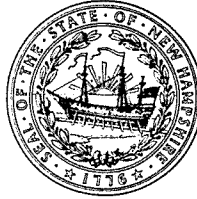


THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



**PUBLIC UTILITIES COMMISSION**

21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

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FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

June 14, 2010

Robert A. Bersak  
Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330

Re: DE 09-067, Clean Power Development  
Complaint Against Public Service Company of New Hampshire

Dear Mr. Bersak:

The Commission is in receipt of the attached complaint from Clean Power Development dated June 8, 2010 alleging refusal by PSNH to consider a request for an easement along Shelby Street in the City of Berlin.

PSNH is directed to provide the Commission with a written response to the Clean Power June 8<sup>th</sup> complaint as well as providing an explanation of the PSNH letter dated May 17, 2010 attached thereto by June 18, 2010.

Sincerely,

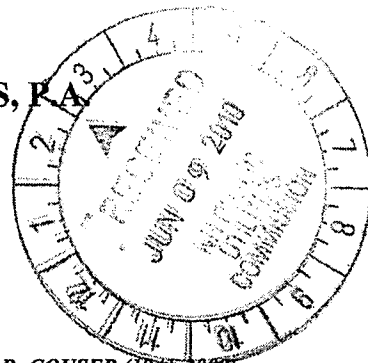
A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland  
Executive Director

Encl.

**D'AMANTE COUSER PELLERIN & ASSOCIATES, P.A.**

ATTORNEYS AT LAW  
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*RICHARD B. COUSER (1941-2008)*

RAYMOND P. D'AMANTE \*  
BRYAN L. PELLERIN \*\*  
ROY S. McCANDLESS \*\*\*  
BRUCE J. MARSHALL  
KATHRYN M. BRADLEY

\* ALSO ADMITTED IN NY AND CA  
\*\* ALSO ADMITTED IN MA  
\*\*\* ALSO ADMITTED IN ME AND MA

June 8, 2010

Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: Complaint of Clean Power Development, LLC  
Against Public Service of New Hampshire  
Docket No. DE 09-067**

Dear Ms. Howland:

I am writing as counsel to Clean Power Development, LLC.

Clean Power Development, LLC ("Clean Power") received approval from the City of Berlin, including the Berlin Planning Department, for the construction of a 29 megawatt Biomass Plant in Berlin, NH (the "Project"). Following the approval by the City of Berlin, Clean Power obtained other required permits, such that the Project is fully permitted and construction is ready to proceed.

On April 9, 2010, the New Hampshire Site Evaluation Committee issued a Final Order in SEC Docket 2009-03 finding by a unanimous vote that "CPD is not required to obtain a Certificate of Site and Facility prior to the siting, construction and operation of the [Berlin] Facility."

Clean Power is trying to bring to the North Country a major green energy project, to deliver green power that would provide considerable employment and support additional business investment and tax base in Berlin. The efforts of Clean Power are in support of the plans for the City of Berlin to increase its investment base, tax base and employment, the plans of the State of New Hampshire regarding redevelopment of the northern portion of New Hampshire, the energy policy of the State of New Hampshire and the energy goals of the federal government.

Debra A. Howland  
Executive Director and Secretary  
June 7, 2010  
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As a part of its approvals, the Berlin Planning Board included a condition relating to the widening of Shelby Street. Shelby Street is a substandard public street. It currently serves the Berlin waste water treatment facility and provides access to other properties abutting the street. See Supplemental Testimony of Bill Gabler (January 29, 2010) in SEC Docket 2009-03. In its current condition, the existing right of way for Shelby Street is inadequate to properly serve the public purposes of the City street.

With all approvals in hand, Clean Power is ready to proceed with final compliance with the conditions and to start construction of the Project. Time is of the essence regarding this Project.

Public Service Company of New Hampshire ("PSNH") is one of the abutting property owners to Shelby Street. The PSNH property along Shelby Street is unimproved. To widen the street, a narrow strip of additional right-of-way is needed from the abutters along the street, including PSNH. The improved street will benefit all property owners, including PSNH. Clean Power has initially agreed to rebuild the road as a part of its project, if the right-of-way can be obtained.

The improvement of Shelby Street will serve the Berlin community, as well as the PSNH property, which will be a benefit to PSNH's ratepayers. Beyond this, the improved access will be constructed at no cost to PSNH such that the benefit to the PSNH property, will, in turn, benefit its ratepayers.

Clean Power requested that PSNH provide an easement along Shelby Street to the City of Berlin for the widening of Shelby Street. PSNH's response is set forth in its letter dated May 17, 2010, a copy of which is attached hereto.

In its letter, PSNH refuses to even consider Clean Power Development's request for an easement until the Complaint in this proceeding is concluded, one way or another. This appears to be a case of retaliation by PSNH against Clean Power Development during the pendency of an open Complaint proceeding where the Commission has determined that "further action is warranted." Transcript at 95 (November 3, 2009).

PSNH is demanding that Clean Power give up its lawful and constitutional rights to be heard before the PUC on a matter where the PUC has found that "further action is warranted" before it will even consider granting the easement to the City of Berlin for improvement of Shelby Street.

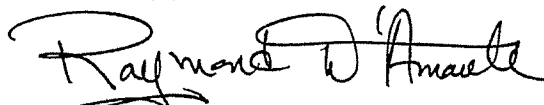
These are separate matters that should not be linked as PSNH has attempted to do.

Debra A. Howland  
Executive Director and Secretary  
June 7, 2010  
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It is easy to conclude that PSNH is trying to block the Project for its own business purpose.

This Complaint of Clean Power Development, LLC to the PUC against Public Service of New Hampshire, Docket No. DE 09-067, is based upon the above actions by PSNH.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Raymond P. D'Amante". The signature is fluid and cursive, with a large initial "R" and a distinct "D'Amante" at the end.

Raymond P. D'Amante

RPD/mlb

Enc.

cc: Clean Power Development, LLC  
Mel Liston, President  
William Gabler, Vice-President  
James T. Rodier, Esq.  
Counsel to Clean Power



**Public Service  
of New Hampshire**

780 N. Commercial Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P. O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000  
[www.psnh.com](http://www.psnh.com)

The Northeast Utilities System

**Paul E. Ramsey**  
Vice President, Energy Delivery

May 17, 2010

Mr. Bill Gabler, Project Manager  
Clean Power Development, LLC  
130 Pembroke Road  
Concord, New Hampshire 03301

Dear Mr. Gabler:

Recently, you made inquiries regarding certain real property rights desired by Clean Power Development, LLC ("CPD") in Berlin, New Hampshire from Public Service Company of New Hampshire ("PSNH"). I am responding to those requests.

As you are aware, CPD has initiated litigation against PSNH alleging certain civil and criminal misconduct. In its complaints, CPD has sought, amongst other things, adjudicative proceedings and the payment of unspecified reparations from PSNH.

PSNH is not in a position to consider your inquiries regarding the real estate issues in Berlin until the litigation initiated by CPD against PSNH has concluded.

Sincerely,

Paul E. Ramsey