

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

Determination Regarding PSNH's Generating Assets
Docket DE 14-238

Conditional Petition to Intervene of Berlin Station, LLC

Berlin Station, LLC hereby petitions the Public Utilities Commission ("Commission") on a conditional basis to be granted full intervenor status in the above-captioned proceeding. In support of its request, Berlin Station states as follows:

1. Berlin Station is a party to an Amended and Restated Power Purchase Agreement dated May 18, 2011 (the "Burgess Biopower PPA") with Public Service Company of New Hampshire ("PSNH") pursuant to which Berlin Station agreed, among other things, to construct and operate a biomass-fired electric generating plant in Berlin, NH and PSNH agreed to purchase the energy, capacity, and New Hampshire Class I renewable energy certificates produced by the plant.

2. The Burgess Biopower PPA was entered into pursuant to Commission Order No. 25,213, issued April 18, 2011, consistent with RSA 362-F:9 authorizing PSNH, subject to Commission approval, to enter into long term power purchase agreements for renewable sources of energy. Based on the Burgess Biopower PPA, the creditworthiness of PSNH as a counterparty to the contract, and other considerations, Berlin Station was able to obtain the financing necessary to construct the plant. Construction of the plant was completed in 2013, and the plant is currently in commercial operation.

3. Berlin Station recently became aware that it is possible that, in addition to considering whether PSNH should be required to divest the physical generating assets it owns, it is possible that the scope of this proceeding may be determined to include the question of whether to require PSNH to sell its interest in the two long term power purchase agreements approved pursuant to RSA 362-F:9 to which it is a party, one of which is the Burgess Biopower PPA.

4. Berlin Station is aware that the deadline established for interventions in this proceeding was September 29, 2014, as set forth in the Commission's initial Order of Notice, and that the Commission is in the process of determining the scope of the proceeding. Therefore, Berlin Station is seeking to intervene in this proceeding only if the Commission determines that consideration of whether PSNH can or should be required to attempt to sell its interest in the Burgess Biopower PPA is within the scope of this proceeding.

5. RSA 541-A:32,II provides that the Commission "may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." In addition, RSA 541-A:32,I provides that the Commission shall grant a petition to intervene if, among other things, the petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding," and the Commission "determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention."

6. If the Burgess Biopower PPA is determined to be within the scope of this proceeding, Berlin Station's rights, duties, privileges, immunities, and other substantial interests are likely to be directly affected because Berlin Station is the seller under that agreement and has

a direct and immediate interest in the identity, creditworthiness, and other characteristics of the buyer under the agreement. In addition, if the Burgess Biopower PPA were determined to be within the scope of this proceeding, Berlin Station's participation in the proceeding would be highly likely to materially advance the Commission's consideration of the issues related to the agreement. Therefore, granting Berlin Station full intervenor status would be in the interests of justice.

7. Granting Berlin Station full intervenor status will not impair the orderly and prompt conduct of this proceeding, particularly because the proceeding is at a very early procedural stage and Berlin Station is prepared to accept the procedural schedule as it has been established.

WHEREFORE, Berlin Station, LLC respectfully requests that the Commission grant it full intervenor status in this proceeding if it determines that the status of the Burgess Biopower PPA is within the scope of this proceeding

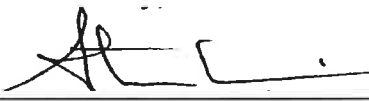
Respectfully submitted,

Berlin Station, LLC

By Its Attorneys

McLANE, GRAF, RAULERSON &
MIDDLETON, P.A.

Date: December 5, 2014

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Conditional Petition to Intervene has been forwarded to all persons on the Commission's Service List by electronic mail.

Dated: December 5, 2014



Steven V. Camerino