

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

In re: Petition for Approval of PPA with Laidlaw Berlin BioPower, LLC

DE 10-195

OBJECTION TO NOTICE OF WITHDRAWAL BY
LIDLAW BERLIN BIOPOWER, LLC AND MOTION TO STRIKE

NOW COMES the Concord Steam Corporation (“Concord Steam”), intervenor in the above-entitled matter, and says as follows:

1. Laidlaw Berlin BioPower, LLC (“Laidlaw”) by notice dated October 28, 2010 has withdrawn from the above docket.

2. Laidlaw has filled its notice with self-serving and irrelevant comments that are not supported by any evidence and demonstrate its disregard for the adverse impacts its proposed facility will have on PSNH’s customers and the public interest.

3. Contrary to Laidlaw’s assertion that Concord Steam has sought Laidlaw’s confidential information in order to impede competition, Concord Steam does not compete with Laidlaw in the generation of electricity. On the other hand, approval of full cost recovery of the rates and terms of the PPA, including above-market energy payments will adversely impact Concord Steam’s core steam business as well as PSNH ratepayers and the competitive markets for wood and RECs in New Hampshire. Concord Steam has submitted its data requests seeking information and documents it believes are relevant to a determination of whether the PPA satisfies RSA 362-F:9.

5. Laidlaw, however, clearly had no intention of supplying any information on the adverse impacts its project will have on the public interest. The sole purpose of its intervention was to file a carefully timed motion for expedited treatment prior to the Commission’s Order of

Notice in this proceeding and before Concord Steam or any interested party could object.

6. Laidlaw should not be permitted to participate in the docket for the purpose of providing confidential information and documents (unavailable to all parties), obtain an expedited schedule and promptly withdraw when asked to produce information that demonstrates that its proposal will harm the public interest, Concord Steam and PSNH's customers.

7. Because of its withdrawal without an opportunity for all parties to obtain discovery from it, none of the documents and information it has provided in discovery or otherwise should be permitted in evidence. Use of such documents and information by PSNH or any other party, without Concord Steam having had an opportunity to examine it or obtain its own discovery, would be unfair and prejudicial, and constitute a denial of its due process.

WHEREFORE, Concord Steam respectfully moves for the Commission:

- A. To strike all data responses from Laidlaw to Staff from the record of this docket;
- B. To order that none of the documents or information provided by Laidlaw may be used by PSNH or any party in support of PSNH's Petition; and
- C. To grant such other and further relief as justice may require.

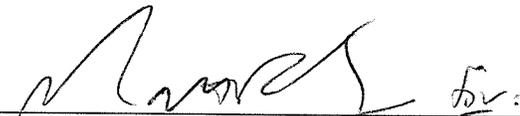
Respectfully submitted,

CONCORD STEAM CORPORATION,

By its Attorneys,

UPTON & HATFIELD, LLP

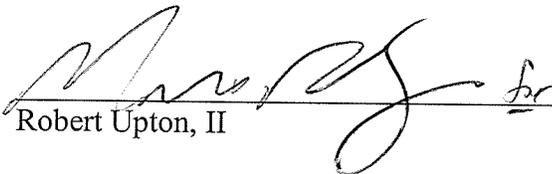
Date: October 29, 2010



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CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing *Response to Notice of Withdrawal by Laidlaw Berlin BioPower, LLC and Motion to Strike* was forwarded to all counsel or parties of record for discovery in this proceeding by Electronic Mail.



Robert Upton, II