

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2011-0348

**Appeal of
Bridgewater Power Company, L.P., Pinetree Power, Inc.,
Pinetree Power-Tamworth, Inc., Springfield Power LLC,
DG Whitefield, LLC d/b/a Whitefield Power & Light Company, and
Indeck Energy-Alexandria, LLC**

AFFIDAVIT OF ROBERT A. OLSON

Robert A. Olson first duly sworn, deposes and says:

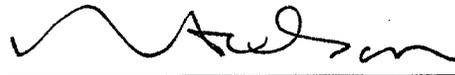
I am an attorney licensed to practice law in the State of New Hampshire. My bar number is 1933. I am a shareholder practicing law at Olson & Gould of 2 Delta Drive, Suite 301, Concord, New Hampshire.

1. The e-mail attached to this affidavit marked as Exhibit A is an authentic and accurate copy of an e-mail sent to me by Robert A. Bersak, Assistant Secretary & Assistant General Counsel for Public Service Company of New Hampshire on Monday, August 1, 2011 at 8:27 a.m., having a subject titled "Wood Plants, PSNH, Cate Street" which notified me that "PSNH will be filing a Motion for Summary Disposition with the Court today."

2. The news article titled "Plans to Build Berlin Station Biomass Plant Remain Alive" attached to this affidavit as Exhibit B is an authentic and accurate copy of a news article which appeared in the New Hampshire Union Leader on July 22, 2011.

Further, affiant sayeth naught.

Dated: 8-11-2011



Robert A. Olson, Esq. (NH #1933)
Olson & Gould
2 Delta Drive, Suite 301
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(603) 225-9716

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this 11th day of August, 2011, before me, the undersigned, personally appeared Robert A. Olson, Esq. who swore to the above as being true to his best knowledge and belief.

Mary E. Gould
Notary Public/Justice of the Peace
My commission expires: 4/15/2014



EXHIBIT A

Mary E. Gould

From: bersara@nu.com
Sent: Monday, August 01, 2011 8:27 AM
To: David K. Wiesner; Robert A. Olson
Cc: George Bald; aritchie@CateCapital.com; Needleman, Barry; F.Anne.Ross@puc.nh.gov; Meyers, Jeffrey; macdojm@nu.com; Samuels, Richard; Tom.Frantz@puc.nh.gov; John Halle
Subject: Wood Plants, PSNH, Cate Street
Importance: High

Although we are all striving to reach agreement on the myriad issues involved in this matter, the N.H. Supreme Court case is still pending, and PSNH must treat that proceeding as active litigation (as did the Wood IPPs by their July 22 renewed appeal).

Pursuant to Supreme Court Rule 25, PSNH will be filing a Motion for Summary Disposition with the Court today.

Copies of that pleading will be provided per the Court's rules.

In the event that the Court decides not to proceed with the pending appeal and we have not reached the necessary agreements amongst all the parties prior to that decision, PSNH's offers regarding all agreements in this matter must be deemed withdrawn.

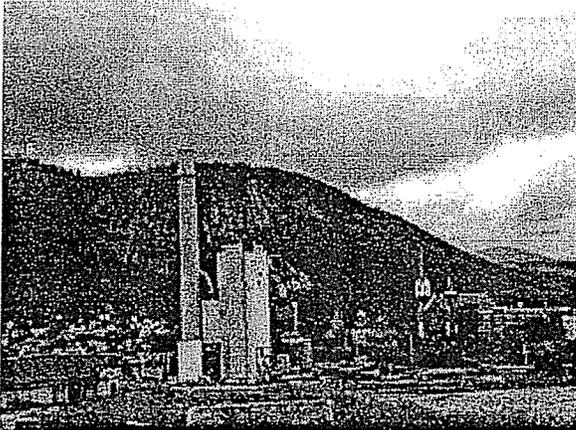
In the meantime, PSNH will continue to participate in the on-going negotiations expeditiously and in good faith.

BOB
ROBERT A. BERSAK
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EXHIBIT B

Plans to build Berlin Station Biomass Plant remain alive



The facilities at the former pulp mill in Berlin, which supplied pulp to the Gorham paper mill until 2006, sit waiting to be retrofitted as a biomass plant. SARA YOUNG-KNOX

It appears that effort to build the 75-megawatt Berlin Station Biomass Plant is not dead in the water. A spokesman for Cate Street Capital of Portsmouth, developers of the project on the former pulp mill site in Berlin, released a statement Thursday indicating there is still a chance the project could proceed.

By SARA YOUNG-KNOX

Union Leader Correspondent

BERLIN - It appears the effort to build the 75-megawatt Berlin Station Biomass Plant is not dead in the water. A spokesman for Cate Street Capital of Portsmouth, developers of the project on the former pulp mill site in Berlin, released a statement Thursday indicating there is still a chance the project could proceed.

"We can confirm that Cate Street Capital has engaged in additional discussions, at the request of Governor John Lynch and his dedicated team of staffers, department heads and professionals at the Public Utilities Commission. Cate Street Capital remains committed to

exploring all potential solutions that would allow the \$274 million Berlin Station Biomass Plant to proceed, which would save existing North Country jobs, create more than 400 new ones, and inject \$25 million annually into the New Hampshire forest products industry," said Scott Tranchemontagne of Montagne Communications, which is handling the media for Cate Street.

Tranchemontagne would give no further information.

Three weeks ago Cate Street broke off talks with the state's six independent wood-burning power producers (IPP), saying that the company had a June 30 deadline to come to an agreement that would include the IPP dropping the state Supreme Court case. At the time, Tranchemontagne charged that the IPP were making demands over and above the 20-month power purchase agreements (PPA) they had wanted with Public Service of New Hampshire.

Representatives from several of the IPP members denied those charges.

To make the project financially feasible, it was necessary for Berlin Station to have a long-term power purchase agreement with Public Service of New Hampshire. The Public Utility Commission agreed to an amended 20-year agreement, which the IPP challenged. The PUC rejected their appeal. The IPP then took the appeal to the state Supreme Court. Cate Street, the IPP, Public Service of New Hampshire, and state officials had met several times in May and June to try to iron out a deal.

The smaller biomass companies are Bridgewater Power Company L.P., Pinetree Power Inc., Pinetree Power-Tamworth, Inc., Springfield Power LLC, Whitefield Power & Light Company, and Indeck Energy Alexandria. Bridgewater is owned by Public Service Enterprise Group of New Jersey; the Pinetree plants are owned by GDF Suez of Paris, France; Whitefield and Springfield Power are owned by Korea East-West Power Company of Korea; and Indeck Alexandria is owned by Indeck Energy, Inc., of Illinois.

Shortly after the June deadline had passed, Tranchemontagne said the Cate Street Capital professionals were "extremely creative," but without a deal with the IPPs by the date set, it "made this project impossible to finance." The project has contracts in place, and needs to get started this construction season.

Last week Terry Williams, president and CEO of EWP Renewable Corp, questioned how solid that deadline was.