

THE STATE OF NEW HAMPSHIRE

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October 27, 2010

Re: DE 10-195, Public Service Company of New Hampshire
Petition for Approval of Power Purchase Agreement with Laidlaw Berlin BioPower, LLC

To the Parties:

Since issuance of Commission Order No. 25,158 (October 15, 2010), a number of pleadings have been received in the above referenced docket. The Commission has addressed the pleadings as follows:

1. Motion for Confidential Treatment filed on October 21, 2010 by Laidlaw Berlin BioPower, LLC (Laidlaw) and **Objection to the Motion**, jointly filed on October 22, 2010 by Concord Steam Corporation (Concord Steam) and a group of wood fueled independent power producers (the Wood IPPs).

Laidlaw seeks confidential treatment of a "*pro forma*" that Laidlaw describes as its "business plan/financial model showing projected revenue and expenses" for the Berlin power plant, pursuant to RSA 91-A and N.H. Admin. Rules, Puc 203.08. Laidlaw asks that the *pro forma* be protected from disclosure but made available to Staff and the Office of Consumer Advocate for this proceeding. Concord Steam and the Wood IPPs jointly argue that the *pro forma* is necessary for *all* participants to review in order to determine if the proposed PPA between Public Service Company of New Hampshire (PSNH) and Laidlaw is in the public interest.

The Commission has determined that the *pro forma* constitutes confidential financial information of the type set forth in RSA 91-A:5, IV, and that Laidlaw has a privacy interest in the document. The information contained within the *pro forma* provides limited insight into the conduct of government, which is the second step of the Commission's RSA 91-A analysis. Further, the information regards the financial interests of a private, non-regulated corporation which is not the applicant in this proceeding. The primary purpose of this proceeding is to determine whether the result of the negotiation between PSNH and Laidlaw, that is the proposed PPA for energy and RECs, is in the public interest. Background documents used by the non-regulated party in the negotiation are clearly of secondary interest. The Commission has determined that, on balance, Laidlaw's privacy interest outweighs the public's interest in disclosure of the *pro forma*. Thus, the Motion for Confidential Treatment is granted. The Commission will not require disclosure of the *pro forma* to the other parties to this docket, as they have not demonstrated a need to review Laidlaw's financial data.

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2. Joint Motion to Continue Procedural Schedule and for Expedited Treatment filed on October 21, 2010 by Concord Steam and the Wood IPPs and **Letter of Support** filed on October 22, 2010 by Staff.

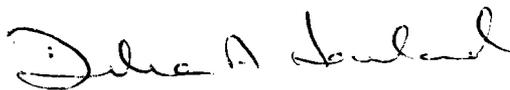
The deadline for discovery requests was October 25, 2010, with responses due no later than November 2, 2010. Concord Steam and the Wood IPPs ask that the procedural schedule be suspended while PSNH determines whether to file a Motion for Rehearing of Order No. 25,158 and, further, that a technical conference be held on November 29, 2010 to consider a new procedural schedule to govern this docket. Staff supported the request stating, among other things, that the issues and documents delivered thus far are complex and additional discovery time would be appropriate.

This docket is being conducted under an accelerated schedule for discovery and preparation of testimony. In light of the complexity of the issues, the Commission has extended the deadline for discovery requests from all parties and Staff to November 1, 2010, with responses due no later than November 9, 2010. The Commission will not, however, suspend the procedural schedule until November 29, 2010 as requested inasmuch as an extension would unnecessarily delay the proceedings. If the Commission's ruling on PSNH's Motion for Rehearing of Order No. 25,158 requires an unredacted version of the PPA to be distributed to the parties, it will authorize additional discovery time. Further adjustment to the schedule will be addressed as needed over the course of this docket.

3. Motion for Rehearing, filed October 21, 2010 by PSNH. The Commission will rule on the Motion for Rehearing once timely responses have been received. The deadline for response is the close of business Friday, October 29, 2010.

Finally, Order No. 25,158 did not include the date for a hearing on the merits in this docket. The hearing is set for December 28, 2010, commencing at 10:00 a.m.

Sincerely,



Debra A. Howland
Executive Director