



October 27, 2010

**ELECTRONICALLY FILED AND
HAND DELIVERED**

Debra A Howland
Exec. Director & Secretary
NHPUC
21 S. Fruit St, Suite 10
Concord NH 03301-2429



Re: Petition for Approval of Power Purchase Agreement with
Laidlaw Berlin BioPower, LLC - Docket No. DE 10-195

Dear Secretary Howland:

The purpose of this letter is, in part, to respond to Laidlaw Berlin BioPower LLC's Objection to Concord Steam Corporation's and The Wood-Fired IPPs' Joint Motion to Continue and for Expedited Treatment and to advise the Commission as to the status of discovery and forthcoming motions to compel.

The Wood-IPPs reiterate that the parties to this docket agreed to an expedited procedural schedule based upon PSNH and Laidlaw's representations that they would respond quickly to discovery and that Laidlaw would not raise blanket objections to discovery requests. Laidlaw has in fact interposed a blanket objection to providing the intervenors with discovery. In its responses to the Wood IPP's second set of discovery requests, Laidlaw raised the same objection to providing discovery 45 times, and answered only one of the Wood IPPs' 46 data requests. Laidlaw raised this same objection 18 times and refused to answer even a single data request made by Concord Steam Corporation. Consequently, Laidlaw's statements that "the parties have worked diligently to answer discovery requests and provide information that the staff seeks," and that the Wood IPPs' and Concord Steam Corporation's concerns relate "primarily to confidentiality issues associated with the PPA" do not provide the Commission with a fair view of the disputes regarding access to information that plague this proceeding and that require a substantial continuance of the procedural schedule. *See* Objection at 1. The time for discovery has past; the date for preparing rebuttal testimony is fast approaching; and Laidlaw has, as yet, provided no discovery. Laidlaw has unilaterally rendered the current hearing schedule unworkable and no schedule that provides for hearings in December will "accommodate the interests of justice and all the parties involved in this proceeding" as Laidlaw claims in its objection. Objection at 2.

Debra A Howland
October 27, 2010
Page 2

The second reason for this letter is simply to extend the courtesy of informing the Commission to expect several motions to compel to be filed in this docket within the next several days. As PSNH has yet to answer all of the Wood IPPs' data requests, the Commission may expect to receive several motions to compel in the week that follows. The Wood IPPs expect the motions to be lengthy, due to the number of data requests to which Laidlaw raised its blanket objection, and due to the number of requests for which PSNH withheld information on other bases. As requested by the Commission, the intervenors will coordinate efforts where appropriate, and the undersigned is authorized to state that Concord Steam Corporation joins in this letter. However, Concord Steam Corporation plans to file its own motions to compel.

A copy of this letter has been provided to parties on the attached service list in accordance with N.H. Admin. R. Puc 203.11(c).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David J. Shulock".

David J. Shulock, Esq.

cc: service list

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

Executive.Director@puc.nh.gov	
aoconnor@nepga.org	ocalitigation@oca.nh.gov
aws@rathlaw.com	peter@concordsteam.com
bersara@psnh.com	rolson@bowlaw.com
bneedleman@mclane.com	rupton@upton-hatfield.com
cboldt@dtclawyers.com	steve.mullen@puc.nh.gov
dpatch@orr-reno.com	suzanne.amidon@puc.nh.gov
dshulock@bowlaw.com	tom.frantz@puc.nh.gov
edward.damon@puc.nh.gov	
generalmail@dtclawyers.com	
george.mccluskey@puc.nh.gov	
grant.siwinski@puc.nh.gov	
hallsr@nu.com	
jmt@rathlaw.com	
jonathanedwards@ne.rr.com	
jrichardson@upton-hatfield.com	
jrodier@freedomenergy.com	
Ken.E.Traum@oca.nh.gov	
labrerc@psnh.com	
largetj@psnh.com	
- martide@nu.com	
mcw@rathlaw.com	
Meredith.A.Hatfield@oca.nh.gov	
mes@concordsteam.com	

Docket #: 10-195-1 Printed: October 26, 2010

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**