having voted yes, we will now go
23 into non-public session, and appreciate the
24 members of the public leaving the room.

1 And it appears that all
2 members of the public have done so. Would you
3 please close the door. Thank you.

4 (PAGES 52 THROUGH 75 REGARDING THE
5 CONFIDENTIAL, NON-PUBLIC SESSION ARE
6 CONTAINED UNDER SEPARATE COVER.)

7 (HEARING RESUMES ON THE PUBLIC PORTION
8 OF THE RECORD.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 (PUBLIC HEARING RESUMED at 2:45 p.m.)

2 CHAIRMAN BURACK: Okay. We
3 are now back in public session. I'm going to ask
4 Mr. Northrop if he has a motion for us.

5 MR. NORTHROP: Yes, Mr.
6 Chairman. I move to seal the transcript of the
7 non-public session because the contents of the
8 transcript involve documents that have been found
9 to be exempt from public disclosure, pursuant to
10 RSA 91-A:5, IV, as confidential, commercial and
11 financial documents.

12 CHAIRMAN BURACK: Thank you,
13 Mr. Northrop. Is there a second to that motion?

14 MR. JANNELLE: Second.

15 CHAIRMAN BURACK: Second to
16 that motion from Mr. Jannelle.

17 I see we're missing one of our
18 members. But I think we can proceed to -- she's
19 coming right now.

20 MR. IACOPINO: You want me to
21 call the roll?

22 CHAIRMAN BURACK: Yeah, go
23 ahead and call the roll, please.

24 MR. IACOPINO: Dr. Kent.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DR. KENT: Yes.

MR. IACOPINO: Mr. Wright.

MR. WRIGHT: Yes.

MR. IACOPINO: Ms. Muzzey.

DIR. MUZZEY: Yes.

MR. IACOPINO: Mr. Wright --
Mr. Stewart.

MR. STEWART: Yes.

MR. IACOPINO: Mr. Northrop.

MR. NORTHROP: Yes.

MR. IACOPINO: Mr. Jannelle.

MR. JANNELLE: Yes.

MR. IACOPINO: Mr. Harrington.

MR. HARRINGTON: Yes.

MR. IACOPINO: Commissioner
Ignatius.

COMM. IGNATIUS: Yes.

MR. IACOPINO: Mr. Chairman.

CHAIRMAN BURACK: Yes.

MR. IACOPINO: It's unanimous.

CHAIRMAN BURACK: Thank you.

Being a unanimous vote, we have more than
two-thirds of the committee having voted yes, the
transcript will be sealed and we are now again in

1 public session.

2 While we were in non-public
3 session, a question was asked, which I determined
4 was more appropriately asked in public session,
5 and so I'm going to ask Commissioner Ignatius if
6 she wishes to ask a question of these gentlemen.

7 COMM. IGNATIUS: Thank you,
8 Mr. Chairman.

9 COMM. IGNATIUS: Mr. Bravakis,
10 I asked you about the relationship between the
11 City of Berlin's agreement with Laidlaw to have a
12 preference for local loggers supplying wood and
13 how that might tie to the fuel supply agreement
14 with Cousineau overall. Can you help explain how
15 those two things fit together.

16 MR. BRAVAKIS: Yes. I
17 responded that Cousineau would have to act in
18 accordance with our -- with the conditions of our
19 permit, which would be attached to the City's
20 stipulations, which clearly gives preference to
21 local loggers. But we took it one step further
22 and said that we think it would be a good
23 addition to the Cousineau supply agreement if we
24 added this language directly. And I'll read it,

1 if I may.

2 COMM. IGNATIUS: Please.

3 MR. BRAVAKIS: It's Section 8
4 in the stipulations with the City. I don't know
5 what --

6 CHAIRMAN BURACK: This is City
7 of Berlin Exhibit 5; is that correct?

8 MR. BRAVAKIS: I apologize. I
9 don't have a stamp on this.

10 CHAIRMAN BURACK: Well, it is
11 not stamped. We labeled it manually. But I
12 believe you are referring to City of Berlin
13 Exhibit 5.

14 MR. BRAVAKIS: Okay. Thank
15 you.

16 And it says, "To the extent
17 feasible, and economically reasonable, Laidlaw
18 shall use its best effort to prioritize the
19 purchase of wood fuel from local owner/operators,
20 so long as the fuel is procured from timber
21 harvests that adhere to Laidlaw's sustainability
22 and procurement policies as..." you know,
23 alluding to our Laidlaw Berlin BioPower, LLC
24 sustainability conditions. So we will add that

1 section to the wood supply agreement with
2 Cousineau, in those exact words.

3 MR. NEEDLEMAN: If I can
4 clarify one point? I'm told it already has been
5 added.

6 MR. BRAVAKIS: Oh, okay.

7 COMM. IGNATIUS: Thank you.
8 Sounds as though our Exhibit 62 has been amended
9 with the Exhibit 76-A, and yet amended further as
10 Mr. Needleman pointed out. So it sounds as
11 though, for the record, if it hasn't already been
12 submitted, the complete version of the fuel
13 supply agreement be submitted both in
14 confidential and redacted form.

15 MR. NEEDLEMAN: We can do
16 that.

17 CHAIRMAN BURACK: Thank you.
18 Any questions at all from Attorney Rodier?
19 Anything on this? You all set?

20 MR. RODIER: Sure. Fine.

21 CHAIRMAN BURACK: Okay? So
22 you're ready to make a closing argument?

23 MR. RODIER: I am.

24 CHAIRMAN BURACK: Okay. Very

1 good.

2 Let me just -- before we get
3 to that, let me just review with folks how we
4 will proceed here. What I'm going to ask the
5 parties to do is to make their closing arguments
6 in this order: We'll hear first from counsel for
7 Clean Power Development; then, Counsel for the
8 Public, if you wish to make a closing argument,
9 you may do so; and then we'll ask the Applicant
10 to make its closing arguments. Following those
11 arguments, I will hear from -- or we will hear
12 from two members of the public who wish to make
13 public comment. Again, I will ask those
14 individuals to please keep your comments brief,
15 if you can, five minutes or less. And anything
16 you wish to submit to us in writing as a written
17 statement we would be happy to receive. In fact,
18 our record will remain open until we issue a
19 final order in this, or a decision in this
20 matter. But the sooner you're able to provide
21 written statements, if you wish to do so, the
22 better.

23 In terms of other scheduling,
24 I would ask that any other documents that were

1 requested, or information that in testimony
2 individuals indicated would be provided, that
3 those be provided to the Committee not later than
4 next Monday, if you could please, so that we have
5 an opportunity to get those out to all the
6 parties.

7 In addition, if there are
8 going to be revised or new stipulations among or
9 between any of the parties, I would ask those be
10 provided to us certainly by next Friday, the
11 17th, as well.

12 In addition, I had indicated
13 when we closed our hearing, more than a week ago
14 now, that we would ask that any closing memoranda
15 be submitted to us by next Friday, the 17th. I
16 am not going to ask folks to change that, but I
17 would point out that you have been receiving
18 copies of the transcripts. I believe you're
19 probably up to date with all the transcripts for
20 the sessions that we've held to date. And so I
21 would ask you, if possible, if you can provide us
22 with your closing memoranda sooner than this
23 coming -- or sooner than Friday, the 17th,
24 certainly by the 16th or sooner, that would be

1 appreciated. But again, I'm not going to change
2 that deadline on you without any prior notice.
3 It would just be helpful to the Committee to
4 have -- or the Subcommittee to have some time to
5 review those memoranda before we actually sit
6 down and begin our deliberations on Monday, the
7 20th. So those are the other scheduling items
8 that I have for you at this time.

9 Just for those who are not
10 aware or were not present at our earlier sessions
11 when we discussed this, the Subcommittee has set
12 aside at least September 20, 21 and 22 for
13 purposes of deliberation, possibly the 23rd. I
14 don't necessarily expect that we will deliberate
15 fully 9:00 to 5:00 on every single one of those
16 days. We will let folks know a final schedule as
17 soon as we're able to assess the availability of
18 all the Subcommittee members. But most days we
19 will probably convene starting at 9:00 here in
20 this room. I do not yet know whether it will be
21 necessary for us to deliberate at any time in
22 confidential session. But if so, if that becomes
23 necessary, we will do so. So that is our current
24 intention and schedule.

1 MR. IACOPINO: One of those
2 days, and I have forgotten which one it is, Mr.
3 Chairman, we will actually not be deliberating in
4 this room, but be in the small hearing room
5 across the back hall here. And we'll make sure
6 that everybody knows what day that is. PUC has a
7 hearing scheduled in here I believe one of those
8 days.

9 CHAIRMAN BURACK: Just to be
10 clear, we will deliberate for as long as it takes
11 us to come to a final decision in this matter.
12 That may entail all of those days, or it may
13 require fewer than all of those days, just so
14 that folks understand that's our plan for how we
15 will proceed.

16 I might also point out here
17 that Mr. Northrop may need to leave early. But
18 he will be able to review the transcripts of the
19 closing arguments, as well as the public
20 comments. But I don't want anybody to be
21 surprised if we see him having to leave to attend
22 to a personal matter that he needs to address.

23 So, with that, Attorney
24 Rodier, if you would please provide us with

1 your --

2 MR. NEEDLEMAN: Mr.

3 Chairman --

4 CHAIRMAN BURACK: I would
5 certainly, yes, excuse these witnesses.

6 (Witnesses excused.)

7 CHAIRMAN BURACK: Gentlemen,
8 thank you very much. I want to say thank you to
9 all the witnesses for all of the parties for
10 their participation in this process. It's very
11 helpful to the Subcommittee, and we appreciate
12 their efforts, just as we appreciate the efforts
13 and the attention of all of the counsel and their
14 assistants throughout this process. So, thank
15 you all very much.

16 Attorney Rodier, please.

17 CLOSING ARGUMENT

18 MR. RODIER: Thank you, Mr.
19 Chairman.

20 In my experience, usually in
21 large -- I would say this was a large hearing --
22 in the end it boiled down to a few conceptually,
23 I think, simple issues, but are probably
24 factually difficult. And I think, you know, what

1 I'm going to do here is address three or four
2 issues that I feel are determinative. I think
3 there's a multitude of things you got to address
4 in the order. But I don't think there's too many
5 that really are in the category, at this point,
6 of being determinative. So that's what I'm going
7 to focus on.

8 The first one is granting the
9 certificate. It is CPD's view that a certificate
10 can only be granted if the Applicant demonstrates
11 that it is financially capable to construct and
12 operate the plant. I think that's a pretty good
13 paraphrase of the law. But there's another, I
14 would say, pretty good summation of this point in
15 Mr. Bartoszek's testimony, Page 4 in his prefiled
16 testimony, where he says, "Under RSA 162-H:16, in
17 order to obtain a certificate of site and
18 facility, the Applicant must show it has adequate
19 financial capability to construct and operate the
20 project in order to obtain the certificate."
21 That means you can't obtain a certificate if you
22 can't show -- they have the burden of proof.
23 They must show adequate financial capability.
24 Without belaboring the record here, I think it's

1 very clear from the record that there is no
2 financial capability at this motion -- at this
3 moment. It doesn't exist. And why is there no
4 financial capability? Because the PPA is an
5 essential element of their financial ability.
6 And I think one of the Applicant's data responses
7 that I referred to someplace says, "no PPA
8 approved, no financing." What do they mean by
9 "no PPA approved"? Well, it's over at the PUC
10 now, as you all know. They're saying -- the
11 Applicant is saying we need a final, unappealable
12 order by November 14th. Presumably, that's a
13 reference to the fact that not only does the PUC
14 have to conduct hearings similar, if not greater
15 in magnitude than we just went through here for
16 the last nine months, but you've got to write out
17 the motions for rehearings and any possible
18 appeals. Just like this Committee, go back and
19 see what a typical proceeding of this kind might
20 take at the PUC, and it's going to take a year or
21 it could take two years. So that's really the
22 context that the Committee is operating under.

23 I know very much that the
24 Committee wants to do its job. You want to

1 render a decision within the statutory framework.
2 But this project is at a dead stop unless and
3 until the PUC and the courts sign off on that
4 PPA. So that is really what my first point here
5 is on the financing and on the so-called timeline
6 in the context of these hearings.

7 Now, one other thing they told
8 the PUC in their filing over at the PUC was that
9 it's critical for the financing to have a
10 decision by November 14th. Critical for the
11 financing. It's got to be by November 14th. So,
12 I think that's another thing in assessing the
13 mandate here in 162-H:16.

14 Now, the Applicant has said in
15 its filing, well, this is what we'll do: We'll
16 take the same deal that the Committee gave to
17 Granite Reliable. You get a certificate, but
18 your construction can't start until Granite
19 Reliable had to come back and show it had its
20 financing in place. This is different. In the
21 Granite Reliable proceeding, the Commission found
22 that they were financially capable. But because
23 of the current turmoil in the markets, they said,
24 well, look we're going to award you the

1 certificate. You can obtain the certificate, but
2 you cannot commence construction. You have to
3 come back, and we have to sign off on your
4 financing package. So we disagree with the
5 Applicant that the Granite Reliable decision in
6 any way would set a precedent to be applied in
7 this case.

8 The second matter that I want
9 to address is another point of law, RSA 162-H:64.
10 Now, this statutory provision requires that the
11 Committee consider available alternatives in the
12 context of the objectives of 162-H. Now, I would
13 concede in prior decisions of this Committee,
14 they have construed this provision to just ask
15 the Applicant, Have you looked at alternative
16 sites? Typically, they say, yeah, we looked at
17 this and we looked at that. But the statute says
18 the Committee must consider available
19 alternatives. It doesn't just say sites. It
20 says you must consider available alternatives to
21 carry out the purposes of 162-H.

22 So, here we are. We've got
23 two projects. You're considering one. And we
24 believe that, by law, you're required to consider

1 available alternatives to that. Now, I don't
2 think, in my mind, anyway, there's any question
3 that if CPD somehow had the PPA with Public
4 Service, that everybody in the North Country, you
5 know, who's in favor of the Laidlaw project,
6 would be supporting CPD, because that's what it's
7 all about: It's the guy who has the deal with
8 the PSNH.

9 You've got the record on the
10 CPD project. CPD was in here in, I guess it was
11 Docket 2009-03. So you have the information on
12 that. You recently got some information today.
13 For example, without getting into it, you heard
14 today, CPD is a highly efficient plant, going to
15 have much less impact on the neighboring projects
16 and on the transmission limitations.

17 So that is our contention,
18 that the law would require for the Committee to
19 consider available alternatives to achieve state
20 energy policy and to balance energy supply and
21 demand I believe is one of the purposes of the
22 statute.

23 Moving on. We get to this
24 issue of -- I'm on the third of my four points,

1 by the way, if anybody's following, the orderly
2 development. You know, we think the proposed
3 facility, the Applicant's proposed facility's
4 going to interfere with the orderly development
5 of the region. And the reason that we say that
6 became apparent today. This is why we have
7 hearings, by the way. Because, for example, if
8 you consider Applicant's prefiled testimony on
9 transmission, everyone was fine. There's no
10 issues whatsoever, okay. Turns out there are
11 issues, okay. How powerful the testimony you
12 heard today is something that you're going to
13 have to evaluate. But there are transmission
14 issues that came to the floor today through Mr.
15 Gabler's testimony. I don't have to repeat it.
16 But there are going to be impacts on not just
17 CPD, perhaps on Laidlaw itself, but also on these
18 other plants, like the Brookfield Hydro project
19 in Berlin, Whitefield and the Smith Hydro. Those
20 are going to be real impacts. And again, there's
21 a bigger picture here. The bigger picture is
22 that the legislature's been laboring on all these
23 issues for years. And I forget what somebody
24 said earlier. I guess there's going to be -- the

1 big report's going to come landing in probably
2 right in the middle of your deliberations on how
3 to allocate the cost of these needed transmission
4 upgrades and to eliminate the constraints that
5 are going to exist under this MIS system.

6 With regard to biomass, you
7 know, Mr. Harrington really boiled it down well
8 when he said we don't have to harp on a lot of
9 this other stuff, like rules of thumb and some of
10 these other things, because it really comes down
11 to price. Availability of biomass comes at a
12 price. I think both Mr. Liston and Mr. Richmond,
13 they both conceded, yeah, you could build one of
14 these plants in Boston if you're willing to pay
15 for the wood. You know, you can get it -- if you
16 can somehow pay for it, you had customers for
17 your electricity, that you could get it done. So
18 it's really about ability to pay. And, as we
19 were discussing earlier today, what the
20 difference here is, is that you got these other
21 guys -- and I'll put CPD in that category. CPD,
22 to some extent, has its nose up against the
23 window as well. It doesn't have a PPA like this
24 project has, okay. And not speaking for CPD, but

1 I'm pretty sure these other guys -- I don't know.
2 You're heard from four or five plants so far.
3 You've also heard from Bob Berti of North Country
4 Procurement. He's a very large organization in
5 this state. He told me he's got a bigger
6 operation than Cousineau. You know, you've heard
7 these people are going to be put in jeopardy.
8 It's not just because there's not enough wood,
9 it's that -- Mr. Berti said this was a very, very
10 large plant. It's too large. If you -- in and
11 of itself, that's not the only factor here. It's
12 the factor that they jumped into the pool with
13 the 800-pound gorilla, okay. And if it raises
14 the market price, it raises the market price for
15 Schiller. But the Laidlaw project recoups their
16 cost of fuel at whatever the cost of fuel is at
17 Schiller.

18 By the way, I remind you, it
19 took a long time for the Laidlaw witness to
20 surface this issue. We got to the point where I
21 had to get out the testimony filed with the PUC
22 and have it read into the record before he'd even
23 give some kind of concession about this index of
24 the cost of what PSNH would pay Laidlaw, based

1 upon the cost of fuel at Schiller. So, be
2 mindful of that.

3 So, we really believe that
4 there's a good chance that jobs are going -- more
5 jobs are going to be lost than are going to be
6 created. Now, yeah, the jobs are going to be
7 created in Berlin. So I think the people in
8 Berlin -- and I would certainly, if I was out of
9 work, you know, I'd say, Hey, I will take the job
10 and I won't worry about the guy over in
11 Whitefield or Bridgewater or Alexandria. You
12 know, he's got to keep his own nose above water.
13 That's kind of the way people think. I certainly
14 can understand that. But you're supposed to be
15 looking at what is the greater good here.

16 People asked CPD, Well, have
17 you done any studies on this? And no. They
18 don't have the burden of proof. It's not CPD's
19 job to really do this. I think CPD has done a
20 really good job surfacing the issue. It is
21 somebody else's job to do this. And at this
22 point, that somebody else should be the PUC. PUC
23 has expertise, has resources, has the ability to
24 study all these issues, it has a staff. It can

1 tell PSNH to pay for such a study done by a
2 consultant for the state. I think this is a
3 critical issue here of whether or not the Laidlaw
4 project is going to disrupt the public good or
5 the orderly development of the region, which I
6 say is another reason I would suggest the
7 Committee say, well, nothing's going to happen
8 until the PUC makes a decision, anyway. Let's
9 let the PUC and its experts deal with the PPA and
10 deal with the effect. They have jurisdiction
11 over all these existing biomass producers.

12 Somebody has said at one
13 point, biomass facilities -- somebody said that
14 right until the end none of these guys showed up.
15 Why didn't they show up until now? Well, they
16 didn't really know about these hearings. But
17 beyond that, the PPA wasn't out in the open. Do
18 you recall when the PPA was first filed with this
19 Committee? It was subject to a motion for
20 protective order. It wasn't until two weeks
21 later that it was available on the PUC Web site.
22 That's when everybody first got it and said, my
23 God, look at the pass-through feature, the
24 pricing power, the ability to set the market

1 here, control the market on the price of wood
2 that's going to result from this. That's when --
3 and that was probably three weeks ago that this
4 first became available, and that's why you're
5 seeing people. I believe they would have
6 intervened earlier, when they're coming out of
7 the woodwork now. That, plus the fact that
8 anybody who's still trying to get a deal out of
9 Public Service at this point is not going to show
10 their face over here and say something critical
11 of what's going on here. What you're saying is
12 the projects that are coming in here are the ones
13 that are saying it's useless. We're not going to
14 get any kind of a deal out of PSNH. We have
15 nothing to lose now by going over and saying
16 really how we feel about this thing and what it's
17 going to do to us if it gets approved, if it gets
18 constructed.

19 Finally, who should the
20 Applicant be? Now, we did have -- there's been a
21 number of changes here at the eleventh hour. But
22 beyond the eleventh hour, we have the so-called
23 NewCo takeover on the eve of the hearings. You
24 know, what happened here? NewCo did come in and

1 take over this project. Kind of a risky thing to
2 do on the eve of the hearings. Why did they do
3 that? There was a very compelling reason to do
4 that. I think they needed to have control at
5 this point. But that's just my conjecture,
6 trying to summarize the evidence.

7 But in any event, NewCo, they
8 own Aware Energy. Aware Energy turns around and
9 owns the PJPD. PJPD is going to own the land and
10 they're going to own the facility they're going
11 to lease to Laidlaw. So you remember the chart
12 that was on the screen there. NewCo owns a
13 hundred percent of Aware. Aware owns a hundred
14 percent of PJPD, the asset owner. The asset
15 owner's, by the way, place of business is a house
16 in Portsmouth. I don't think that should give
17 you much comfort, really, about who you're
18 dealing with here.

19 The Applicant described these
20 all as bankruptcy-remote special-purpose
21 entities. Do you know what those are? If things
22 go wrong, you're serving a summons on a mailbox,
23 parcel room or whatever it might be. That's
24 really what special-purpose bankruptcy-remote

1 entities are, to put firewalls in, in case
2 anything goes wrong. You know, NewCo's got not
3 just one entity. They can put a couple in there,
4 which certainly I would understand gives their
5 investors great comfort.

6 Now, in addition to that,
7 NewCo's going to own a hundred percent of
8 LLB [sic]. And the same three gentlemen that are
9 on the management board of NewCo are also the
10 managing members of LLB. They are going to run
11 LLB. So it's really NewCo. You strip away the
12 special entities here that are in place as a
13 firewall in case trouble comes up in the future,
14 you really get to see -- behind the screen you
15 really get to see NewCo.

16 Now, in addition, you'll
17 recall, maybe, when I cross-examined
18 Mr. Strickler, I had one question. I pointed to
19 his testimony and said, Look, Mr. Strickler, this
20 says that Homeland, Carl Strickler, are going to
21 report directly to NewCo, and you're in charge of
22 construction and operation. He said that's
23 right. A couple days later I see that the chart
24 is different. You may recall I went back and I

1 said -- asked him about this. I had to go up and
2 show him his testimony and have him read it
3 again. It was very clear his testimony was that,
4 after the reorganization, Homeland was under
5 contract to NewCo, not LLB. That, he said,
6 subsequently, well, I'm trying to clarify, I
7 think is what he said.

8 The substance of it here is
9 it's NewCo that is running the show, that's going
10 to make all the decisions. And I don't think New
11 Hampshire law, when it says, you know,
12 construction of a project, it's the guy who's
13 going to be in the construction of the project,
14 that it has to mean it's LLB. LLB, in that 74,
15 by the way -- LBB? I'm sorry -- is now described
16 as a development entity. It's not an owner and
17 operator of power plants. It's a development
18 entity. You're looking at the people who develop
19 a project and sell it. That's typically what
20 that model is, okay. So you have to ask
21 yourself: Should we really be dealing with a
22 development entity whose principals are going to
23 be gone as soon as the dust clears; or should we
24 be dealing with the real company that is really

1 in charge of what's going on here, calling all
2 the shots, and that is NewCo.

3 So, there you have it. Those
4 are what I believe are the issues that are going
5 to determine how you come out on this. And I am
6 comforted by the fact that the way the hearings
7 have been conducted, that you're going to do your
8 job well and you're going to do it fairly and
9 you're going to do it thoroughly.

10 And the last thing I got to
11 say, I'm going to try to get something written
12 in, you know, by September 19th maybe, 20. It's
13 going to be similar to this. I hope you'll take
14 a look at it. Thank you very much, Mr. Chairman
15 and Members of the Committee.

16 CHAIRMAN BURACK: Thank you
17 very much. Attorney Rodier, just to clarify,
18 again, in terms of what I had indicated
19 previously in terms of when we would like to see
20 written closing arguments. I asked you -- I
21 would ask you to get them to us by a week from
22 today -- that is, the 17th, not the 19th.

23 MR. RODIER: Sorry. Yeah.

24 CHAIRMAN BURACK: No problem.

1 I just want to make sure we're all clear in our
2 understandings here. So that would be most
3 helpful.

4 MR. RODIER: Right.

5 CHAIRMAN BURACK: Again, thank
6 you very much, Mr. Rodier.

7 Attorney Brooks, do you have
8 any closing statements?

9 MR. BROOKS: No, thank you.

10 CHAIRMAN BURACK: Okay. Thank
11 you very much. Attorney Needleman.

12 MR. NEEDLEMAN: Thank you, Mr.
13 Chair. One housekeeping matter before I do. We
14 would ask at this point that all of our remaining
15 exhibits that have not yet been admitted into the
16 record now be moved in, please.

17 CHAIRMAN BURACK: We will do
18 that. Is there any objection to that?

19 (No verbal response)

20 CHAIRMAN BURACK: No
21 objection? Okay. Hearing no objection, I'll
22 grant that motion, and we will move all those
23 exhibits into the record.

24

1 CLOSING ARGUMENT

2 MR. NEEDLEMAN: Thank you. I
3 recognize that this has been a long process, and
4 it is one that we initiated by filing this
5 application. And I just want to acknowledge that
6 I thank the Committee for their patience and
7 their hard work in processing this application.

8 We have tried right from the
9 beginning and through the course of this entire
10 proceeding to focus our efforts on the statutory
11 criteria and what it is we need to prove in order
12 to receive the certificate of site and facility.
13 And I want to address my closing comments in that
14 context.

15 The first requirement is, as
16 Mr. Rodier said, that we demonstrate we have
17 adequate financial, technical and managerial
18 capability to assure construction and operation
19 of the facility and continuing compliance with
20 the terms and the conditions of the certificate.
21 You heard extensive testimony. And there have
22 been extensive documents put into the record from
23 Mr. Bartoszek on the financial issues, and from
24 Mr. Strickler and others on the managerial and

1 technical issues. We maintain that the team that
2 we have assembled and the information we have
3 provided to you unequivocally demonstrates that
4 we have the capability to do those things under
5 the statute. And in the interest of brevity, I'm
6 not going to go through all of the evidence.
7 You've seen it all and heard it all and are well
8 capable of sifting through it.

9 I will certainly note that I
10 was somewhat surprised by Mr. Rodier's statement
11 suggesting that CPD doesn't believe we have that
12 capability. On Day 5, in the afternoon, Dr. Kent
13 specifically asked Mr. Liston, quote, Are you
14 suggesting that Laidlaw does not have adequate
15 financial, technical or managerial capability to
16 construct and operate a facility, close quote?
17 Mr. Liston answered, No. So I thought from CPD's
18 perspective that issue was off the table, and
19 certainly CPD's sworn testimony suggests it's off
20 the table.

21 I would also note with respect
22 to the suggestion that an alternatives analysis
23 needs to somehow include other facilities that
24 are seeking to construct, that's simply not what

1 the statute says. The statute requires this
2 entity, this Applicant before you, to consider
3 alternatives to the project it's proposing. That
4 issue is specifically addressed and discussed by
5 the Committee and is also contained in our
6 materials.

7 I'm going to jump ahead for a
8 minute here to the fourth criteria, because we
9 can dispose of it quickly, which is the operation
10 of the facility has to be consistent with the
11 state energy policy. I actually don't believe we
12 touched on that at all during the proceeding.
13 But I will point out that we specifically
14 addressed that issue in our application, and Mr.
15 Kusche specifically addressed that issue with his
16 prefiled testimony. And when the Committee
17 deliberates, you have that material in front of
18 you as well.

19 The third -- the next criteria
20 is that we will not unduly interfere with the
21 orderly development of the region -- and I'm
22 going to emphasize the next part -- with due
23 consideration having been given to the views of
24 municipal and regional planning commissions and

1 municipal governing bodies. Well, we think that
2 this project is entirely consistent with
3 furthering the orderly development of the region.
4 And frankly, we believe there's little question
5 about that. It has very wide support in the
6 North Country. And you've seen that in the
7 various public officials that have come in and
8 the ones that you need to give consideration to
9 under the statute. You saw the Mayor of Berlin
10 and the witness for the City come in and testify
11 that it's consistent with orderly regional
12 development. You saw the Chair of the Coos
13 County Commissioners, Chairman Judd, come in and
14 testify as much. You also heard Counselor Ray
15 Burton come in and testify as much. We think
16 that type of widespread, deep, strong political
17 support is exactly the type of support that you
18 need to be looking to in factoring when you make
19 this determination under the statute about
20 orderly regional development.

21 And I think it's also worth
22 asking the question, as you think about this:
23 Why does it have such strong political support?
24 And the reasons are obvious. This project is

1 going to infuse a great deal of construction
2 money into the local economy. When it's up and
3 operating, it's going to have 40 well-paying
4 jobs. It will have annual purchases of fuel
5 that -- I don't think we ever put a number on
6 it -- will be, I think, tens of millions of
7 dollars annually. It's expected to be one of the
8 largest taxpayers in Berlin. And then it's got
9 all sorts of other benefits that are directly
10 tied to the community, including the agreement
11 with the Gorham mill and all of the important
12 features that are contained in the stipulation
13 that we negotiated and signed with the City.

14 Another essential feature of
15 this that came out during the course of this
16 proceeding, the New Market Tax Credits. These
17 New Market Tax Credits are not something that is
18 necessary for this project to be financed. What
19 they do is they enhance the ability of the
20 project to be financed. When we talk about
21 deadlines and the need to get this project done
22 quickly, we do it largely with that issue in
23 mind, and we do it not only because will the New
24 Market Tax Credits benefit this project, but they

1 will provide enormous benefits to the city of
2 Berlin. And you've heard about those benefits.
3 And we would very much like to see the City as,
4 our host community, get access to those benefits.

5 Now, you've heard various
6 adverse comments, and we've addressed those
7 during the course of the proceeding. And I would
8 only observe that certainly you are entitled and
9 should consider those comments. But as I hope
10 became clear with some of the questioning of Mr.
11 Gabler and others, what we are hearing is largely
12 an issue of competitive concern, an issue that
13 certainly is understandable from the perspective
14 of those competitors, including CPD, but one that
15 ultimately is really not an issue that I think
16 fits within the box of the notion of orderly
17 regional development. It's one that I think, in
18 the end, as has been suggested in some cases, is
19 really one best left to the market. And when I
20 cited to you the Committee's order this morning,
21 the Committee knows better than I do what it had
22 in mind. But that order certainly suggests to me
23 that these types of pricing discussions are ones
24 that are beyond things that the Committee would

1 be inclined to consider.

2 Now, when we go to the last
3 criteria -- it will not have an unreasonable
4 adverse effect on aesthetics, historic sites,
5 air, water quality, the natural environment,
6 public health and safety -- I think it's fair to
7 say that within that category, the one in
8 particular that has unquestionably occupied most
9 of the Committee's time is the question of fuel
10 supply and sustainability. And I think it's also
11 fair to say that right from the beginning we
12 understood it was going to be an issue. And we
13 worked very hard to try to address this in a way
14 that, as been pointed out to you, is a voluntary
15 effort, but, nonetheless, one we think is very
16 significant, and really goes beyond anything that
17 other facilities in the state have done. And we
18 undertook that effort with a recognition that
19 landowners in this state, and in other states who
20 supply fuel, have a strong incentive to be good
21 stewards of their land, just like farmers have
22 good incentive to be good stewards of their
23 lands. And they're already doing an excellent
24 job of protecting resources in many cases. And I

1 think that both Mr. Richmond and Mr. Stock, the
2 president of the Timber Owners Association, did a
3 very good job of describing those types of
4 incentives. And what we wanted to do in coming
5 up with this sustainability condition was to
6 harness those incentives and to come up with a
7 way that was going to encourage sustainable
8 harvesting, but at the same time reflect what we
9 think is a very important balance that we
10 understood and came to understand better by
11 talking to all of these various constituents.

12 And when I tell you that the
13 sustainability condition that's been presented to
14 you is the product of hours of conversation and
15 seeking widespread input from a wide range of
16 constituencies and represents our best effort at
17 a very careful balancing act among all of these
18 constituencies, I don't think I'm in any way
19 overstating that. We're proud of that condition.
20 We think that condition accomplishes a great deal
21 and will serve as a great guide going forward for
22 the state. And because we have worked so hard on
23 it, and because it represents such a careful
24 balancing in such a complex area, we are asking

1 that the Committee adopt that condition and make
2 it part of the certificate as it is, without any
3 further changes.

4 Let me just conclude by saying
5 that, in summary, I think that we have
6 unequivocally met all of the criteria that
7 entitle us to a certificate. You have an
8 extensive record before you that I think now
9 demonstrates that. And in light of that record,
10 and in light of all the evidence you've heard and
11 taken, we respectfully request that you issue
12 that certificate to us. Thank you.

13 CHAIRMAN BURACK: Thank you
14 very much, Attorney Needleman.

15 Okay. I'm going to now take
16 public comment. I understand there are two
17 individuals who wish to do so. And I would ask
18 those individuals if they would come sit in the
19 seat behind Attorney Needleman here so we can use
20 this microphone here. And please start by -- Mr.
21 Makaitis, go ahead. Just start by introducing
22 yourself and spelling your name for the record,
23 please.

24

1 PUBLIC COMMENT BY MAX MAKAITIS

2 MR. MAKAITIS: I am Max
3 Makaitis. It's M-A-X, M-A-K-A-I-T-I-S. I'm the
4 Androscoggin Valley Economic Development
5 Director, and I represent AVER, which is the
6 Androscoggin Valley Economic Recovery Corp. It's
7 a non-profit 501(c)(3) whose sole objective is
8 economic development and job retention, job
9 creation.

10 AVER has supported the project
11 in question, the Laidlaw project, and we are
12 doing that because of the bottom line. The
13 bottom line is that, in this economy, what is
14 needed is the creation of jobs, and the creation
15 of jobs as soon as possible. That piece of the
16 equation is what's important to us, because there
17 are a lot of people that were here and
18 represented and spoke, and a lot of people that
19 weren't. And I think we represent the people who
20 may not have been, and those are the people that
21 are unemployed in Berlin. Those are the people
22 in the regional area, the loggers and truckers
23 that need jobs, that have difficulty paying their
24 mortgage payments or maybe even losing their

1 homes and putting their children through school.
2 And that's why we want to advocate for this
3 project.

4 And I want Mr. Chairman and
5 the Subcommittee to know that if the situation
6 were reversed, if Clean Power Development was
7 sitting over here and Laidlaw was sitting over
8 there, and Clean Power had the power purchase
9 agreement, we would be advocating for Clean
10 Power, because they also create jobs, provide
11 logging jobs and provide additional excess power,
12 excess heat potential to other businesses.

13 So we advocate for the
14 business -- for the industry and the development
15 of a business that has the largest economic
16 driver, which is biomass energy, for our region
17 and creates employment. And what we're
18 advocating for is a timely decision process
19 because of the fact that there are \$44 million of
20 New Market Tax Credit authority that have
21 deadlines; there are two and a quarter million
22 dollars of local community revolving loan funds
23 that hinge on those New Market Tax Credits and
24 supporting benefits related to borrowing that

1 very much, Mr. Makaitis. I'm not sure if you
2 were in the room at the time I mentioned this,
3 but we have received your letter which we will
4 include as part of the public comment file in
5 this proceeding. So, thank you very much.

6 MR. MAKAITIS: You're welcome.

7 CHAIRMAN BURACK: Sir, would
8 you please introduce yourself.

9 PUBLIC COMMENT BY JOE CASEY

10 A. Good afternoon. My name is Joe Casey,
11 C-A-S-E-Y, and I am the president of the New
12 Hampshire Building and Construction Trades.
13 I am an electrician by trade, and I have
14 over 20 years in the construction industry.
15 I actually worked at the Burgess site on
16 numerous occasions for subcontractors. And
17 now I am compensated to be the voice of the
18 construction workers that I represent.

19 Today, as we all have heard on numerous
20 occasions, New Hampshire is doing very well
21 in the employment -- in the unemployment in
22 comparison to the rest of the country. That
23 is right around a 6-percent unemployment
24 rate. That's not the same in construction.

1 Construction in the state of New Hampshire
2 in July was right around 27 percent, and it
3 has been this way for some time. And it is
4 devastating to the people that work in the
5 industry. And as we all know, no one's been
6 hit harder than the North Country in Berlin.

7 In 2001, when Burgess first had a
8 layoff, then Governor Shaheen reached out to
9 me and, you know, asked if there was
10 anything we could do to help these people.
11 At the time, we were building two gas
12 plants -- one in Newington and one in
13 Londonderry -- and we were able to take a
14 lot of these people and put them to work in
15 the construction industry. A lot of them
16 came into our apprenticeship programs and
17 have learned the trade and are still with us
18 today.

19 And I think it's important to know that
20 Laidlaw has entered into an agreement with
21 the New Hampshire Building Trades, a labor
22 agreement, that will guarantee that the
23 local people in that community will work on
24 that project. It is the only way to

1 guarantee that local people will work on
2 that project. The way we work is we exhaust
3 our local resources before we search
4 elsewhere for employees.

5 In yesterday's newspaper, they had a
6 list of 850 employees working at the
7 Manchester Elliot Hospital project. Of
8 those 850, 120 of them were Berlin residents
9 alone, not to mention Gorham and Whitefield
10 and Groveton and the other communities up
11 there that are really struggling. One
12 hundred twenty are working over a hundred
13 miles from their home. These people,
14 they're resilient, I'll tell you. And they
15 travel all over the place to work. But
16 their home is Berlin, and that's where we
17 want to live and that's where we want to
18 work. And, you know, through a labor
19 agreement with Laidlaw -- and it's really
20 the high road, because it guarantees that
21 these people will be making sustainable
22 wages, with health insurance and retirement
23 benefit, which is not the case in
24 construction today. The last project that

1 was going to help Berlin out was the federal
2 prison that was recently built in Berlin.
3 That was not done under a labor agreement.
4 Essentially, a \$220 million was handed to a
5 project manager who constructed the project
6 and hired contractors and employees as he
7 wished, and a lot of these people came from
8 out of state; the contractors came from out
9 of the state and brought in their own
10 people. And I think if you ask around,
11 Berlin really got the short end of the stick
12 in that deal.

13 Laidlaw has decided to work with the
14 community, with the local construction
15 companies, with the local employees. And
16 they're taking the high road. And they're
17 going to pay substantial, livable wages,
18 health insurance and pension. And that is
19 very important to a community, because if
20 you have employees working in a community
21 that don't have those viable benefits, then
22 they drain off of the community. They go to
23 the hospital and they don't have insurance.
24 You know, they have to be subsidized by the

1 state and other means. In today's market,
2 for a developer to come in and commit to
3 those conditions, when they know it's going
4 to cost them additional money to
5 construct -- but they also know they're
6 going to get the skilled craftsman they need
7 to construct their project. They're also
8 going to help contribute to the training
9 programs, where we can help train local
10 residents from Berlin. We can start
11 building the community.

12 The Building Trades is in support of
13 all construction. We support everything and
14 anything anybody wants to build. This is a
15 24- to 36-month project, which is -- this
16 will be at the time, at the conclusion of
17 the Bow Project, the biggest construction
18 project in the state of New Hampshire. But
19 since 2001, these people have been
20 struggling. We've watched and followed and
21 attended and participated in study committee
22 after study committee, after study committee
23 about what's going to happen to the loop,
24 you know, where are these jobs going to come

1 from.

2 Here we are in 2010, almost 2011, and
3 these people are still traveling all over
4 the place. You know, I really want -- if
5 you could all just put yourself into the
6 shoes of a blue-collar worker who has to
7 provide for his or her family, and the job
8 is not in your community, what it does to
9 you when you're not home at night. These
10 guys come down and stay a week in Manchester
11 and Portsmouth and Dover on couches of other
12 construction workers. They're not at their
13 kid's baseball games. They're not at their
14 kid's -- in Berlin, it's hockey games, I
15 should say. And they're not there. And
16 it's a burden on them. And here's a project
17 ready to go. And these people are ready to
18 work it. And, you know, I'm proud to
19 represent them. And, you know, I just --
20 Laidlaw has stepped up to the plate.
21 They're ready to pay the price. They're
22 ready to come in and put people to work.
23 And I hope we can support this in a timely
24 manner. Thank you very much.

1 CHAIRMAN BURACK: Thank you
2 very much, Mr. Casey.

3 Again, we thank all the
4 members of the public who have provided us with
5 both written and oral comments in this
6 proceeding. We will hold the public comment
7 portion of the record open through the conclusion
8 of this proceeding and issue a final document.
9 But it will be most helpful if members of the
10 public who do wish to submit written comments
11 provide them within a week or so, and it would be
12 helpful to have those by that time, if possible.

13 Any other housekeeping matters
14 from any of the parties?

15 (No verbal response)

16 CHAIRMAN BURACK: All right.
17 Again, I would just ask the parties to please be
18 in close communication with Attorney Iacopino as
19 we pull together any remaining pieces that are
20 expected to be submitted. Again, thank you all.
21 And we will now adjourn this hearing portion of
22 this proceeding.

23 (Hearing adjourned at 3:43 p.m.)
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
notes of these proceedings taken at the
place and on the date hereinbefore set
forth, to the best of my skill and ability
under the conditions present at the time.

I further certify that I am neither
attorney or counsel for, nor related to or
employed by any of the parties to the
action; and further, that I am not a
relative or employee of any attorney or
counsel employed in this case, nor am I
financially interested in this action.

Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

	115:7;118:19	20:5;21:21;39:21; 40:3;42:14	accordance (2) 24:16;78:18	advocating (2) 112:9,18
\$	2007 (1) 6:17	62 (2) 49:10;80:8	accounting (1) 28:12	aesthetics (1) 108:4
\$220 (1) 117:4	2009-03 (1) 90:11	6J (1) 32:7	achieve (1) 90:19	affect (1) 9:23
\$25 (1) 36:7	2010 (3) 5:15,20;119:2	6-percent (1) 114:23	acknowledge (1) 102:5	affected (1) 11:16
\$250,000 (1) 113:4	2011 (1) 119:2	7	across (1) 84:5	affidavit (2) 5:14,18
\$44 (1) 112:19	20th (1) 83:7	7 (6) 25:13;37:24;38:5,10, 16;39:12	act (3) 36:11;78:17;109:17	afternoon (2) 103:12;114:10
\$5,000 (1) 26:11	20-year (1) 14:11	74 (5) 5:13,13,15;7:2;99:14	actually (8) 25:13;27:9;38:12; 43:14;83:5;84:3;104:11; 114:15	again (16) 6:12;20:15;22:24; 25:16;26:15;47:13; 77:24;81:13;83:1;91:20; 99:3;100:18;101:5; 120:3,17,20
\$7,500 (1) 36:3	21 (2) 13:20;83:12	75 (4) 5:18,22;7:2;51:4	add (5) 29:11;32:21;33:14,14; 79:24	against (1) 92:22
[22-percent (1) 13:18	76 (6) 5:24;6:7;7:2,14;19:20; 20:2	added (6) 21:3;22:11;28:20; 29:3;78:24;80:5	age (1) 13:15
[sic] (1) 98:8	23 (1) 13:19	76-A (6) 6:11,14;7:2,24;49:11; 80:9	adding (1) 23:15	ago (4) 35:16;48:12;82:13; 96:3
1	23rd (1) 83:13	8	addition (10) 22:18;25:5;27:4;42:9; 45:17;78:23;82:7,12; 98:6,16	agree (1) 17:9
1 (6) 22:10;29:1;42:1,19, 19;44:2	24- (1) 118:15	8 (8) 26:22;37:24;38:5,10, 14,14;39:10;79:3	additional (5) 5:8;8:3;45:2;112:11; 118:4	agreed (6) 5:11;8:14;22:17;23:6; 26:8,20
1.57 (2) 15:23;16:9	25 (4) 12:3;13:18;16:8;37:3	800-pound (1) 93:13	additions (1) 23:14	Agreement (24) 6:22;7:22;20:10,24; 21:11;35:11;36:19;42:3, 5,15;47:18;49:11,12; 78:11,13,23;80:1,13; 106:10;112:9;115:20, 22;116:19;117:3
1:25 (1) 5:2	27 (1) 115:2	850 (2) 116:6,8	address (9) 10:13;13:10;28:21; 84:22;86:1,3;89:9; 102:13;108:13	ahead (3) 76:23;104:7;110:21
10 (2) 5:15;28:20	3	9 (5) 27:4,7;40:4,9,18	addressed (5) 104:4,14,15;107:6; 113:12	air (1) 108:5
120 (1) 116:8	3:43 (1) 120:23	9:00 (2) 83:15,19	adequate (4) 86:18,23;102:17; 103:14	Alexandria (2) 10:23;94:11
14th (3) 87:12;88:10,11	30 (1) 37:3	91-A5 (3) 49:9,15;76:10	adhere (2) 42:6;79:21	Allen (2) 6:5;29:8
162-H (2) 89:12,21	36-month (1) 118:15	9th (1) 5:20	adjourn (1) 120:21	allocate (1) 92:3
162-H16 (2) 86:16;88:13	4	A	adjourned (1) 120:23	allowed (1) 33:23
162-H64 (1) 89:9	4 (1) 86:15	ability (9) 27:16,16;28:13;30:4; 87:5;92:18;94:23;95:24; 106:19	administer (1) 39:13	allowing (2) 10:6,24
16th (1) 82:24	40 (2) 16:6;106:3	able (6) 16:14;35:10;81:20; 83:17;84:18;115:13	administered (3) 26:18;39:16;42:11	alluding (1) 79:23
17th (4) 82:11,15,23;100:22	5	above (1) 94:12	admitted (2) 5:17;101:15	almost (2) 10:15;119:2
1997 (2) 25:1;31:16	5 (5) 6:23;7:4;79:7,13; 103:12	access (2) 10:17;107:4	adopt (1) 110:1	alone (1) 116:9
19th (2) 100:12,22	5:00 (1) 83:15	accomplish (1) 27:13	adopting (1) 11:12	along (4) 9:1;12:6,23;13:4
2	501c3 (1) 111:7	accomplishes (1) 109:20	adverse (2) 107:6;108:4	alternative (1) 89:15
2 (1) 22:19	52 (1) 51:4	60 (5)	advocate (4) 112:2,13;113:9,15	alternatives (7) 89:11,19,20;90:1,19;
2:45 (1) 76:1	6			
20 (4) 6:17;83:12;100:12; 114:14	6 (3) 23:9,19;37:10			
20- (1) 13:17				
2001 (2)				

103:22;104:3 amended (3) 23:11;80:8,9 amendment (3) 7:23;47:18;49:12 American (1) 39:1 among (2) 82:8;109:17 amount (1) 26:24 analysis (3) 18:20,24;103:22 ancient (2) 34:3,10 and/or (1) 37:15 Androscoggin (3) 48:13;111:4,6 annual (4) 26:6;27:1;37:14;106:4 annually (3) 26:11;36:3;106:7 answered (1) 103:17 apologize (1) 79:8 apparent (1) 91:6 appeals (1) 87:18 appears (1) 51:1 applicable (1) 40:17 Applicant (22) 5:7,13,18;6:9;8:1; 19:20;20:3,7;21:1,48;2; 49:10,11;81:9;86:10,18; 87:11;88:14;89:5,15; 96:20;97:19;104:2 applicants (2) 26:12,14 Applicant's (3) 87:6;91:3,8 application (3) 102:5,7;104:14 applied (1) 89:6 appreciate (3) 50:23;85:11,12 appreciated (1) 83:1 apprenticeship (1) 115:16 approaching (1) 17:10 appropriate (1) 21:10 appropriately (1) 78:4 approved (3) 87:8,9;96:17	area (3) 10:15;109:24;111:22 areas (1) 26:20 argument (4) 80:22;81:8;85:17; 102:1 arguments (6) 48:7;81:5,10,11; 84:19;100:20 around (5) 29:17;97:8;114:23; 115:2;117:10 arranged (1) 18:1 arrangements (1) 31:17 arrive (1) 28:10 aside (1) 83:12 assembled (1) 103:2 assess (1) 83:17 assessing (1) 88:12 asset (2) 97:14,14 Assistant (2) 6:18;43:8 assistants (1) 85:14 associated (1) 38:24 Association (3) 26:19;38:8;109:2 assume (5) 15:2;32:14;33:10,24; 35:6 assuming (2) 9:15;47:19 assumption (1) 32:20 assure (1) 102:18 attached (2) 6:2;78:19 attachment (1) 42:14 attend (1) 84:21 attended (1) 118:21 attention (2) 24:21;85:13 Attorney (18) 5:4;7:15;16:2;19:23; 20:20;21:15;22:16;31:3; 46:20;80:18;84:23; 85:16;100:17;101:7,11; 110:14,19;120:18 authority (1)	112:20 availability (2) 83:17;92:11 available (12) 20:15;30:23;31:18; 38:20;89:11,18,20;90:1, 19;95:21;96:4;113:4 AVER (2) 111:5,10 award (2) 26:11;88:24 aware (8) 8:13;31:11,15;83:10; 97:8,8,13,13 away (2) 24:7;98:11	beginning (2) 102:9;108:11 behalf (1) 30:6 behind (2) 98:14;110:19 belaboring (1) 86:24 beneficial (1) 26:5 benefit (3) 106:24;113:2;116:23 benefits (7) 106:9;107:1,2,4; 112:24;113:18;117:21 Berlin (21) 6:1,3;79:7,12,23; 91:19;94:7,8;105:9; 106:8;107:2;111:21; 113:3;115:6;116:8,16; 117:1,2,11;118:10; 119:14 Berlin's (1) 78:11 Berti (2) 93:3,9 best (4) 7:9;79:18;107:19; 109:16 better (5) 27:14;39:3;81:22; 107:21;109:10 beyond (4) 95:17;96:22;107:24; 108:16 Bible (1) 24:22 big (1) 92:1 bigger (3) 91:21,21;93:5 biggest (1) 118:17 bill (1) 19:3 biomass (13) 8:14;13:17;15:2;30:3, 16;35:4;36:19;46:1; 92:6,11;95:11,13;112:16 Biopower (5) 5:13;6:1,3;19:21; 79:23 bit (4) 25:16;28:16;33:18; 43:10 blue-collar (1) 119:6 board (3) 22:21;23:4;98:9 Bob (1) 93:3 bodies (1) 105:1	boiled (2) 85:22;92:7 books (2) 10:16,18 borrowing (1) 112:24 Boston (1) 92:14 both (5) 80:13;92:12,13;109:1; 120:5 bottom (3) 16:9;111:12,13 bound (1) 28:24 Bow (1) 118:17 box (1) 107:16 Branch (1) 6:21 Bravakis (18) 20:15;21:16,23;22:3, 9;29:12;37:22;39:9; 40:24;46:22;47:1,10; 78:9,16;79:3,8,14;80:6 break (1) 24:7 breaking (2) 23:17;33:11 breaks (1) 10:7 brevery (1) 103:5 Bridgewater (7) 9:7,9,14;10:23;12:5; 14:8;94:11 Bridgewater's (1) 15:4 brief (1) 81:14 briefly (3) 22:15;27:5;28:20 broad (1) 44:3 broader (2) 41:2,3 brokers (1) 43:24 Brookfield (1) 91:18 Brooks (12) 6:5;8:24;12:11;19:23, 24;20:14,20,21;29:9; 30:9;101:7,9 brought (4) 18:18;24:20;41:13; 117:9 build (2) 92:13;118:14 Building (5) 114:12;115:11,21; 118:11,12
		B		
		back (17) 10:1,8,12;13:11; 16:23;24:1;25:16;32:24; 46:1;47:12;48:6;76:3; 84:5;87:18;88:19;89:3; 98:24 backing (2) 14:1,5 bad (1) 9:2 balance (2) 90:20;109:9 balancing (2) 109:17,24 ball (1) 11:10 bankruptcy-remote (2) 97:20,24 Barry (1) 6:4 Bartoszczek (1) 102:23 Bartoszczek's (1) 86:15 baseball (1) 119:13 based (3) 35:7,13;93:24 Basically (1) 43:15 basis (4) 16:20;39:23;46:8,16 be-all (1) 24:3 became (3) 91:6;96:4;107:10 becomes (1) 83:22 Beeson (1) 6:20 B-E-E-S-O-N (1) 6:20 begin (2) 34:15;83:6		

built (6) 17:3,5,12,15,16;117:2	110:19;113:18,20;118:9, 10;119:23	84:3,9;85:3,4,7,19; 100:14,16,24;101:5,10, 17,20;105:13;110:13; 112:4;113:24;114:7; 120:1,16	82:14,22;84:19;85:17; 100:20;101:8;102:1,13	106:10;107:4;112:22; 115:23;117:14,19,20,22; 118:11;119:8
BURACK (58) 5:3;7:6;12:9,12;16:2, 7,10;19:8,12,15,18; 20:19;21:14;22:5;31:1, 7;32:2;34:20,23;37:6; 39:6,8;40:20,21;41:16; 46:19;47:9;48:21,24; 49:19,23;50:19,21;76:2, 12,15,22;77:19,21;79:6, 10;80:17,21,24;84:9; 85:4,7;100:16,24;101:5, 10,17,20;110:13;113:24; 114:7;120:1,16	capability (8) 86:19,23;87:2,4; 102:18;103:4,12,15	challenge (1) 27:12	combined (1) 24:8	companies (1) 117:15
burden (5) 28:18;36:2;86:22; 94:18;119:16	capable (3) 86:11;88:22;103:8	challenges (1) 30:20	combining (1) 13:16	company (1) 99:24
Burgess (2) 114:15;115:7	capture (1) 40:10	chance (1) 94:4	comfort (2) 97:17;98:5	comparative (1) 18:19
Burlington (2) 36:23;37:2	career (1) 26:7	change (11) 13:14;15:14;16:15; 22:9,23;23:9;26:23; 31:13;34:19;82:16;83:1	comforted (1) 100:6	comparison (1) 114:22
Burton (1) 105:15	careful (2) 109:17,23	changes (7) 20:11,16;21:19;22:3; 23:19;96:21;110:3	coming (6) 13:4;76:19;82:23; 96:6,12;109:4	compelling (1) 97:3
business (10) 9:15;12:20,24;13:3, 24;14:3;15:5;97:15; 112:14,15	Carl (1) 98:20	charge (2) 98:21;100:1	Committee's (1) 113:22	compensated (1) 114:17
businesses (1) 112:12	carrots (1) 25:18	chart (2) 97:11;98:23	COMM (11) 32:5,6;34:22;41:18, 19;50:17;77:17;78:7,9; 79:2;80:7	competitive (2) 35:21;107:12
buy (3) 30:5;43:15,15	carry (1) 89:21	children (1) 112:1	comma (1) 22:20	competitors (1) 107:14
buying (1) 43:21	case (7) 15:3;21:1;42:13;89:7; 98:1,13;116:23	chips (2) 34:11;43:19	commence (1) 89:2	complete (2) 7:10;80:12
C	cases (2) 107:18;108:24	choice (1) 37:17	comment (11) 9:6;35:4;48:15,17; 49:2;81:13;110:16; 111:1;114:4,9;120:6	complex (1) 109:24
calculus (1) 18:6	CASEY (6) 48:23,23,24;114:9,10; 120:2	circumstances (1) 5:17	comments (10) 9:8;48:8,9;81:14; 84:20;102:13;107:6,9; 120:5,10	compliance (4) 32:18;33:9,12;102:19
calendar-year (1) 39:23	C-A-S-E-Y (1) 114:11	cited (1) 107:20	commercial (2) 49:16;76:10	complied (1) 33:1
call (6) 13:1;26:9;27:23; 49:24;76:21,23	category (3) 86:5;92:21;108:7	City (9) 78:11;79:4,6,12; 105:10;106:13;107:1,3; 113:3	Commission (1) 88:21	complying (1) 46:12
calling (1) 100:1	cause (1) 9:13	City's (1) 78:19	Commissioner (6) 6:18;32:4;34:21; 50:15;77:15;78:5	concede (1) 89:13
came (10) 25:14;26:9;33:10; 41:12;91:14;106:15; 109:10;115:16;117:7,8	caveats (1) 35:12	clarification (1) 34:14	Commissioners (1) 105:13	conceded (1) 92:13
camel's (1) 10:7	certainly (14) 33:13,16;34:8;82:10, 24;85:5;94:8,13;98:4; 103:9,19;107:8,13,22	clarify (7) 20:23;38:13;40:5; 47:14;80:4;99:6;100:17	Committee (1) 118:2	conceptually (1) 85:22
can (49) 7:7,9;9:17;10:14; 11:14;13:24;14:9,17,17; 22:15;23:18;25:13;27:5; 28:16,17,19;31:17; 32:21,24;33:14;34:7,19; 40:6;44:12;45:23;46:3; 47:6,11;48:4;76:18; 78:14;80:3,15;81:15; 82:21;86:10;89:1;92:15; 16:94;14,24;98:3;104:9;	certainty (1) 44:12	clause (2) 22:11,19	commit (1) 118:2	concern (3) 28:21;29:17;107:12
	certificate (13) 86:9,9,17,20,21;88:17; 89:1,1;102:12,20;110:2, 7,12	Clean (4) 81:7;112:6,8,9	commitment (1) 29:16	concerns (1) 6:21
	cetera (2) 27:20,20	clear (13) 11:5;18:2;21:11; 28:22;29:3;33:20,21; 40:1;84:10;87:1;99:3; 101:1;107:10	Committee (38) 6:13;9:17,18,24; 10:13,20;11:3,13;16:19; 20:17;22:4;23:19;30:18; 31:8;49:18;77:23;82:3; 83:3;87:18,22,24;88:16; 89:11,13,18;90:18;95:7, 19;100:15;102:6;104:5, 16;107:21,24;110:1; 118:21,22,22	concession (1) 93:23
	Chair (4) 6:10;30:23;101:13; 105:12	close (5) 20:13;48:17;51:3; 103:16;120:18	communities (1) 116:10	concluded (2) 7:19;48:5
	CHAIRMAN (75) 5:3,7;7:1,6;12:9,12, 15;16:2,7,10;19:8,12,15, 18;20:19;21:14;22:5; 31:1,6,7;32:2;34:20,23; 37:6;39:6,8;40:20,21; 41:16,18;46:19;47:9; 48:21,24;49:7,19,21,23; 50:18,19,21;76:2,6,12, 15,22;77:18,19,21;78:8; 79:6,10;80:17,21,24;	closed (1) 82:13	community (10)	conclusion (2) 118:16;120:7
		closing (13) 48:7;80:22;81:5,8,10;		Concord (1) 10:24
				condition (7) 20:5,24;109:5,13,19, 20;110:1
				conditional (1) 113:10
				conditionally (1) 113:17
				Conditions (8) 6:4;25:5;42:6;78:18; 79:24;102:20;113:11; 118:3
				conduct (1) 87:14
				conducted (2)

33:6;100:7	context (4) 87:22;88:6;89:12; 102:14	28:22;42:2,3,5,15,21,23; 44:9,13,18;45:15;46:9, 14,23;47:18;49:10,12; 78:14,17,23;80:2;93:6	D	deliberation (1) 83:13
conducting (1) 29:4	continue (1) 11:8	Cousineau's (2) 42:10;44:10	data (3) 41:4,7;87:6	deliberations (2) 83:6;92:2
conferring (1) 33:3	continuing (1) 102:19	COVER (1) 51:6	date (4) 28:3;31:14;82:19,20	delivering (1) 27:19
confidential (13) 6:9;7:21,24;41:22; 47:17,21;48:5;49:9,16; 51:5;76:10;80:14;83:22	contract (7) 23:12;42:24;44:21; 46:4,7,16;99:5	CPD (16) 8:10;17:2,9;90:3,6,10, 10,14;91:17;92:21,21, 24;94:16,19;103:11; 107:14	dated (3) 5:14,19;6:17	delivery (4) 27:24;28:3,4,7
confidentiality (1) 6:10	contractors (2) 117:6,8	CPD's (5) 17:4;86:9;94:18; 103:17,19	day (5) 44:20,21;47:3;84:6; 103:12	demand (1) 90:21
confirm (1) 48:18	contracts (1) 43:16	craftsman (1) 118:6	days (8) 17:6;83:16,18;84:2,8, 12,13;98:23	demonstrate (1) 102:16
confused (1) 41:23	contribute (1) 118:8	create (5) 24:2;25:18,20;27:12; 112:10	dead (1) 88:2	demonstrates (3) 86:10;103:3;110:9
conjecture (1) 97:5	contribution (2) 27:1;39:3	creation (4) 30:21;94:6,7;113:20	deadline (1) 83:2	demonstration (1) 29:16
consider (10) 41:10;89:11,18,20,24; 90:19;91:8;104:2;107:9; 108:1	control (2) 96:1;97:4	creates (1) 112:17	deadlines (2) 106:21;112:21	Department (1) 6:19
consideration (2) 104:23;105:8	convene (1) 83:19	creating (3) 28:18;30:2;37:14	deal (14) 14:11,16,24;15:1; 30:20;88:16;90:7;95:9, 10;96:8,14;106:1; 109:20;117:12	depending (1) 7:17
considered (1) 44:23	conversation (1) 109:14	creation (4) 39:11;111:9,14,14	deals (1) 14:11	depends (1) 35:15
considering (2) 36:14;89:23	Coos (2) 26:14;105:12	Credit (1) 112:20	decades (1) 46:2	describe (4) 21:19;25:14;27:6;42:1
consistent (3) 104:10;105:2,11	copies (1) 82:18	Credits (5) 106:16,17,24;112:23; 113:3	dealing (3) 97:18;99:21,24	described (2) 97:19;99:15
Constellation (1) 14:13	copy (2) 5:21;31:23	criteria (5) 102:11;104:8,19; 108:3;110:6	deals (1) 14:11	describing (1) 109:3
constituencies (2) 109:16,18	Corp (1) 111:6	critical (4) 88:9,10;95:3;96:10	decades (1) 46:2	designated (1) 37:14
constituents (1) 109:11	correctly (1) 8:12	CROSS-EXAMINATION (1) 8:6	decided (2) 39:15;117:13	determination (3) 10:18,19;105:19
constraints (1) 92:4	cost (6) 92:3;93:16,16,24; 94:1;118:4	cross-examined (1) 98:17	decision (11) 46:17;81:19;84:11; 88:1,10;89:5;95:8; 112:18;113:9,14,17	determinative (2) 86:2,6
construct (6) 86:11,19;103:16,24; 118:5,7	couches (1) 119:11	cross-reference (1) 23:11	decisions (3) 21:9;89:13;99:10	determine (1) 100:5
constructed (2) 96:18;117:5	Counsel (20) 6:1,5,6,16;7:4,12,17; 12:10;19:1,22;20:8; 21:1;22:24;23:7;30:9; 40:22;48:2;81:6,7;85:13	crystal (1) 11:10	dedicated (1) 44:19	determined (3) 8:21;49:14;78:3
construction (19) 17:16;88:18;89:2; 98:22;99:12,13;102:18; 106:1;114:12,14,18,24; 115:1,15;116:24; 117:14;118:13,17; 119:12	Counselor (1) 105:14	current (4) 27:15;31:14;83:23; 88:23	deemed (1) 49:8	devastating (1) 115:4
construed (1) 89:14	Counsel's (1) 28:21	currently (2) 9:20;10:2	deep (1) 105:16	develop (1) 99:18
consultant (1) 95:2	Country (5) 90:4;93:3;105:6; 114:22;115:6	Curt (1) 5:18	deep-pocket (1) 14:5	developed (1) 21:7
consumer (1) 36:9	County (2) 26:14;105:13	curtail (1) 8:11	definitely (1) 46:10	developer (1) 118:2
CONTAINED (3) 51:6;104:5;106:12	couple (6) 8:8;25:6;39:9;46:1; 98:3,23	customers (1) 92:16	Definition (2) 16:9,21	developing (3) 29:20;30:13;38:24
content (1) 49:8	course (6) 14:12,14;35:17;102:9; 106:15;107:7	cut (1) 34:9	degree (1) 45:5	Development (17) 48:14;81:7;91:2,4; 95:5;99:16,17,22; 104:21;105:3,12,20; 107:17;111:4,8;112:6,14
contention (1) 90:17	courts (1) 88:3	cycle (1) 8:10	deleted (6) 37:21,23,24;38:9; 40:12,17	Devine (1) 6:20
contents (1) 76:7	Cousineau (25) 7:22;20:8;23:11;		deliberate (3) 83:14,21;84:10	difference (3) 12:19;13:6;92:20
			deliberates (1) 104:17	different (5) 35:17;37:11;39:22; 88:20;98:24
			deliberating (1) 84:3	differentiate (1) 11:24
				difficult (1)

85:24 difficulty (1) 111:23 diminishing (1) 30:4 DIR (6) 37:8;39:4;49:21;50:8, 10;77:5 direct (3) 22:2,7;113:2 directly (5) 46:4,12;78:24;98:21; 106:9 Director (4) 37:7;40:16;50:6;111:5 disadvantage (1) 35:22 disagree (1) 89:4 disastrous (2) 11:2,23 disburse (1) 39:14 disbursed (1) 26:18 disciplined (2) 22:21;23:4 disclosure (1) 76:9 discuss (3) 5:10;23:12;49:8 discussed (4) 13:5;15:24;83:11; 104:4 discussing (2) 38:18;92:19 discussion (3) 15:18;41:1,6 discussions (3) 20:7;40:22;107:23 displace (1) 9:4 dispose (1) 104:9 disrupt (2) 27:14;95:4 distinction (1) 46:6 distinguish (2) 9:19;11:6 docket (2) 45:5;90:11 document (13) 6:2;7:18,20;20:12; 21:20,21;25:4;30:21; 31:4;37:9;42:2,4;120:8 documents (7) 5:5;49:9,14;76:8,11; 81:24;102:22 dollar (1) 26:24 dollars (3) 106:7;112:22;113:2	done (20) 15:10;18:8;19:3,6; 25:1;28:16,17;32:17; 33:7,9,12;51:2;92:17; 94:17,19;95:1;106:21; 108:17;113:7;117:3 door (1) 51:3 Dover (1) 119:11 dovetail (2) 24:4;30:7 down (7) 33:21;34:10;83:6; 85:22;92:7,10;119:10 Dr (8) 13:12;31:9,10;50:2,3; 76:24;77:1;103:12 draft (7) 7:22;31:19,23;37:9, 18;39:20;49:11 drain (1) 117:22 draw (2) 9:24;11:14 driven (2) 12:20;13:3 driver (1) 112:16 drives (1) 12:23 dropped (1) 38:15 due (1) 104:22 Dummer (1) 6:21 During (4) 8:9;104:12;106:15; 107:7 dust (1) 99:23	effect (3) 95:10;108:4;113:22 efficiency (4) 13:13,14,18,21 efficient (8) 12:19,21,22,23;14:4; 45:21;46:7;90:14 effort (7) 26:16;30:6,15;79:18; 108:15,18;109:16 efforts (3) 85:12,12;102:10 eight (3) 39:21;40:1,2 either (3) 27:14,15;46:4 Electric (2) 36:23;37:2 electrician (1) 114:13 electricity (3) 35:7,14;92:17 element (1) 87:5 elements (1) 39:22 elevation (1) 34:3 eleventh (2) 96:21,22 eliminate (1) 92:4 Elliot (1) 116:7 else (2) 36:18;94:22 else's (1) 94:21 elsewhere (1) 116:4 emphasize (1) 104:22 employee (2) 46:5,16 employees (6) 42:20;116:4,6;117:6, 15,20 employment (2) 112:17;114:21 encourage (3) 37:12;38:21;109:7 end (10) 10:8;22:10,19;36:9; 37:10;38:3;85:22;95:14; 107:18;117:11 end-all (1) 24:2 energy (8) 16:16;35:24;90:20,20; 97:8,8;104:11;112:16 engineer (1) 43:11 engineering (1)	8:20 England (1) 14:18 enhance (1) 106:19 enlighten (1) 45:24 enormous (1) 107:1 enough (2) 33:20;93:8 enroll (4) 26:1;37:13;38:21,22 enrolling (1) 37:15 enrollment (1) 37:16 entail (1) 84:12 enter (3) 47:16;48:15;49:7 entered (1) 115:20 entire (1) 102:9 entirely (1) 105:2 entities (3) 97:21;98:1,12 entitle (1) 110:7 entitled (3) 6:2;19:21;107:8 entity (5) 98:3;99:16,18,22; 104:2 enumerated (1) 10:22 environment (1) 108:5 Environmental (1) 6:19 envisioned (1) 38:19 equation (1) 111:16 equipment (1) 113:5 Equity (1) 17:24 essential (2) 87:5;106:14 essentially (2) 20:17;117:4 estimate (1) 36:7 estimation (3) 10:5,21;11:19 et (2) 27:19,20 evaluate (1) 91:13 eve (2)	96:23;97:2 even (6) 9:16;17:10,12;39:1; 93:22;111:24 event (2) 27:11;97:7 everybody (3) 84:6;90:4;95:22 everyone (2) 47:24;91:9 evidence (3) 97:6;103:6;110:10 evolution (1) 38:4 evolved (3) 35:20;43:2;45:4 exact (1) 80:2 exactly (1) 105:17 EXAMINATION (2) 12:16;22:7 example (6) 18:22;36:3;38:7; 40:14;90:13;91:7 excellent (2) 25:4;108:23 exception (1) 5:9 excess (2) 112:11,12 exclude (1) 25:12 excuse (2) 42:19;85:5 excused (2) 19:17;85:6 execute (1) 45:11 executed (1) 20:2 exempt (1) 76:9 exempted (1) 49:14 exhaust (1) 116:2 Exhibit (28) 5:13,15,16,18,19,22, 23,23;6:7,9,11,16;7:4, 14,24;16:4;19:19,20; 20:2,5;39:21;42:4,14; 49:10;79:7,13;80:8,9 exhibits (5) 5:8;6:24;7:2;101:15, 23 exist (4) 15:17;24:5;87:3;92:5 existence (1) 17:13 existing (7) 13:2;15:2;18:7,21; 24:4;30:7;95:11
	E			
	Earlier (10) 8:24;9:6;13:12;15:24; 18:12;48:16;83:10; 91:24;92:19;96:6 early (1) 84:17 easier (1) 22:2 echo (1) 30:8 economic (10) 8:19,22;18:3,20; 48:14;111:4,6,8;112:15; 113:2 economically (1) 79:17 economy (2) 106:2;111:13	employee (2) 46:5,16 employees (6) 42:20;116:4,6;117:6, 15,20 employment (2) 112:17;114:21 encourage (3) 37:12;38:21;109:7 end (10) 10:8;22:10,19;36:9; 37:10;38:3;85:22;95:14; 107:18;117:11 end-all (1) 24:2 energy (8) 16:16;35:24;90:20,20; 97:8,8;104:11;112:16 engineer (1) 43:11 engineering (1)		

<p>expand (1) 34:7</p> <p>expect (7) 12:4;24:13;30:10; 43:6;47:15,22;83:14</p> <p>expected (2) 106:7;120:20</p> <p>expeditiously (2) 7:9;48:4</p> <p>expense (1) 38:24</p> <p>experience (2) 45:24;85:20</p> <p>experienced (1) 43:5</p> <p>expertise (1) 94:23</p> <p>experts (1) 95:9</p> <p>explain (7) 9:18;22:3,15,22; 23:18;37:19;78:14</p> <p>extended (1) 47:23</p> <p>extension (1) 44:22</p> <p>extensive (3) 102:21,22;110:8</p> <p>extent (5) 10:4;11:11;21:7; 79:16;92:22</p>	<p>93:2</p> <p>Farm (1) 39:1</p> <p>farmers (1) 108:21</p> <p>favor (1) 90:5</p> <p>feasible (1) 79:17</p> <p>feature (2) 95:23;106:14</p> <p>features (1) 106:12</p> <p>federal (8) 25:10;32:8,17,24; 33:7,22;34:6;117:1</p> <p>feel (3) 41:13;86:2;96:16</p> <p>fellow (1) 47:2</p> <p>felt (2) 36:8,13</p> <p>few (1) 85:22</p> <p>fewer (1) 84:13</p> <p>FIA (1) 41:4</p> <p>figure (1) 25:15</p> <p>file (2) 48:15;114:4</p> <p>filed (2) 93:21;95:18</p> <p>filing (3) 88:8,15;102:4</p> <p>Final (6) 18:6;81:19;83:16; 84:11;87:11;120:8</p> <p>finally (3) 6:8,15;96:19</p> <p>financed (2) 106:18,20</p> <p>financial (11) 38:2;49:17;76:11; 86:19,23;87:2,4,5; 102:17,23;103:15</p> <p>financially (2) 86:11;88:22</p> <p>financing (11) 8:16;17:21,22,24,24; 87:8;88:5,9,11,20;89:4</p> <p>find (1) 46:6</p> <p>finding (2) 37:17;41:23</p> <p>fine (3) 22:6;80:20;91:9</p> <p>firewall (1) 98:13</p> <p>firewalls (1) 98:1</p> <p>first (18)</p>	<p>5:12;8:17;10:20; 13:10;19:23;20:13;29:2; 30:10;44:2;46:24;81:6; 86:8;88:4;95:18,22; 96:4;102:15;115:7</p> <p>fit (1) 78:15</p> <p>fits (1) 107:16</p> <p>five (3) 35:16;81:15;93:2</p> <p>floor (1) 91:14</p> <p>flushed (1) 38:15</p> <p>focus (2) 86:7;102:10</p> <p>folks (10) 29:21;38:6;43:5; 45:15;47:14;48:18;81:3; 82:16;83:16;84:14</p> <p>follow (3) 36:17;44:4;45:14</p> <p>followed (3) 22:12;48:7;118:20</p> <p>Following (3) 7:11;81:10;91:1</p> <p>Forest (4) 24:24;25:2;34:10;41:4</p> <p>forester (21) 20:9;21:2;24:16;25:8; 33:4,4,8;43:1,4,7;44:14, 16,45:1,2,17,20;46:5,8, 9,15,23</p> <p>foresters (9) 22:20;23:3,23;25:7; 38:6;42:18;44:6,14; 45:12</p> <p>Forestry (11) 23:16;24:20,22,23; 26:3,8,10;31:11;36:4; 38:2;113:6</p> <p>forests (1) 34:4</p> <p>forget (2) 14:23;91:23</p> <p>forgive (1) 43:9</p> <p>forgotten (1) 84:2</p> <p>form (2) 14:6;80:14</p> <p>forms (1) 17:6</p> <p>forward (6) 11:1,9;12:4;25:17; 30:11;109:21</p> <p>found (2) 76:8;88:21</p> <p>four (7) 5:8;29:19;35:16; 39:24;86:1;90:24;93:2</p> <p>fourth (1)</p>	<p>104:8</p> <p>fragile (1) 34:2</p> <p>framework (1) 88:1</p> <p>frankly (1) 105:4</p> <p>Friday (3) 82:10,15,23</p> <p>front (2) 15:21;104:17</p> <p>fuel (18) 7:22;24:13;25:19; 30:5;36:15;47:18;49:11, 12;78:13;79:19,20; 80:12;93:16,16;94:1; 106:4;108:9,20</p> <p>fully (2) 30:10;83:15</p> <p>fund (6) 26:6,10,21;27:1; 37:14;39:12</p> <p>funding (1) 25:24</p> <p>funds (2) 39:14;112:22</p> <p>further (11) 12:8,13;19:9,13; 34:21;45:23;46:19;47:8; 78:21;80:9;110:3</p> <p>furthering (1) 105:3</p> <p>future (2) 28:24;98:13</p>	<p>given (1) 104:23</p> <p>gives (2) 78:20;98:4</p> <p>God (1) 95:23</p> <p>goes (4) 13:11;46:1;98:2; 108:16</p> <p>good (22) 15:20;19:15;22:18; 23:15;24:23;31:1,11; 32:11;47:9;78:22;81:1; 86:12,14;94:4,15,20; 95:4;108:20,22,22; 109:3;114:10</p> <p>Gorham (2) 106:11;116:9</p> <p>gorilla (1) 93:13</p> <p>governing (1) 105:1</p> <p>Governor (1) 115:8</p> <p>Granite (7) 23:16;24:23;31:12; 88:17,18,21;89:5</p> <p>grant (1) 101:22</p> <p>granted (2) 6:10;86:10</p> <p>granting (1) 86:8</p> <p>grants (1) 113:4</p> <p>gray (1) 10:15</p> <p>great (4) 98:5;106:1;109:20,21</p> <p>greater (2) 87:14;94:15</p> <p>gripe (1) 15:4</p> <p>grips (1) 11:4</p> <p>Groveton (1) 116:10</p> <p>guarantee (2) 115:22;116:1</p> <p>guarantees (1) 116:20</p> <p>guess (7) 14:8;31:15,21;45:13; 90:10;91:24;113:9</p> <p>guidance (2) 24:15,20</p> <p>guide (1) 109:21</p> <p>guidelines (2) 24:5;30:7</p> <p>guy (3) 90:7;94:10;99:12</p> <p>guys (4)</p>
F			G	
<p>face (1) 96:10</p> <p>facilities (5) 8:14;9:14;95:13; 103:23;108:17</p> <p>facility (9) 27:17;28:8;86:18; 91:3;97:10;102:12,19; 103:16;104:10</p> <p>facility's (1) 91:3</p> <p>fact (5) 81:17;87:13;96:7; 100:6;112:19</p> <p>factor (2) 93:11,12</p> <p>factoring (1) 105:18</p> <p>factually (1) 85:24</p> <p>fair (2) 108:6,11</p> <p>fairly (2) 20:12;100:8</p> <p>familiar (3) 21:4;26:15;36:24</p> <p>family (1) 119:7</p> <p>far (1)</p>			<p>Gabler (10) 7:7,10;8:2,8;12:18; 15:13;16:12;19:16,17; 107:11</p> <p>Gabler's (1) 91:15</p> <p>games (2) 119:13,14</p> <p>gas (1) 115:11</p> <p>gather (1) 29:3</p> <p>gave (2) 21:3;88:16</p> <p>general (1) 20:12</p> <p>generally (1) 23:18</p> <p>generation (2) 9:3,4</p> <p>gentlemen (4) 49:1;78:6;85:7;98:8</p> <p>germane (1) 11:19</p> <p>gets (2) 96:17,17</p>	

92:21;93:1;95:14; 119:10	95:16;96:23;97:2;100:6	37:22	23:24	110:21
H	heart (1) 11:24	hundred (5) 97:13,13;98:7;116:12, 12	incorporated (1) 40:3	investigated (1) 8:19
half-million (1) 113:2	heat (2) 13:16;112:12	Hydro (2) 91:18,19	independent (2) 9:10;46:11	investors (1) 98:5
hall (1) 84:5	held (1) 82:20	I	index (1) 93:23	involve (2) 21:8;76:8
Hampshire (13) 24:12,23;25:1,2; 26:13;36:20;38:7;99:11; 114:12,20;115:1,21; 118:18	help (7) 36:4;37:14;78:14; 115:10;117:1;118:8,9	Iacopino (27) 5:4,6;46:20,21;47:7; 50:1,4,6,9,11,13,15,18, 20;76:20,24;77:2,4,6,9, 11,13,15,18,20;84:1; 120:18	indicate (1) 39:13	involved (1) 46:12
handed (1) 117:4	helpful (8) 7:11,16;21:16;83:3; 85:11;101:3;120:9,12	identification (2) 7:3,5	indicated (3) 82:2,12;100:18	involvement (1) 21:2
happen (2) 95:7;118:23	here's (1) 119:16	identified (2) 32:15;48:16	indicators (1) 41:3	irregardless (1) 17:17
happened (1) 96:24	Hey (2) 14:23;94:9	identifies (1) 44:10	individuals (6) 26:7;48:16;81:14; 82:2;110:17,18	irrespective (1) 9:21
happening (1) 41:3	high (3) 34:2;116:20;117:16	identify (1) 28:2	industry (4) 112:14;114:14;115:5, 15	Irving (1) 37:1
happens (2) 17:2,3	highly (1) 90:14	Ignatius (16) 32:4,5,6;34:21,22; 41:18,19;50:16,17; 77:16,17;78:5,7,9;79:2; 80:7	information (7) 29:4;41:22;49:17; 82:1;90:11,12;103:2	ISO (1) 14:18
happy (1) 81:17	hinge (1) 112:23	impact (6) 11:2,21;12:2,7;18:20; 90:15	infuse (1) 106:1	issue (23) 11:4,20;12:1,1;17:2; 18:17;38:23;81:18; 90:24;93:20;94:20;95:3; 103:18;104:4,14,15; 106:22;107:12,12,15; 108:12;110:11;120:8
hard (3) 102:7;108:13;109:22	hire (2) 44:7;46:7	impacts (2) 91:16,20	initiated (1) 102:4	issues (11) 85:23;86:2;91:10,11, 14,23;94:24;100:4; 102:23;103:1;113:11
harder (1) 115:6	hired (1) 117:6	importance (1) 43:9	input (2) 39:2;109:15	Item (1) 42:19
harness (1) 109:6	historic (1) 108:4	imagine (1) 34:1	insignificant (1) 36:6	items (3) 39:24;40:2;83:7
harp (1) 92:8	hit (1) 115:6	impact (6) 11:2,21;12:2,7;18:20; 90:15	insurance (3) 116:22;117:18,23	IV (2) 49:15;76:10
Harrington (8) 34:24;35:1,3;50:13, 14;77:13,14;92:7	Hmm-hmm (2) 14:7;18:5	important (5) 106:11;109:9;111:16; 115:19;117:19	integrated (1) 8:22	J
Harrington's (1) 8:9	hockey (1) 119:14	importantly (1) 113:19	intended (1) 40:10	JANNELLE (4) 76:14,16;77:11,12
harvest (1) 34:6	hold (2) 12:24;120:6	impossible (1) 113:8	intent (3) 24:1;33:16;34:8	jeopardy (1) 93:7
harvested (3) 25:10;32:8,16	home (3) 116:13,16;119:9	incented (1) 32:16	intention (1) 83:24	job (11) 87:24;94:9,19,20,21; 100:8;108:24;109:3; 111:8,8;119:7
harvesting (3) 32:11;34:13;109:8	Homeland (2) 98:20;99:4	incentive (2) 108:20,22	intentions (1) 40:5	jobs (14) 18:7,7;94:4,5,6;106:4; 111:14,15,23;112:10,11; 113:5,20;118:24
harvests (1) 79:21	homes (1) 112:1	incentives (3) 38:2;109:4,6	interest (1) 103:5	job's (1) 15:8
health (3) 108:6;116:22;117:18	hope (4) 45:24;100:13;107:9;	incentivize (1) 38:22	INTERROGATORIES (7) 31:10;32:6;35:3;37:8; 39:8;41:19;46:21	Joe (4) 48:23,24;114:9,10
hear (5) 29:17;48:6;81:6,11,11	hopefully (1) 113:16	inclined (1) 108:1	interrupt (1) 16:3	John (2) 37:1;47:2
heard (16) 9:6;10:1;11:22;29:18; 90:13;91:12;93:2,3,6; 102:21;103:7;105:14; 107:2,5;110:10;114:19	Hospital (2) 116:7;117:23	include (7) 23:2;24:9,17;25:9; 44:16;103:23;114:4	intervenved (1) 96:6	Judd (1) 105:13
Hearing (13) 5:2;17:6;41:5;51:7; 76:1;82:13;84:4,7; 85:21;101:21;107:11; 120:21,23	host (1) 107:4	included (3) 24:14;32:9;39:21	introduce (1) 114:8	July (1) 115:2
hearings (7) 87:14;88:6;91:7;	hour (2) 96:21,22	including (5) 23:14;41:2,7;106:10; 107:14	introducing (1)	jump (1) 104:7
	hourly (1) 14:18	inclusive (1)		
	hours (1) 109:14			
	house (1) 97:15			
	housekeeping (2) 101:13;120:13			
	Huh (1)			

jumped (1) 93:12	24:18;25:10;32:8,11, 17,19;33:7,11,22;34:13; 108:23	45:1,2,12,17,20;46:5,8, 23	17:24	102:17,24;103:15
jurisdiction (1) 95:10	language (1) 78:24	licensing (2) 23:4;42:8	look (7) 15:22;30:11;35:24; 88:24;95:23;98:19; 100:14	managing (2) 43:18;98:10
justify (1) 113:13	large (5) 85:21,21;93:4,10,10	licensure (1) 22:21	looked (4) 36:8;89:15,16,17	Manchester (2) 116:7;119:10
K	largely (2) 106:22;107:11	light (2) 110:9,10	looking (4) 16:20;94:15;99:18; 105:18	mandate (1) 88:13
keep (2) 81:14;94:12	largest (2) 106:8;112:15	likely (1) 38:22	looks (1) 39:23	manner (2) 113:18;119:24
Kent (7) 31:9,10;50:2,3;76:24; 77:1;103:12	last (8) 5:10,10;34:12;47:2; 87:16;100:10;108:2; 116:24	limitations (1) 90:16	loop (1) 118:23	manually (1) 79:11
Kent's (1) 13:12	later (3) 82:3;95:21;98:23	line (5) 9:24;11:14;42:19; 111:12,13	loosely (1) 9:1	many (2) 86:4;108:24
kid's (2) 119:13,14	law (10) 15:14;16:15;33:11; 36:22;49:15;86:13;89:9, 24;90:18;99:11	lined (1) 17:22	lose (1) 96:15	margin (1) 13:20
kind (10) 14:21;15:3;16:16; 17:10;30:8;87:19;93:23; 94:13;96:14;97:1	layoff (1) 115:8	lines (1) 9:1	losing (1) 111:24	mark (2) 5:5,21
knowledge (1) 33:5	LBB (2) 44:23;99:15	liquidate (1) 14:17	lost (1) 94:5	marked (5) 5:12;6:11,22;7:3,4
knows (2) 84:6;107:21	LBB's (3) 42:17,23;44:5	list (5) 37:11;39:21,24;40:7; 116:6	lot (11) 21:3,8;28:9;29:21; 36:12;92:8;111:17,18; 115:14,15;117:7	market (20) 9:3;14:18;23:21;30:2; 35:7,8,13,15,17;93:14, 14;95:24;96:1;106:16, 17,24;107:19;112:20,23; 118:1
Kusche (3) 5:14;45:23;104:15	Leachate (1) 6:22	lition (3) 92:12;103:13,17	lots (1) 38:23	marketplace (2) 27:15;35:22
K-U-S-C-H-E (1) 5:14	leaders (1) 23:21	little (6) 24:1;25:16;28:16; 33:18;43:10;105:4	Lou's (1) 46:12	markets (1) 88:23
L	learned (1) 115:17	livable (1) 117:17	M	material (2) 49:8;104:17
labeled (2) 7:24;79:11	lease (1) 97:11	live (2) 36:10;116:17	magnitude (1) 87:15	materials (2) 47:17;104:6
labor (3) 115:21;116:18;117:3	least (2) 40:15;83:12	LLB (6) 98:8,10,11;99:5,14,14	mailbox (1) 97:22	matter (6) 48:10;81:20;84:11,22; 89:8;101:13
laboring (1) 91:22	leave (3) 48:3;84:17,21	LLC (3) 6:3;19:21;79:23	maintain (2) 26:1;103:1	matters (1) 120:13
Laidlaw (45) 5:12,24;6:3,5;7:2; 9:11,13,22,23;10:6,24; 11:8,17,21;12:1,14,24; 15:16;17:3,11,12;19:4, 21;20:3;26:10;37:12; 39:11;42:20;44:8;78:11; 79:17,23;90:5;91:17; 93:15,19,24;95:3;97:11; 103:14;111:11;112:7; 115:20;116:19;117:13; 119:20	leaving (1) 50:24	loan (1) 112:22	maintaining (1) 37:16	Max (3) 48:13;111:1,2
Laidlaw's (2) 12:6;79:21	left (1) 107:19	local (11) 78:12,21;79:19;106:2; 112:22;115:23;116:1,3; 117:14,15;118:9	major (1) 29:17	M-A-X (1) 111:3
land (4) 28:10;34:2;97:9; 108:21	legally (1) 15:17	location (1) 32:23	majority (2) 47:19;50:22	may (23) 6:13,13;7:11,16,18; 9:20;12:2,7;20:17; 21:16;22:2;27:9;33:19; 44:7;46:6;47:11;79:1; 81:9;84:12,12,17;98:24; 111:20
landing (1) 92:1	legislature's (1) 91:22	logger (5) 24:9,10;34:9;39:11; 43:12	Makaitis (9) 48:13,19,20;110:21; 111:1,2,3;114:1,6	maybe (6) 13:19;34:14;43:24; 98:17;100:12;111:24
landowner (1) 36:12	less (5) 12:19,22;33:21;81:15; 90:15	loggers (8) 23:1;25:21;26:19; 36:5;43:23;78:12,21; 111:22	M-A-K-A-I-T-I-S (1) 111:3	Mayor (1) 105:9
landowners (1) 108:19	letter (5) 6:17,21;48:13;113:21; 114:3	logging (5) 26:1,2;38:3;43:21; 112:11	makes (1) 95:8	mean (4) 40:13;43:12;87:8; 99:14
lands (11)	level (6) 30:17;34:6;35:5,9,10; 43:3	Londonderry (1) 115:13	making (3) 38:20;43:19;116:21	means (3) 43:13;86:21;118:1
	leveraged (1) 113:1	long (4) 79:20;84:10;93:19; 102:3	managed (1) 34:5	mechanism (1) 28:17
	license (2) 22:22;23:5	longer (3) 9:21;15:17;40:17	management (9) 24:16;25:11;33:9,13; 36:12;38:24;39:17;46:1; 98:9	meeting (2) 22:17;47:3
	licensed (19) 24:15;33:7,8;42:7,18; 43:1,4,7;44:6,13,16;	long-term (1)	manager (3) 33:8;37:2;117:5	
			managerial (3)	

{SEC 2009-02}(DAY 6 PM- PUBLIC) - September 10, 2010
LIDLAW BERLIN BIOPOWER, LLC

meetings (3) 21:9;23:20;38:5	misspeak (1) 45:4	37:7,8;39:4;40:16; 49:21;50:7,8;77:4,5	next (10) 5:16,23;23:8,15; 39:19;82:4,10,15; 104:19,22	Obviously (1) 18:17
Members (14) 6:13;31:8;32:3;47:23; 48:8;50:24;51:2;76:18; 81:12;83:18;98:10; 100:15;120:4,9	model (1) 99:20	myself (1) 41:23	nexus (1) 11:20	occasions (2) 114:16,20
membership (1) 26:2	moment (5) 9:16;20:14;47:12,15; 87:3	N	night (1) 119:9	occupied (1) 108:8
memoranda (3) 82:14,22;83:5	Monday (2) 82:4;83:6	name (7) 46:22,24;47:2,5; 48:22;110:22;114:10	night (1) 119:9	occurs (1) 23:9
memory (1) 15:20	money (3) 38:20;106:2;118:4	natural (1) 108:5	nine (1) 87:16	off (5) 88:3;89:3;103:18,19; 117:22
mention (1) 116:9	monitor (1) 27:20	necessarily (2) 9:2;83:14	nobody (1) 41:12	offenders (1) 23:1
mentioned (1) 114:2	monopoly (1) 13:5	necessary (3) 83:21,23;106:18	none (2) 42:21;95:14	offer (1) 25:24
mentions (1) 39:10	months (2) 14:15;87:16	need (11) 42:5;45:19;47:11; 84:17;87:11;102:11; 105:8,18;106:21; 111:23;118:6	nonetheless (1) 108:15	offered (1) 14:2
merely (2) 8:18;14:4	more (16) 12:20,23;14:4;25:18; 26:11;28:16;33:19; 36:11,12;38:11,19;46:7; 77:22;78:4;82:13;94:4	needed (4) 92:3;97:4;111:14; 113:13	non-profit (1) 111:7	officer (1) 49:13
met (1) 110:6	morning (2) 13:6;107:20	Needleman (26) 6:4;7:15;8:3,5,7;20:1; 21:15;22:1,8;30:22; 37:21,23;38:12;40:8,13; 41:1;47:4;80:3,10,15; 85:2;101:11,12;102:2; 110:14,19	non-public (8) 47:12,16,20;49:7; 50:23;51:5;76:7;78:2	officials (1) 105:7
metrics (1) 27:21	mortgage (1) 111:24	needs (4) 10:20;11:3;84:22; 103:23	North (4) 90:4;93:3;105:6;115:6	old (2) 13:20;26:22
Michael (1) 6:17	Most (7) 13:16;43:22;83:18; 101:2;108:8;113:19; 120:9	negotiated (1) 106:13	Northeast (1) 26:18	older (2) 9:4;14:1
microphone (1) 110:20	Motion (12) 6:10;7:20;47:16;49:4; 20,22;76:4,13,16;87:2; 95:19;101:22	neighboring (1) 90:15	Northrop (10) 49:4,6;50:11,12;76:4, 5,13;77:9,10;84:17	O'Leary's (1) 10:2
middle (1) 92:2	motions (1) 87:17	neutral (1) 18:19	nose (2) 92:22;94:12	Once (2) 7:19;45:11
might (12) 5:21;11:15;24:18; 26:5;33:24;34:1;35:23; 39:3;78:13;84:16;87:19; 97:23	mouth (1) 14:21	nevertheless (1) 46:2	note (3) 48:11;103:9,21	one (48) 5:7,10,20;6:12;12:21, 22;13:3,23,23;14:16; 16:24;18:6;23:10;26:5, 11;30:11;32:15;33:10; 43:6,7;44:17;76:17; 78:21;80:4;83:15;84:1, 2,7;86:8;87:6;88:7; 89:23;90:21;92:13; 95:12;98:3,18;101:13; 102:4;106:7;107:14,17, 19;108:7,15;115:12,12; 116:11
mightily (1) 14:15	move (3) 49:7;76:6;101:22	new (32) 6:16;8:13;9:3;12:20, 22;13:3;14:16,18;18:7; 24:12,22;25:1,2,13; 26:12;27:4;32:7;36:20; 38:7;40:9;82:8;99:10; 106:16,17,23;112:20,23; 114:11,20;115:1,21; 118:18	notice (1) 83:2	ones (3) 96:12;105:8;107:23
miles (1) 116:13	moved (1) 101:16	NewCo (11) 96:23,24;97:7,12; 98:9,11,15,21;99:5,9; 100:2	nothing's (1) 95:7	one's (1) 115:5
mill (1) 106:11	moves (2) 27:19;30:12	NewCo's (2) 98:2,7	notice (1) 107:16	online (5) 9:22;10:6;17:4;31:19, 21
Millimet (1) 6:20	moving (3) 12:5;28:11;90:23	newer (3) 13:19;31:16;37:18	notion (1) 107:16	only (14) 13:22,23;14:21;20:22; 24:11;29:18;34:4;42:20; 86:10;87:13;93:11; 106:23;107:8;115:24
million (4) 36:7;112:19,21;117:4	much (22) 15:6,22;19:16;31:2; 47:10;85:8,15;87:23; 90:15;97:17;100:14,17; 101:6,11;105:14,15; 107:3;110:14;114:1,5; 119:24;120:2	Newington (1) 115:12	November (3) 87:12;88:10,11	on-site (1) 27:24
millions (1) 106:6	multitude (1) 86:3	newspaper (1) 116:5	number (7) 6:12;10:22;11:22; 16:4;23:10;96:21;106:5	open (3) 81:18;95:17;120:7
mind (6) 9:12;12:18;13:1;90:2; 106:23;107:22	municipal (2) 104:24;105:1		numbers (1) 38:15	operate (6) 9:21;11:8;13:17; 86:12,19;103:16
mindful (1) 94:2	muscle (1) 15:5		numerous (4) 18:18;23:20;114:16, 19	operated (1) 12:3
minute (2) 9:5;104:8	must (5) 45:12;86:18,23;89:18, 20		O	
minutes (1) 81:15	Muzzey (9)		objection (3) 101:18,21,21	
MIS (1) 92:5			objective (1) 111:7	
miss (1) 29:8			objectives (1) 89:12	
missing (1) 76:17			observe (1) 107:8	
			obtain (5) 8:15;86:17,20,21;89:1	
			obvious (1) 105:24	

<p>operating (3) 37:3;87:22;106:3</p> <p>operation (4) 93:6;98:22;102:18; 104:9</p> <p>operations (1) 46:13</p> <p>operator (1) 99:17</p> <p>opinion (1) 16:20</p> <p>opportunities (1) 25:21</p> <p>opportunity (2) 7:12;82:5</p> <p>opposed (1) 39:24</p> <p>option (1) 14:22</p> <p>oral (1) 120:5</p> <p>order (11) 49:2;81:6,19;86:4,17, 20;87:12;95:20;102:11; 107:20,22</p> <p>orderly (8) 91:1,4;95:5;104:21; 105:3,11,20;107:16</p> <p>organization (2) 44:10;93:4</p> <p>organizations (1) 23:23</p> <p>original (3) 21:20;27:8;40:2</p> <p>originally (2) 20:4;24:2</p> <p>others (6) 9:14;23:17,23;40:18; 102:24;107:11</p> <p>otherwise (1) 11:15</p> <p>ought (2) 18:13,15</p> <p>out (35) 9:15;12:20,23;13:3, 24;14:3;15:5;17:11; 23:17;25:15;38:9,15; 40:14;43:14;80:10;82:5, 17;84:16;87:16;89:21; 91:10;93:21;94:8;95:17; 96:6,8,14;100:5;104:13; 106:15;108:14;115:8; 117:1,8,8</p> <p>output (1) 8:11</p> <p>outreach (1) 26:16</p> <p>over (15) 17:6;23:14;87:9;88:8; 94:10;95:11;96:10,15; 97:1;112:7,7;114:14; 116:12,15;119:3</p> <p>overall (2)</p>	<p>41:4;78:14</p> <p>oversight (2) 46:9,14</p> <p>overstating (1) 109:19</p> <p>own (7) 42:9;94:12;97:8,9,10; 98:7;117:9</p> <p>owner (3) 36:15;97:14;99:16</p> <p>owner/operators (1) 79:19</p> <p>owners (3) 10:22;38:8;109:2</p> <p>owner's (1) 97:15</p> <p>owns (3) 97:9,12,13</p>	<p>pay (7) 92:14,16,18;93:24; 95:1;117:17;119:21</p> <p>paying (1) 111:23</p> <p>payments (2) 16:16;111:24</p> <p>pays (1) 15:15</p> <p>PC (1) 6:23</p> <p>penalize (1) 25:23</p> <p>pension (1) 117:18</p> <p>people (37) 21:10;23:22;38:7,19, 21,22;42:2,21;44:7,8,9; 45:7;93:7;94:7,13,16; 96:5;99:18;111:17,18, 19,20,21;113:20;115:4, 10,14,23;116:1,13,21; 117:7,10;118:19;119:3, 17,22</p> <p>percent (4) 97:13,14;98:7;115:2</p> <p>performance (1) 46:10</p> <p>perhaps (5) 18:22;26:4;35:18; 43:23;91:17</p> <p>period (2) 28:4;47:23</p> <p>permit (1) 78:19</p> <p>permits (2) 17:19,20</p> <p>personal (1) 84:22</p> <p>personnel (14) 28:15;42:1,9,10,18,24; 43:10;44:5,11,13,19,24; 45:5,19</p> <p>perspective (3) 30:19;103:18;107:13</p> <p>perspectives (1) 21:4</p> <p>pertaining (1) 49:16</p> <p>Peter (2) 6:6,19</p> <p>phrase (1) 34:12</p> <p>pick (1) 9:5</p> <p>picture (4) 18:2,4;91:21,21</p> <p>piece (2) 28:10;111:15</p> <p>pieces (1) 120:19</p> <p>PJPD (3) 97:9,9,14</p>	<p>place (7) 32:10;33:2;88:20; 97:15;98:12;116:15; 119:4</p> <p>places (2) 36:1;45:6</p> <p>plan (4) 24:17;33:9,13;84:14</p> <p>planning (1) 104:24</p> <p>plans (3) 36:23;37:3;39:1</p> <p>plant (18) 9:9,13;10:22;13:19, 24;14:1,3;30:16;34:11; 35:5;36:20;37:1;39:18; 46:1,2;86:12;90:14; 93:10</p> <p>plants (11) 9:19,22;11:21;13:17; 18:21;30:3;91:18;92:14; 93:2;99:17;115:12</p> <p>plant's (1) 13:20</p> <p>plate (1) 119:20</p> <p>please (14) 7:8;48:3;51:3;76:23; 79:2;81:14;82:4;84:24; 85:16;101:16;110:20, 23;114:8;120:17</p> <p>plus (2) 44:9;96:7</p> <p>pm (3) 5:2;76:1;120:23</p> <p>point (19) 11:20;14:22;15:15; 43:2;44:15;80:4;82:17; 84:16;86:5,14;88:4; 89:9;93:20;94:22;95:13; 96:9;97:5;101:14; 104:13</p> <p>pointed (4) 40:14;80:10;98:18; 108:14</p> <p>points (1) 90:24</p> <p>policies (3) 24:4;42:6;79:22</p> <p>policy (7) 15:9;21:5,7,13;30:14; 90:20;104:11</p> <p>political (2) 105:16,23</p> <p>poll (1) 48:16</p> <p>pool (1) 93:12</p> <p>PORTION (3) 51:7;120:7,21</p> <p>Portsmouth (2) 97:16;119:11</p> <p>positive (2)</p>	<p>40:19;113:13</p> <p>possible (6) 82:21;87:17;111:15; 113:10,21;120:12</p> <p>possibly (2) 13:18;83:13</p> <p>postulate (1) 12:21</p> <p>potential (1) 112:12</p> <p>potentially (4) 7:16;9:13,15;11:23</p> <p>power (10) 13:16;30:3;81:7; 95:24;99:17;112:6,8,8, 10,11</p> <p>powerful (1) 91:11</p> <p>PPA (16) 13:4;14:2,6;15:23; 16:5;17:10,14;87:4,7,9; 88:4;90:3;92:23;95:9, 17,18</p> <p>Practices (1) 24:24</p> <p>precedent (1) 89:6</p> <p>preference (3) 26:13;78:12,20</p> <p>prefiled (3) 86:15;91:8;104:16</p> <p>present (1) 83:10</p> <p>presented (2) 5:7;109:13</p> <p>president (2) 109:2;114:11</p> <p>presiding (1) 49:13</p> <p>Presumably (2) 14:22;87:12</p> <p>pretty (4) 36:5;86:12,14;93:1</p> <p>previous (1) 37:9</p> <p>previously (2) 49:13;100:19</p> <p>price (10) 18:4;35:6,13;43:16; 92:11,12;93:14,14;96:1; 119:21</p> <p>prices (1) 35:17</p> <p>pricing (2) 95:24;107:23</p> <p>primary (1) 26:23</p> <p>principals (1) 99:22</p> <p>prior (4) 39:20;41:5;83:2;89:13</p> <p>prioritize (1) 79:18</p>
--	---	--	--	---

prison (1) 117:2	119:16	pull (1) 120:19	reached (4) 20:10,24;21:11;115:8	27:5
probably (11) 17:12;43:5,6;44:17; 45:3;47:10;82:19;83:19; 85:23;92:1;96:3	projects (5) 11:2,7;89:23;90:15; 96:12	purchase (2) 79:19;112:8	read (4) 45:11;78:24;93:22; 99:2	records (2) 27:24;49:16
problem (2) 33:16;100:24	proof (2) 86:22;94:18	purchaser (1) 36:15	ready (5) 80:22;119:17,17,21,22	recoups (1) 93:15
problems (2) 9:10,20	properly (2) 35:19;42:12	purchases (1) 106:4	real (6) 10:19;11:20;13:14,22; 91:20;99:24	Recovery (1) 111:6
proceed (3) 76:18;81:4;84:15	properties (2) 24:17;39:2	purchasing (1) 36:6	realistic (1) 13:23	RECs (2) 15:16,16
proceeding (11) 15:24;87:19;88:21; 102:10;104:12;106:16; 107:7;114:5;120:6,8,22	property (1) 33:1	purposes (3) 83:13;89:21;90:21	reality (2) 27:18;38:9	recurring (1) 17:1
proceedings (1) 29:14	proposal (2) 8:18,23	pursuant (1) 76:9	realized (1) 113:19	redacted (1) 80:14
process (7) 21:3;43:18;85:10,14; 102:3;112:18;113:7	propose (1) 9:19	pursue (1) 26:7	really (28) 11:19;15:3;30:14; 86:5;87:21;88:4;92:7; 10,18;94:3,19,20;95:16; 96:16;97:17,24;98:11, 14,15;99:21,24;107:15, 19;108:16;116:11,19; 117:11;119:4	REDIRECT (1) 12:16
processing (1) 102:7	proposed (2) 91:2,3	put (19) 6:14;7:16;14:20; 15:21;21:16;26:23; 31:13,14;35:21;92:21; 93:7;98:1,3;102:22; 106:5;113:20;115:14; 119:5,22	reason (6) 28:23;41:10;46:6; 91:5;95:6;97:3	reduce (1) 40:6
procure (1) 43:14	proposing (1) 104:3	putting (1) 112:1	reasonable (1) 79:17	refer (1) 16:21
procured (1) 79:20	protected (1) 34:3	Q	reasons (1) 105:24	reference (4) 15:14;40:16;42:17; 87:13
procurement (20) 23:22;25:20;28:15; 36:23;38:6;39:17;41:24; 42:9,17,23;43:5,10,18; 44:5,11,15,24;45:6; 79:22;93:4	protecting (1) 108:24	qualified (2) 26:12;27:17	recall (10) 10:5;15:17,20,23; 16:14;22:12;38:4;95:18; 98:17,24	referred (2) 24:21;87:7
producers (2) 15:2;95:11	protective (1) 95:20	quality (1) 108:5	receive (2) 81:17;102:12	referring (3) 16:17;42:20;79:12
product (4) 20:7;28:6,11;109:14	protocol (1) 28:1	quantity (1) 28:3	received (2) 48:12;114:3	reflect (2) 21:5;109:8
production (3) 28:5;31:18,20	proud (2) 109:19;119:18	quarter (1) 112:21	receiving (1) 82:17	regard (1) 92:6
professional (5) 24:15;26:2;39:11; 46:8,15	prove (1) 102:11	quarterly (1) 29:4	recent (1) 17:6	regarding (3) 7:14;16:16;51:4
program (7) 24:8;25:23;34:13; 37:16;38:17,18;48:14	provide (10) 28:13;38:1;81:20; 82:21;84:24;107:1; 112:10,11;119:7;120:11	quick (2) 35:1;39:9	recently (3) 31:12;90:12;117:2	region (5) 91:5;95:5;104:21; 105:3;112:16
programs (15) 24:4,11;25:11,22; 26:1,2;30:8;32:15;36:4; 37:11,13;38:1,21; 115:16;118:9	provided (9) 7:23;20:13;49:17; 82:2,3,10;103:3;113:21; 120:4	quickly (2) 104:9;106:22	recognize (1) 108:18	regional (5) 104:24;105:11,20; 107:17;111:22
prohibit (1) 27:16	provision (8) 16:15;23:3;25:13; 32:7,14;38:16;89:10,14	quote (3) 24:21;103:13,16	recognition (1) 102:3	regulate (1) 9:17
project (45) 8:11;10:9;12:19,21, 22;13:3;21:12;28:14; 29:20;36:2,5;44:20; 86:20;88:2;90:5,10; 91:18;92:24;93:15;95:4; 97:1;99:12,13,19;104:3; 105:2,24;106:18,20,21, 24;111:10,11;112:3; 115:24;116:2,7,24; 117:5,5;118:7,15,17,18;	provisions (2) 24:3;36:9	R	recognized (1) 24:9	rehearings (1) 87:17
	PSNH (4) 90:8;93:24;95:1;96:14	raises (2) 93:13,14	recognizing (1) 10:21	reiterate (1) 29:15
	Public (52) 6:1,6,16;7:4,13,18; 9:6;12:10;14:11,22; 15:15;17:11;19:1,22; 20:8,24;22:24;23:7; 28:21;40:23;47:24;48:2, 6,8,9,15,17;49:2;50:24; 51:2,7;76:1,3,9;78:1,4; 81:8,12,13;84:19;90:3; 95:4;96:9;105:7;108:6; 110:16;111:1;114:4,9; 120:4,6,10	ran (2) 14:12,14	recollection (2) 10:10;38:18	related (2) 40:15;112:24
	PUC (14) 84:6;87:9,13,20;88:3, 8,8;93:21;94:22,22;95:8, 9,21;113:16	range (2) 13:17;109:15	Recommend (2) 24:24;25:6	relates (1) 42:3
		rate (4) 35:8,8,13;114:24	record (16) 5:5,9;51:8;80:11; 81:18;86:24;87:1;90:9; 93:22;101:16,23; 102:22;110:8,9,22;120:7	relating (2) 7:19;27:4
		rather (1) 25:23	recordkeeping (1)	relationship (2) 41:24;78:10
		Ray (1) 105:14		relevant (1) 41:14
		Raymond (1) 5:14		Reliable (4) 88:17,19,21;89:5
		reach (1) 44:2		remain (1) 81:18

remind (1) 93:18	25:19;26:3;103:21	Rodier (20) 12:12,14,17;16:3,5,8, 11;31:3,5;80:18,20,23; 84:24;85:16,18;100:17, 23;101:4,6;102:16	screen (2) 97:12;98:14	Shaheen (1) 115:8
remotely (1) 17:10	110:11	Rodier's (1) 103:10	seal (2) 49:18;76:6	shall (2) 44:5;79:18
render (1) 88:1	responded (1) 78:17	roll (3) 49:24;76:21,23	sealed (1) 77:24	share (1) 48:9
renewable (1) 16:16	response (4) 19:11,14;101:19; 120:15	room (7) 48:3;50:24;83:20; 84:4,4,9;97:23;114:2	search (1) 116:3	shoes (1) 119:6
re-ordered (1) 27:9	responses (1) 87:6	Roth (2) 6:6;22:16	seat (2) 47:11;110:19	short (2) 48:12;117:11
reorganization (1) 99:4	rest (1) 114:22	RSA (5) 49:9,15;76:10;86:16; 89:9	second (6) 49:20,22;76:13,14,15; 89:8	shortly (1) 23:13
repeat (2) 23:1;91:15	restricted (1) 36:20	rules (1) 92:9	Section (8) 15:23;22:18;29:1; 32:7;39:20;42:1;79:3; 80:1	shots (1) 100:2
replace (1) 38:1	result (3) 24:5;38:5;96:2	run (3) 13:24;14:3;98:10	sections (1) 38:5	show (8) 86:18,22,23;88:19; 95:15;96:9;99:2,9
replaced (3) 38:10,13,16	resulted (1) 23:20	running (1) 99:9	seeing (1) 96:5	showed (1) 95:14
report (1) 98:21	resulting (1) 10:8	Ryegate (1) 36:22	seeking (2) 103:24;109:15	shutdown (1) 10:9
reported (1) 39:22	resume (1) 5:4	S	sell (2) 28:14;99:19	side (4) 29:24;35:23,24;46:13
Reporting (2) 29:1;39:19	resumed (2) 5:2;76:1	safe (2) 35:6;42:22	send (2) 34:9,11	sifting (1) 103:8
reports (1) 41:8	resumes (2) 21:23;51:7	safely (1) 46:3	sense (3) 38:11;44:16;45:3	sign (2) 88:3;89:3
report's (1) 92:1	retention (1) 111:8	safety (2) 108:6;113:5	sent (1) 19:3	signed (2) 6:4;106:13
represent (5) 21:12;111:5,19; 114:18;119:19	retirement (1) 116:22	sale (2) 33:6;35:6	sentence (2) 29:2;44:2	significant (2) 11:1;108:16
representative (1) 9:7	return (1) 7:8	same (8) 5:17;17:14;35:10; 88:16;98:8;109:8; 113:16;114:24	separate (2) 11:7;51:6	similar (4) 17:14;36:19;87:14; 100:13
representatives (1) 48:1	reversed (1) 112:6	sanitation (1) 43:11	September (5) 5:15,20;6:17;83:12; 100:12	simple (1) 85:23
represented (1) 111:18	review (5) 7:21;47:17;81:3;83:5; 84:18	satisfy (1) 113:12	seriously (1) 14:10	simply (1) 103:24
represents (2) 109:16,23	reviewed (2) 25:3;37:10	saw (3) 21:21;105:9,12	serve (1) 109:21	single (1) 83:15
request (1) 110:11	revised (4) 20:6,12;31:12;82:8	saying (8) 15:7;34:8;87:10,11; 96:11,13,15;110:4	Service (6) 14:12,23;15:15;17:11; 90:4;96:9	sit (3) 11:6;83:5;110:18
requested (1) 82:1	revoked (2) 22:22;23:5	sanitation (1) 43:11	Services (1) 6:19	site (6) 42:10;44:20;86:17; 95:21;102:12;114:15
require (2) 84:13;90:18	revolving (1) 112:22	sanitation (1) 43:11	servicing (1) 97:22	sites (3) 89:16,19;108:4
required (1) 89:24	Richmond (3) 5:18;92:12;109:1	schedule (2) 83:16,24	session (17) 7:21;47:13,17,21,21; 48:5,6;49:3,8;50:23; 51:5;76:3,7;78:1,3,4; 83:22	sitting (2) 112:7,7
requirement (1) 102:15	R-I-C-H-M-O-N-D (1) 5:19	scheduled (1) 84:7	sessions (3) 41:6;82:20;83:10	situation (1) 112:5
requirements (1) 113:12	right (24) 12:5;14:14,18;15:5, 11;17:18;18:10;19:1,4; 27:2;29:5;33:18;42:4; 46:18;76:19;92:2;95:14; 98:23;101:4;102:8; 108:11;114:23;115:2; 120:16	scheduling (2) 81:23;83:7	set (7) 26:5,20;43:15;80:19; 83:11;89:6;95:24	size (1) 38:23
requires (2) 89:10;104:1	Right-To-Know (1) 49:15	Schiller (4) 18:21;93:15,17;94:1	set-aside (1) 34:2	skilled (1) 118:6
residents (2) 116:8;118:10	risky (1) 97:1	scholarship (4) 26:6,10,21;38:17	SFI (1) 24:8	small (2) 22:9;84:4
residing (2) 26:12,14	road (2) 116:20;117:16	scholarships (1) 35:11		smaller (1) 46:2
resilient (1) 116:14		school (1) 112:1		Smith (1) 91:19
resources (4) 45:22;94:23;108:24; 116:3				
respect (3)				

<p>so-called (2) 88:5;96:22</p> <p>sole (1) 111:7</p> <p>somebody (8) 18:13,15;43:13;91:23; 94:21,22;95:12,13</p> <p>somebody's (1) 15:8</p> <p>somehow (3) 90:3;92:16;103:23</p> <p>someone (2) 32:22;33:11</p> <p>someplace (1) 87:7</p> <p>something's (1) 15:10</p> <p>sometimes (2) 43:24;113:8</p> <p>somewhat (1) 103:10</p> <p>soon (6) 48:4;83:17;99:23; 111:15;113:9,21</p> <p>sooner (4) 81:20;82:22,23,24</p> <p>sorry (5) 16:6;41:20;47:21; 99:15;100:23</p> <p>sort (1) 13:4</p> <p>sorts (1) 106:9</p> <p>sounded (1) 38:20</p> <p>sounds (4) 43:10;45:10;80:8,10</p> <p>sources (2) 24:10;29:23</p> <p>speak (2) 9:9;19:23</p> <p>speaking (1) 92:24</p> <p>speaks (1) 20:14</p> <p>special (1) 98:12</p> <p>special-purpose (2) 97:20,24</p> <p>specifically (4) 103:13;104:4,13,15</p> <p>spectrum (1) 29:24</p> <p>spelling (1) 110:22</p> <p>spoke (1) 111:18</p> <p>spoken (1) 37:1</p> <p>staff (2) 43:3;94:24</p> <p>stakeholder (1) 21:8</p>	<p>stakeholders (1) 30:12</p> <p>stamp (1) 79:9</p> <p>stamped (1) 79:11</p> <p>stand (2) 7:8;21:17</p> <p>standard (1) 27:13</p> <p>standards (5) 22:12;25:3;32:10,18; 33:2</p> <p>start (4) 88:18;110:20,21; 118:10</p> <p>starting (1) 83:19</p> <p>state (34) 15:9;20:8;21:2;23:16; 24:24;25:8,10;28:4,5; 29:17;30:12;31:12;32:8, 17,24;33:3,6,22;34:6,12; 36:22;46:3;90:19;93:5; 95:2;104:11;108:17,19; 109:22;115:1;117:8,9; 118:1,18</p> <p>stated (1) 29:14</p> <p>statement (6) 7:13;20:22;37:12; 48:12;81:17;103:10</p> <p>statements (2) 81:21;101:8</p> <p>states (3) 24:11,12;108:19</p> <p>statewide (3) 21:5,13;30:13</p> <p>status (1) 17:21</p> <p>statute (7) 89:17;90:22;103:5; 104:1,1;105:9,19</p> <p>statutory (3) 88:1;89:10;102:10</p> <p>stay (2) 47:11;119:10</p> <p>step (3) 25:17;30:10;78:21</p> <p>stepped (1) 119:20</p> <p>stewards (2) 108:21,22</p> <p>Stewart (4) 50:9,10;77:7,8</p> <p>stick (1) 117:11</p> <p>sticker (1) 5:21</p> <p>sticks (1) 25:19</p> <p>still (6) 15:15;42:13;48:18;</p>	<p>96:8;115:17;119:3</p> <p>stipulation (5) 5:24;7:14;19:21;20:3; 106:12</p> <p>stipulations (3) 78:20;79:4;82:8</p> <p>Stock (1) 109:1</p> <p>stop (1) 88:2</p> <p>straw (1) 10:7</p> <p>Strickler (4) 98:18,19,20;102:24</p> <p>strip (1) 98:11</p> <p>strong (3) 105:16,23;108:20</p> <p>struggled (1) 25:15</p> <p>struggling (2) 116:11;118:20</p> <p>students (1) 36:4</p> <p>studies (3) 18:9,10;94:17</p> <p>study (10) 18:13,15,23;19:2,3; 94:24;95:1;118:21,22,22</p> <p>stuff (1) 92:9</p> <p>Subcommittee (9) 19:10;32:3;47:20; 48:1;83:4,11,18;85:11; 112:5</p> <p>subcontract (2) 44:23;45:16</p> <p>subcontractors (1) 114:16</p> <p>subject (1) 95:19</p> <p>submit (2) 81:16;120:10</p> <p>submitted (4) 80:12,13;82:15; 120:20</p> <p>subsequently (1) 99:6</p> <p>subsidized (1) 117:24</p> <p>substance (1) 99:8</p> <p>substantial (1) 117:17</p> <p>subsumed (1) 40:18</p> <p>succeed (1) 11:16</p> <p>suddenly (1) 41:23</p> <p>suggest (1) 95:6</p> <p>suggested (11)</p>	<p>9:8;22:16,24;23:2; 24:6;25:8;26:4,17; 27:22;36:11;107:18</p> <p>suggesting (2) 103:11,14</p> <p>suggestion (1) 103:22</p> <p>suggestions (1) 20:10</p> <p>suggests (2) 103:19;107:22</p> <p>summarize (2) 28:20;97:6</p> <p>summarized (1) 8:12</p> <p>summary (1) 110:5</p> <p>summation (1) 86:14</p> <p>summons (1) 97:22</p> <p>supplier (2) 28:2,23</p> <p>suppliers (7) 27:17;28:24;30:1; 37:13,15;43:22,22</p> <p>supply (11) 7:22;47:18;49:11,12; 78:13,23;80:1,13;90:20; 108:10,20</p> <p>supplying (1) 78:12</p> <p>support (9) 37:15;105:5,17,17,23; 113:13;118:12,13; 119:23</p> <p>supported (1) 111:10</p> <p>supporting (2) 90:6;112:24</p> <p>supposed (1) 94:14</p> <p>Sure (11) 20:1;22:1;32:22; 40:23;42:11;44:4;80:20; 84:5;93:1;101:1;114:1</p> <p>surface (1) 93:20</p> <p>surfacing (1) 94:20</p> <p>surprised (2) 84:21;103:10</p> <p>surveys (1) 29:5</p> <p>Sustainability (14) 6:3;20:5,23;21:6,6; 24:3;25:2;30:13;35:11; 79:21,24;108:10;109:5, 13</p> <p>sustainable (4) 29:23;109:7;113:5; 116:21</p> <p>sworn (1)</p>	<p>103:19</p> <p>system (1) 92:5</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table (2) 103:18,20</p> <p>takeover (1) 96:23</p> <p>talk (3) 14:8,9;106:20</p> <p>talked (1) 41:5</p> <p>talking (3) 10:14;29:20;109:11</p> <p>Tax (5) 106:16,17,24;112:20, 23</p> <p>taxpayers (1) 106:8</p> <p>Team (4) 25:3;39:17;44:15; 103:1</p> <p>technical (3) 102:17;103:1,15</p> <p>technologies (1) 13:15</p> <p>tens (1) 106:6</p> <p>terms (6) 13:21;33:19;81:23; 100:18,19;102:20</p> <p>testify (3) 105:10,14,15</p> <p>testimony (18) 10:2,6,10;18:12; 29:19;82:1;86:15,16; 91:8,11,15;93:21;98:19; 99:2,3;102:21;103:19; 104:16</p> <p>third (2) 90:24;104:19</p> <p>third-party (2) 18:19;24:18</p> <p>thoroughly (1) 100:9</p> <p>though (2) 80:8,11</p> <p>thought (5) 18:12;25:4;27:7; 38:11;103:17</p> <p>three (7) 5:8;14:13;44:7,8;86:1; 96:3;98:8</p> <p>throughout (1) 85:14</p> <p>thumb (1) 92:9</p> <p>tie (1) 78:13</p> <p>tied (2) 35:8;106:10</p>
--	---	--	--	---

<p>timber (9) 25:9;32:7,16;33:6; 34:5,12;38:8;79:20; 109:2</p> <p>timbering (1) 33:23</p> <p>timberland (2) 34:5,9</p> <p>timeline (1) 88:5</p> <p>timely (3) 112:18;113:18;119:23</p> <p>times (1) 28:9</p> <p>timing (1) 113:6</p> <p>today (19) 7:23;8:24;9:6,8,24; 11:6;17:1;48:10,12; 90:12,14;91:6,12,14; 92:19;100:22;114:19; 115:18;116:24</p> <p>today's (1) 118:1</p> <p>together (2) 78:15;120:19</p> <p>told (3) 80:4;88:7;93:5</p> <p>took (2) 78:21;93:19</p> <p>top (1) 20:2</p> <p>touched (1) 104:12</p> <p>towards (1) 30:12</p> <p>town (1) 28:5</p> <p>trace (1) 32:24</p> <p>tracked (1) 28:7</p> <p>tracking (1) 28:17</p> <p>trade (2) 114:13;115:17</p> <p>Trades (3) 114:12;115:21;118:12</p> <p>train (1) 118:9</p> <p>trained (2) 24:9,10</p> <p>training (2) 113:6;118:8</p> <p>transcript (3) 76:6,8;77:24</p> <p>transcripts (3) 82:18,19;84:18</p> <p>transmission (5) 8:20;90:16;91:9,13; 92:3</p> <p>travel (1) 116:15</p>	<p>traveling (1) 119:3</p> <p>treading (2) 10:3;12:6</p> <p>Tree (1) 39:1</p> <p>tried (2) 14:15;102:8</p> <p>trouble (2) 37:17;98:13</p> <p>truck (1) 27:24</p> <p>truckers (4) 28:9,18;43:23;111:22</p> <p>true (1) 17:18</p> <p>truly (2) 13:16;30:5</p> <p>try (4) 24:17;25:18;100:11; 108:13</p> <p>trying (8) 10:11;25:15;33:20; 35:18;41:14;96:8;97:6; 99:6</p> <p>turmoil (1) 88:23</p> <p>turn (1) 19:19</p> <p>Turns (2) 91:10;97:8</p> <p>twenty (1) 116:12</p> <p>two (20) 5:7;13:7;27:13;28:19; 35:17;38:4;40:15;44:7, 8,45;6;48:16,18;78:15; 81:12;87:21;89:23; 95:20;110:16;112:21; 115:11</p> <p>two-thirds (1) 77:23</p> <p>type (5) 24:19;26:16;27:21; 105:16,17</p> <p>types (2) 107:23;109:3</p> <p>typical (1) 87:19</p> <p>Typically (2) 89:16;99:19</p>	<p>5:17;17:15;24:14,19; 25:11;33:7,8;39:19; 40:2,3;42:24;45:16; 46:4;49:9,15,18;51:6; 86:16;87:22;92:5;99:4; 103:4;105:9,19;117:3</p> <p>Underneath (1) 20:4</p> <p>understandable (1) 107:13</p> <p>understandings (1) 101:2</p> <p>understood (2) 108:12;109:10</p> <p>undertook (1) 108:18</p> <p>undue (1) 36:1</p> <p>unduly (1) 104:20</p> <p>unemployed (1) 111:21</p> <p>unemployment (2) 114:21,23</p> <p>unequivocally (2) 103:3;110:6</p> <p>unless (3) 13:15;33:11;88:2</p> <p>unlike (1) 39:12</p> <p>unmanageable (1) 10:15</p> <p>unquestionably (1) 108:8</p> <p>unquote (1) 24:22</p> <p>unrealistic (1) 36:14</p> <p>unreasonable (1) 108:3</p> <p>up (28) 9:5;10:8;17:5,22; 18:18;21:16;24:1;25:16; 26:6,11,20;34:9;36:17; 41:12,13;43:16;49:1; 82:19;92:22;95:14,15; 98:13;99:1;106:2;109:5, 6;116:10;119:20</p> <p>upgrades (1) 92:4</p> <p>upon (2) 34:7;94:1</p> <p>upset (1) 30:2</p> <p>upstream (1) 36:13</p> <p>use (9) 11:14;15:22;23:5; 25:7;27:21;45:21;46:14; 79:18;110:19</p> <p>used (1) 18:22</p> <p>useful (1)</p>	<p>34:15</p> <p>useless (1) 96:13</p> <p>usually (1) 85:20</p> <p>utility (1) 13:5</p>	<p>6:18</p> <p>wants (2) 87:24;118:14</p> <p>watched (1) 118:20</p> <p>water (4) 10:3;12:6;94:12;108:5</p> <p>way (19) 11:3,6,12;35:20;39:3; 89:6;91:1,7;93:18; 94:13;97:15;99:15; 100:6;108:13;109:7,18; 115:3,24;116:2</p> <p>Web (1) 95:21</p> <p>week (5) 29:19;82:13;100:21; 119:10;120:11</p> <p>weeks (2) 95:20;96:3</p> <p>welcome (1) 114:6</p> <p>well-paying (1) 106:3</p> <p>weren't (2) 25:22;111:19</p> <p>What's (9) 16:3;17:21;18:3;40:1; 41:3;96:11;100:1; 111:16;118:23</p> <p>whatsoever (1) 91:10</p> <p>Whereupon (1) 21:23</p> <p>Whitefield (4) 10:24;91:19;94:11; 116:9</p> <p>whole (2) 17:2;25:16</p> <p>who's (5) 27:19;43:13;90:5; 96:8;99:12</p> <p>whose (4) 10:16,16;99:22;111:7</p> <p>wide (2) 105:5;109:15</p> <p>widespread (2) 105:16;109:15</p> <p>willing (1) 92:14</p> <p>wind (1) 8:10</p> <p>window (1) 92:23</p> <p>wish (6) 81:8,12,16,21;110:17; 120:10</p> <p>wished (1) 117:7</p> <p>wishes (2) 7:13;78:6</p> <p>within (4) 88:1;107:16;108:7;</p>	
	U		V		
	<p>ultimately (1) 107:15</p> <p>unanimous (3) 50:20;77:20,22</p> <p>unappealable (1) 87:11</p> <p>uncertainty (1) 45:14</p> <p>under (25)</p>	<p>up (28) 9:5;10:8;17:5,22; 18:18;21:16;24:1;25:16; 26:6,11,20;34:9;36:17; 41:12,13;43:16;49:1; 82:19;92:22;95:14,15; 98:13;99:1;106:2;109:5, 6;116:10;119:20</p> <p>upgrades (1) 92:4</p> <p>upon (2) 34:7;94:1</p> <p>upset (1) 30:2</p> <p>upstream (1) 36:13</p> <p>use (9) 11:14;15:22;23:5; 25:7;27:21;45:21;46:14; 79:18;110:19</p> <p>used (1) 18:22</p> <p>useful (1)</p>	<p>Valley (3) 48:14;111:4,6</p> <p>value (2) 21:3;33:15</p> <p>various (4) 17:5;105:7;107:5; 109:11</p> <p>verbal (4) 19:11,14;101:19; 120:15</p> <p>Verification (3) 29:2;39:20;46:11</p> <p>Vermont (1) 36:22</p> <p>version (6) 20:6,13;26:22;31:14, 16;80:12</p> <p>viability (1) 8:20</p> <p>viable (3) 8:21;13:22;117:21</p> <p>view (5) 9:12;11:13;29:15; 30:9;86:9</p> <p>views (1) 104:23</p> <p>virtue (1) 44:21</p> <p>voice (1) 114:17</p> <p>voluntarily (1) 8:11</p> <p>Voluntary (5) 24:24;25:17;30:5,14; 108:14</p> <p>vote (2) 49:24;77:22</p> <p>voted (2) 50:22;77:23</p> <p>voting (1) 47:20</p>	W	<p>wages (2) 116:22;117:17</p> <p>wait (1) 18:2</p> <p>waiting (1) 18:1</p> <p>walk (1) 21:17</p> <p>Walls (1)</p>

<p>120:11 without (8) 28:18;30:2,4;33:3; 83:2;86:24;90:13;110:2 witness (7) 7:8,16;19:10,17; 21:24;93:19;105:10 witnesses (3) 85:5,6,9 wondering (1) 40:4 wood (16) 18:4;27:19;35:23; 36:7,19;38:23;43:14,15, 15,19;78:12;79:19;80:1; 92:15;93:8;96:1 woodland (1) 36:16 woodwork (1) 96:7 words (2) 14:20;80:2 Work (19) 25:3;27:23;43:16; 44:19;45:16,18;94:9; 102:7;113:20;115:4,14, 23;116:1,2,15,18; 117:13;119:18,22 worked (4) 20:9;108:13;109:22; 114:15 worker (1) 119:6 workers (2) 114:18;119:12 working (3) 116:6,12;117:20 works (1) 46:23 worry (1) 94:10 worth (1) 105:21 Wright (5) 50:4,5;77:2,3,6 write (3) 33:20;34:16;87:16 writing (1) 81:16 written (6) 81:16,21;100:11,20; 120:5,10 wrong (3) 23:8;97:22;98:2</p>	<p>35:16;37:4;87:21;91:23; 114:14 yesterday's (1) 116:5</p>			
<p>Y</p>				
<p>Yard (1) 6:21 year (2) 36:7;87:20 years (8) 12:3;14:13;29:20;</p>				