

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

ORDER AND NOTICE OF PUBLIC MEETING

March 21, 2011

PLEASE TAKE NOTICE that the **Site Evaluation Committee for the State of New Hampshire** will conduct a public meeting on **April 22, 2011, at 9 AM**. The meeting shall be held in **Hearing Room A** at the offices of the **New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, New Hampshire**.

The business of the Site Evaluation Committee at said meeting shall include the following dockets and any other business that is lawfully before the Committee:

Docket Number 2011-01

Joint Motion of Laidlaw Berlin Biopower, LLC, and Berlin Station, LLC, for Transfer and Amendment of the Certificate of Site and Facility Issued to Laidlaw Berlin Biopower, LLC, and Notice of Change of Major Contractor

Background

On November 8, 2010, the New Hampshire Site Evaluation Committee (Committee) issued a Certificate of Site and Facility (Certificate) to Laidlaw Berlin BioPower, LLC, for the siting, construction, and operation of a 70 MW biomass fueled power facility located in Berlin, Coos County, New Hampshire (Facility). Further information regarding the Certificate and the Facility is available at the Office of the Chairman of the Committee located at:

New Hampshire Department of Environmental Services
29 Hazen Drive
Concord N.H. 03301

or at the Committee's website: www.nhsec.nh.gov.

On March 9, 2011, Laidlaw Berlin BioPower, LLC, and Berlin Station, LLC (Joint Applicants), filed a joint motion to amend the Certificate, to transfer the Certificate to Berlin Station, LLC, and to notify the Committee of a change in major contractors (Joint Motion). The Joint Applicants propose to transfer the Certificate to Berlin Station, LLC. Berlin Station LLC, is a special purpose entity whose members are BBP Holdings 1, LLC (99%) and BBP Holdings 2, LLC (1%). BBP Holdings 1, LLC, is an indirect subsidiary of Newco Energy, LLC. BBP Holdings 2, LLC, is a subsidiary of CSC Group

Holdings, LLC. Berlin Station, LLC, intends to execute a right of use agreement with Burgess BioPower, LLC, an indirect subsidiary of Newco Energy, LLC, permitting Burgess BioPower LLC to lease and manage the Facility and all certificates, licenses and contracts pertaining thereto.

In addition, the Joint Applicants seek to amend the Certificate to permit operation at 75 megawatts rather than 70 MW. The increase in output is asserted to be achieved through design efficiencies and will not require additional fuel.

The Joint Applicants further request that the Certificate be amended to permit a change in the fuel supply contractor. In the Motion, the Joint Applicants also notify the Committee of a change in major engineering and construction contractors. A copy of the Joint Motion and related filings can be reviewed at the offices of the Chairman set forth above or on the Committee's website: www.nhsec.nh.gov.

Authority for Hearing

Transfer of the Certificate and amendments to the Certificate are required to be approved by the Committee pursuant to RSA 162-H. The Committee's authority to approve or deny the proposed transfer and amendments is set forth at RSA 162-H: 4, RSA 162-H: 5, I, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 15, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Joint Motion will be accepted through the conclusion of the proceedings.

At the Public Meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Joint Motion or may determine that further proceedings are necessary.

Docket Number 2011-02 Petition for Jurisdiction Over Renewable Energy Facility Proposed by Antrim Wind Energy LLC

On February 10, 2011, the Committee received a letter from Gordon Weber, Chairman of the Board of Selectmen of the Town of Antrim, Hillsborough County, New Hampshire requesting, on behalf of the Selectmen, that the Committee take jurisdiction of the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of a renewable energy facility proposed to be

developed by Antrim Wind Energy, LLC and located in the Town of Antrim. On March 11, 2011, Antrim Wind Energy, LLC (Petitioner) filed a Petition for Jurisdiction Over Renewable Energy Facility Proposed by Antrim Wind Energy LLC (Petition). Antrim Wind Energy, LLC, proposes to site, construct, and operate wind turbine facilities (Facility) to be located in the northwest portion of the Town of Antrim from the east summit of Tuttle Hill to the flank of Willard Mountain to the west. The Petitioner asserts that the Facility will be located on a mostly contiguous ridgeline running east northeast to west southwest, and nearly parallel to New Hampshire Route 9, which is approximately 3/4 of a mile to the north. The Petitioner also asserts that the Facility may consist of 10 turbines in the 2 megawatts size class. The Facility is expected to have an installed nameplate capacity of greater than 5 MW but less than 30 MW. The Petition also asserts that the Petitioner expects to file a full application for a Certificate of Site and Facility prior to the end of 2011.

Authority for Hearing

The Committee's authority to hear and determine the Petition is set forth at RSA 162-H: 2, XII, and RSA 162-H: 4, I, and N.H. CODE OF ADMINISTRATIVE RULES, Site 203.01.

Intervention and Public Comment

Any person wishing to intervene in this matter shall file a motion to intervene on or before April 15, 2011. Motions to intervene should comply with the requirements of N.H. CODE OF ADMINISTRATIVE RULES, Site 202.11. Objections to motions to intervene shall be filed by April 21, 2011. Written public comment on the Petition will be accepted through the conclusion of the proceedings.

At the Public meeting, the Committee will consider motions to intervene, if any are filed, and in the absence of intervention, may deliberate on the merits of the Petition or may determine that further proceedings are necessary.

ORDER AND NOTICE

It is hereby ordered, that the Site Evaluation Committee for the state of New Hampshire, will meet in public session for consideration of matters pending in the above referenced dockets on April 22, 2011, at 9 AM in Hearing Room A at the offices of the New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, N.H. 03301; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to be


published no later than April 1, 2011, in the New Hampshire Union Leader or New Hampshire Sunday News which are newspapers of regular statewide circulation. Laidlaw Berlin BioPower, LLC and Antrim Wind Energy, LLC may share the cost of said publication; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in Coos County on or before April 1, 2011. In addition, Laidlaw Berlin BioPower, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-01; and,

It is hereby further ordered, that Antrim Wind Energy, LLC, shall cause a copy of this order and notice of public meeting to be published in an additional newspaper of regular circulation in the area of Antrim, Hillsborough County, on or before April 1, 2011. In addition, Antrim Wind, LLC, shall publish a display ad in said newspaper advising the public of the date, time, place, and subject matter of the public meeting in Docket Number 2011-02; and,

It is hereby further ordered, that Laidlaw Berlin BioPower, LLC, and Antrim Wind Energy, LLC, shall file affidavits documenting the required publication of this order and notice on or before April 8, 2011.

By Order of the Site Evaluation Committee, this 21st day of March, 2011.


New Hampshire Site Evaluation Committee
Thomas S. Burack, Chairman