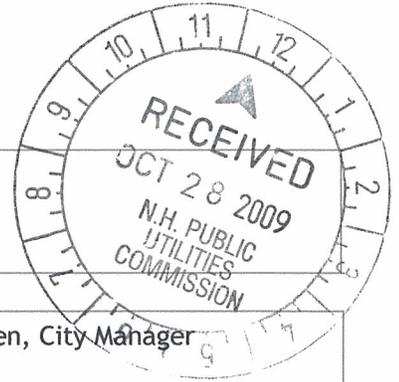


Letter of Transmittal



Date: October 27, 2009



Thomas Getz, Chairman
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

From: Patrick MacQueen, City Manager
City of Berlin
168 Main Street
Berlin, NH 03570

e-mail: city_manager@berlinnh.gov
Tel: 603-752-7532 Fax: 603-752-8550

Dear Chairman Getz:

Please find enclosed an original and seven copies of the City of Berlin's petition to intervene pursuant to the State of New Hampshire Public Utilities Commission Order of Notice DE 09-067.

Copies of the City of Berlin's petition have been sent to Clean Power Development, Public Service of New Hampshire, and the Office of the Consumer Advocate.

NHPUC OCT 28 '09 AM 11:45

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

**COMPLAINT OF CLEAN POWER DEVELOPMENT, LLC
AGAINST PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**

DE 96-067

CITY OF BERLIN PETITION TO INTERVENE

NOW COMES the City of Berlin (the “City”) New Hampshire and hereby petitions the New Hampshire Public Utilities Commission for intervention in the above-captioned proceeding pursuant to RSA 541-A:32 and NH Code Admin. Rule Puc 203.17. In support of its Petition, the City states the following:

1. The City and its residents are rate payers in the service territory of Public Service Company of New Hampshire (“PSNH”). The City is a steward of the economic, environmental, public health and welfare interests of the residents of the City. Without limitation, such interests include the appropriate uses of land within the City and the orderly development of the region.

2. The so-called Coos County Loop, the high voltage transmission line serving northern New Hampshire, passes through the City. Several proposed renewable energy electric generating facilities have initiated regulatory review proceedings and/or announced the intention to be constructed within and/or in close proximity to the City. Each such facility directly and substantially implicates one or more of the foregoing interests of the City.

3. This docket concerns a complaint filed by Clean Power Development (“CPD”) claiming that Public Service of New Hampshire (“PSNH”) has refused to enter into negotiations

for a power purchase agreement (“PPA”), to purchase energy, capacity and environmental attributes such as renewable energy credits from an as yet to be constructed biomass-fired combined heat and power facility proposed by CPD on property within the City. The complaint states that PSNH has not treated prospective developers of renewable energy facilities “even and fairly” in reviewing proposals and negotiating PPAs.

4. In this docket, the Commission is being asked to make determinations concerning the nature and extent of PSNH’s legal obligations to negotiate PPAs in good faith with CPD and other renewable developers, including for competing projects proposed within and/or in close proximity to the City, in order to satisfy energy service needs at the lowest overall cost to its rate payers. According to the complaint, a PPA is a prerequisite for a proposed biomass-fired facility to move forward with the financing, construction and eventual operation. Insofar as this is true, whether or not a proposed facility within and/or in close proximity to the City is able to negotiate a PPA with PSNH significantly impacts: 1) the cost of electricity to PSNH rate payers including the City and its residents; 2) which, if any, proposed renewable energy facilities will be economically viable and can be built within and/or in close proximity to City; 3) the nature of proposed renewable energy facility development within and/or in close proximity to City; and 4) the consequent impacts to the economic, environmental, public health and welfare interests of the City.

5. As PSNH rate payers (including the City and its residents) and the host community for several proposed renewable energy facilities, the City has a substantial interest that may be affected by the Commission’s deliberations and determinations in this proceeding.

WHEREFORE, the City respectfully requests that it be granted full intervenor status in this proceeding.

Respectfully submitted,
CITY OF BERLIN
By its City Manager on behalf of

THE BERLIN CITY COUNCIL

A handwritten signature in black ink, appearing to read 'Patrick MacQueen', written over a horizontal line.

Patrick MacQueen, City Manager
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168 Main Street
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