

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

**COMPLAINT OF CLEAN POWER DEVELOPMENT, LLC
AGAINST PUBLIC SERVICE OF NEW HAMPSHIRE
DE 09-067**

MOTION TO COMMENCE FORMAL INVESTIGATION

1. Clean Power Development, LLC (CPD) filed a Complaint against PSNH on April 7, 2009. PSNH filed its response to the charges in the CPD's Complaint on April 28, 2009. Pursuant to Rule Puc 204.04, on May 5, 2009, CPD informed the Commission that it was not satisfied with PSNH's response.

2. There are two competing wood-fueled biomass-energy facilities projects being developed in Berlin, NH: the CPD facility and the Laidlaw Berlin facility.

- The CPD project is supported by the City of Berlin.
- The sustainable wood supply will not support the oversized Laidlaw Berlin project, let alone both projects.
- The CPD project occupies position 229 in the ISO-NE Interconnection Study Queue, ahead of the Laidlaw Berlin project which occupies position 251 in the Queue.
- The CPD project is nearly shovel-ready whereas the Laidlaw project is subject to a lengthy permitting process.
- CPD and Fraser N.H. LLC, the owner operator of the Gorham, New Hampshire paper mill, have executed a Memorandum of Understanding related to potentially providing steam from the Clean Power Berlin project to the Gorham paper mill for papermaking process use.

3. Notwithstanding the foregoing, Laidlaw Berlin announced in September, 2008 that it had reached an agreement with its friends at PSNH on the material terms of a contemplated 20-year power purchase agreement which would provide a "guaranteed" source of revenue for the Laidlaw project.

4. In stark contrast, CPD's overtures to PSNH have been repeatedly rebuffed, according to PSNH, "because of Mel Liston and how he had testified against PSNH in other venues. He's just a bad person and we don't do business with people like him." Therefore, PSNH does not know, nor are they willing to investigate whether the CPD Facility would be better for its

ratepayers, for regional economic prosperity, for renewable resource sustainability, and in the overall public interest.

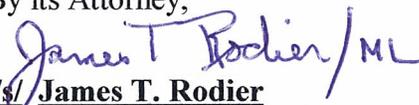
5. Because of its entanglements with the Laidlaw project, PSNH has continued to rebuff good-faith attempts by CPD to resolve its issues with PSNH.

6. PSNH has arrogated to itself the determination of which renewable projects get built in New Hampshire. The renewable energy projects that get to deal with PSNH are screened to make sure they fit PSNH's "business model."¹ For the reasons set forth in CPD's complaint, this state of affairs simply cannot be reconciled with the state law or public policy on renewable energy.

7. If it appears to the commission that there may be a basis for the complainant's dispute, the commission shall conduct an independent investigation pursuant to RSA 365:4. Puc 204.04(b). (Emphasis supplied.)

WHEREFORE, CPD respectfully request the Commission to forthwith commence a formal investigation the matters set forth in CPD's Complaint and to grant CPD such other and further relief as may be just and reasonable.

Respectfully submitted,
CLEAN POWER DEVELOPMENT, LLC
By its Attorney,


/s/ **James T. Rodier**

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¹ At a hearing held at the Public Utilities Commission on February 5, 2009 in Docket No. DE -08-077, a PSNH witness testified under oath during cross-examination that PSNH has an open door policy for all renewable resource developers and that all proposals of any kind would be considered in good faith and treated strictly on their merits:

Q. All right. So, the door is always open to talk, and it could be indexed, it could be a fixed rate, and each project is evaluated on its own?

A. Yes.

Q. But nobody is in or out just because of who they are?

A. No.